

Executive Summary – Ben Grosberg, RMT June 26, 2013

Summary of the Discipline hearing before a Panel of the Discipline Committee of the College of Massage Therapists of Ontario held on June 26, 2013

Allegations of Professional Misconduct and Plea

Mr. Grosberg entered a guilty plea in relation to the following allegations:

- Failed to keep records as required;
- Engaged in disgraceful, dishonourable or unprofessional conduct; and
- Failed to take reasonable steps to ensure that any information provided by him to the College was accurate.

The Facts

The College and Mr. Grosberg entered an signed an Agreed Statement of Facts, which set out the following facts.

Mr. Grosberg's principal place of business is the Royal Canadian College of Massage Therapy ("RCCMT"), a private career college he founded in 2009.

2010 Complaint

On February 4, 2010, the College received a public complaint from a student at the RCCMT alleging that Mr. Grosberg accused the student of asking for exam content prior to writing an exam and that he was verbally abusive and used profanities in addressing her. The student made a number of additional allegations including that:

1. Some students did not attend the number of practicum hours required by the College, and that they had been specifically advised by Mr. Grosberg that they were not required to attend certain classes;
2. Some students were permitted to skip required courses, or were otherwise granted advanced standing for no reason; and
3. Mr. Grosberg fabricated reasons to expel the Complainant.

Mr. Grosberg denied the allegations and described the student as a difficult who had fabricated the allegations against him.

2010 Section 75(1)(a) Investigation

While investigating the student complaint, the College received additional information from multiple RCCMT employees related to Mr. Grosberg's operation of the RCCMT.

In a signed statement of a part-time instructor it was, estimated that RCCMT students received very limited classroom hours. It was further stated that Mr. Grosberg was informed of concerns with the classroom hours, but he responded that students were getting all that they needed and more than they would at other schools. It was also indicated that some students who were

employed elsewhere during the afternoons were told by Mr. Grosberg that they did not need to attend the practicum, and that those hours were not made up. An administrator at the RCCMT also described students being given advanced standing and being exempted from certain class requirements despite there being no basis for granting such standing. It was stated that most students did not attend practicum and when notified, Mr. Grosberg's response was that there was nothing that could be done to enforce attendance. Another employee stated in a signed statement that Mr. Grosberg was aware of the attendance problems at the school but did not take steps to correct them. Multiple students were given advanced standing in the program without adequate educational background. Mr. Grosberg failed to keep documentation of how many hours these individuals had completed prior to attending the RCCMT, yet they were permitted to graduate from the RCCMT.

Mr. Grosberg acknowledged that he provides documentation—including certificates of graduation, graduation lists, and correspondence—that is submitted to the CMTO in order to show that students have completed the requirements of the RCCMT curriculum. For example, as the head of the RCCMT, Mr. Grosberg has on numerous occasions certified to the CMTO that certain students had "attended and successfully completed the course in massage therapy". Between August 19, 2010 and October 21, 2011, Mr. Grosberg issued at least 11 certifications relating to at least 73 students. Mr. Grosberg acknowledged that such documentation provides evidence that an individual has obtained a diploma in massage therapy from a private vocational school in Ontario, which is a prerequisite for entry to the CMTO's certification exams.

A College Investigator attended at the RCCMT to collect documents related to Mr. Grosberg's practice, as well as his operation of the school. Upon review of the materials gathered on, it became apparent that Mr. Grosberg:

1. Failed to maintain an appointment book for the year 2011;
2. Had no financial records for 6 of the 18 client files collected; and
3. Had no health history forms, financial records, and/or appointment bookings for numerous students at the RCCMT whose files included massage therapy receipts signed by Mr. Grosberg.

Mr. Grosberg acknowledged that he failed to maintain records as required and he admitted that some students who did not attend certain classes and/or practicum sessions, thereby failing to achieve the hours required for graduation, nonetheless graduated with diplomas from the RCCMT.

Decision of the Panel and Penalty and Cost Award Imposed

The Panel accepted Mr. Grosberg's plea and found him guilty of professional misconduct in relate to each allegation.

The Discipline Panel accepted a Joint Penalty Submission and imposed the following penalty:

1. An eight (8) month suspension of Mr. Grosberg's Certificate of Registration;

2. A four (4) month remittance of the suspension if Mr. Grosberg complies with the terms, conditions and limitations imposed on his Certificate of Registration, as set out in paragraph 3;
3. Terms, conditions and limitations on Mr. Grosberg's Certificate of Registration, namely:
 - a. Mr. Grosberg shall, within four (4) months of the Discipline Committee's Decision, facilitate one (1) attendance at the Royal Canadian College of Massage Therapy ("RCCMT") by a College representative, who will be permitted to collect and copy ten (10) instructor employment files and ten (10) student files;
 - b. Mr. Grosberg shall, within four (4) months of the Discipline Committee's Decision, enroll in, at his own expense, the College's Standards and Regulations Course and shall provide satisfactory evidence within 30 days of completing the same;
 - c. Mr. Grosberg shall, within four (4) months of the Discipline Committee's Decision, enroll in, at his own expense, the College's Professionalism Workshop and shall provide satisfactory evidence within 30 days of completing the same;
4. Mr. Grosberg shall complete the courses referred to in paragraph 3, above, within one year of the date of the Discipline Committee's Decision;
5. Mr. Grosberg shall, within twelve (12) months but no sooner than four (4) months of the Discipline Committee's Decision:
 - a. facilitate one (1) attendance at the RCCMT by a College representative, who will be permitted to collect and copy ten (10) instructor employment files and ten (10) student files; and
 - b. at the same time as the attendance described in 5(a), allow a College representative to review his record-keeping practices;
6. Mr. Grosberg will receive a public and recorded reprimand;
7. Costs in the amount of \$5,000; and
8. The publication of the decision in the usual course, as well as the publication, at the discretion of the Registrar, details of the Member's failure to comply with any terms of the penalty imposed.

Panel's Reasons for Decision

The Panel noted that this matter dealt with a very troubling situation of Mr. Grosberg failing to adhere to the standards of the profession in circumstances where he was responsible for the education of massage therapy students. Mr. Grosberg's professional misconduct was intertwined with his poor management of a massage therapy school, and his actions may have put the public at risk. The Panel stated that the length of the suspension should provide adequate deterrence to Mr. Grosberg and other members of the profession, and indicate that the College will not tolerate this type of behaviour.