

the College STANDARD

Winter 2006 • Volume 13 - Issue 3



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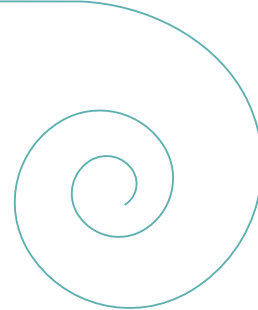
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the College STANDARD

The College of Massage Therapists of Ontario is dedicated to excellence in protecting the public, serving its members, and promoting the highest possible quality of the practice of massage therapy in a safe and ethical manner.



Council

Executive Committee

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District 6, Voice Mail #169

Wendy Hunter, MT, Vice President
District 4, Voice Mail #166

James Lee, Executive Member
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Council Members

Denise Aumont, MT
District 1, Voice Mail #160

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Ian Dolmage, MT
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Contributors This Issue

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The College Standard is published three times per year by the College of Massage Therapists of Ontario to inform its membership about issues related to the profession as well as the activities and decisions of the College.

The Standard also provides information for discussion of related issues and professional practice.

Letters to the editor and submissions on topics of interest to the profession are welcome. To be considered for publication all letters must be signed and provide the writer's daytime telephone number. Any unsolicited material cannot be returned unless it is accompanied by a self-addressed, stamped envelope. No part of this publication may be reproduced without permission from the College of Massage Therapists of Ontario.

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from the PRESIDENT



Preparing for a Flu Pandemic

The other day, sitting down for a cappuccino at the local coffee shop, I overheard a conversation revolving around the topic of the flu and the possible pandemic. It is often at this time of year, as we approach the winter season, that these discussions occur. After all, it does seem to be the time when many people develop flu-like symptoms. But a flu pandemic? How real of a threat is that? As health care providers, what can massage therapists do in the event an outbreak occurs?

It is difficult to accurately predict when a flu pandemic might arrive. There is also no way we can prevent a pandemic, nevertheless, we can take steps to both minimize the impact and lessen the numbers of people who may die from it. Governments and regulatory health colleges are implementing plans to prepare for the possibility of a new pandemic. Pandemics occur without a set timetable. During the last century, there were three major pandemics – in 1918, 1957 and 1968, respectively. As such, it has been 38 years since a pandemic has occurred. Given that an outbreak has not occurred in 38 years and given the recent spread of the avian bird flu across Asia and parts of Europe, experts believe we are essentially due for the next pandemic. How real is the threat of an influenza pandemic? Very real.

As health care providers, we must protect ourselves against influenza in general. Get the flu shot. Wash your hands with soap regularly and practise appropriate hand washing techniques. Avoid treating clients when you're sick. Stay home if you are not feeling well. Cover your nose and mouth when sneezing and coughing. Eat nutritiously and consider supplementing your diet with evidence-based natural health products that have been shown to support innate immune health (information on this topic was presented recently at The Immunity Challenge, an educational event supported by the College).

These are simple, yet often overlooked steps one can take to prevent illness. Massage therapists must remain strong and healthy during an outbreak, although should a pandemic strike, we as well would not be immune to it. Vaccines and antiviral medications are currently being researched and developed, but it is unlikely everyone will have access to the vaccines and medications once a pandemic strikes. Or it may be too late.

When and if a pandemic should occur, this profession should be well prepared. Massage therapists may be seen as "caring for the caregivers" and could become an important support to the health care team. Medical professionals, hospice workers and other frontline workers would require respite and care. Massage therapy could play a hugely important role in providing much needed care to these folks.

Since no one really knows when a flu pandemic may strike, although we know it is inevitable, my challenge to you is this – stay healthy. To help stop the spread of germs, cover your mouth and nose with a tissue when you cough or sneeze. If you don't have a tissue, cough or sneeze into your upper sleeve, not your hands, and always dispose of your used tissue in the waste basket. Clean your hands after coughing or sneezing by washing them with soap and water or use an alcohol-based hand cleaner. Be sure to regularly visit the websites of the Ministry of Health and Long-Term Care, the College and your local Health Unit for current information.

Be prepared. We may need your help!

A handwritten signature in black ink, appearing to read 'Rick Overeem'.

Rick Overeem, B.A., MT
President



from the REGISTRAR



Fair Access to Regulated Professions Act 2006

On June 8, 2006, the provincial government introduced Bill 124, an Act to provide for fair registration practices in Ontario's regulated professions, in an effort to assist both internationally trained professionals and locally trained individuals in entering and practising their professions. The goal of the legislation is removal of barriers to access, as well as increasing procedural fairness for those entering the Ontario workforce.

The College attended round table forums with other regulators and the Ministry of Citizenship and Immigration to discuss the proposed Act, share information and air questions and concerns. This Act, if adopted, requires regulated professions to ensure fair, transparent and expeditious registration practices leading to consistent and accountable registration practices.

Under the *Regulated Health Professions Act 1991*, the College already has registration requirements which are specified in detail in the Registration Regulation. This guides the College in making fair and consistent decisions regarding registration of individuals.

The proposed legislation also provides for a Fairness Commissioner appointed to oversee compliance with the new legislation, which includes auditing responsibilities.

Although the majority of the applicants to the College are from Ontario or other jurisdictions in Canada, the College does receive a few internationally educated applicants. As mentioned in previous editions of the College Standard, the College is engaged with Centennial College to develop a bridging programme for the internationally educated to assist them in being appropriately prepared for practice in Ontario, as well as completing the College's registration examinations.

Interested members can review the Bill online at www.e-laws.gov.on.ca. Questions about the College's registration process can be directed to Marjory Embree, Registration Manager, at Ext. 117, 416-489-2626 or marjory.embree@cmta.com.

Bill 50 - An Act respecting the Regulation of the profession of Traditional Chinese Medicine, and making complementary amendments to certain Acts

On October 31, the College made an oral and written presentation to the Standing Committee on Social Policy regarding the College's support of the legislation, which includes permitting regulated health professions who provide acupuncture to continue doing so if there is a Standard of Practice and established educational requirements for the delivery of this care.

We submitted the College's documentation on acupuncture including the Acupuncture Policy, Minimum Competency Criteria for Acupuncture Programmes, the Approved Acupuncture Educational Programmes, Standards of Practice – Additional Technique Standard 1, Introduction to the Standards for Specific Additional Massage Therapy Techniques and Additional Technique Standard 2 – Perform an Acupuncture Treatment, and Infection Control for Regulated Professionals (reference p.22 and 23).

While there was some opposition to other regulated health professions providing acupuncture, Bill 50 passed third reading on November 23. Interested members can review the Bill online at www.e-laws.gov.on.ca. Select "Current Bills" on the right hand side of the page, then select the "Public Bills Index" link and finally select "50" from the list of Bills. The Bill must receive Royal Assent for it to come into force. We will update you with more information in the Spring 2007 edition of the College Standard.

A handwritten signature in blue ink that reads "D Worrad".

Deborah Worrad, CAE
Registrar

the bulletin BOARD



Council Highlights – September 8, 2006

Executive Committee Member Election

At the September 8, 2006 Council meeting, Council elected James Lee, public member, as the third member of the Executive Committee, filling a vacancy following the conclusion of Lynn Beyak's term.

Charter on Professionalism

In early 2004, the College hired a consultant to conduct research on professionalism and, based on that research, draft a Charter on Professionalism for the College. After extensive research, including receiving feedback from members via a survey, as well as through several focus group discussions, a Charter on Professionalism document was drafted. Following a number of revisions, the final draft of the document was presented to Council, which has accepted the document and will be considering various implementation strategies in the near future. To read the full text of the Charter, please see page 8.

By-law No. 7, Section 4(b), Registration Fees

The Registration Committee submitted a proposal to revise By-Law No. 7, s.4(b), Registration Fees. The By-law currently reads:

4. The fee to issue a general certificate of registration shall be:
 - a) \$425.00 for 12 months; or,
 - b) a percentage of the \$425 fee for 12 months that corresponds to the number of months remaining in the calendar year, from the date of eligibility for issuance

Council decided to continue prorating registration fees but proposed to reword the By-law to make it clear that the prorating would only apply to registrants in their first year. The By-law will be reviewed by the Registration Committee and re-submitted to Council at the December meeting.

By-law No. 7, Section 7, Late Fees

At the May 12, 2006 Council meeting, the Registration Committee indicated to Council that By-law No. 7, s.7, Late Fees needed to be revised since the By-law had wording that could be misinterpreted by members. Council reviewed the By-law and proposed changes to the wording. The amendment was circulated to the members for comment and the majority of members who responded were in favour of the amendment.

The fee has not changed but the amendment will require all members to send a signed and fully completed registration renewal form with the renewal fee by December 31 each year. Any member who does not send both the fee and the properly completed form by the deadline will be charged a late fee of \$100.00.

The amended version of By-law No. 7, s.7, Late Fees reads:

LATE FEES

7. Every member who fails to pay the annual fee **and submit a signed and fully completed renewal form on or before December 31st** shall pay a penalty of \$100.00 for late renewal or registration.

To view By-law No. 7 in its entirety, please go to www.cmo.com/regulations/bylaw.htm

Conflict of Interest Regulation

Council approved a draft in principle for a new Regulation on Conflict of Interest. A notice of the proposed draft and feedback form were mailed to those members without e-mail addresses. Members with e-mail addresses received electronic notification and a link to a survey to provide feedback. The deadline for submission of comments is December 22, 2006. Results from that consultation will be reviewed at the February Council meeting. For more information, please go to the Member Feedback section of the College's website www.cmta.com/member/MemberFeedback.htm and select By-law No. 7 from the list (you do not need a logon and password to access the page).

New Faces on Council

Lynn Beyak's term as a public member on Council concluded at the end of July. Lynn served the full six years permitted on Council and the College thanks her for her work. Perry Boyer was appointed as the new public member on Council (Editor's Note: he has since resigned). Janice Lee Land, the Council member representing District 3 on Council, submitted her resignation so that she could pursue academic opportunities. District 3 will be holding its election on January 11, 2007. Nomination forms have been mailed to the members in District 3. District 4 is also holding an election on January 11, 2007 and nomination forms have been mailed to members in that District as well.

There have been some changes to the Committees on Council due to the appointment of new Council members and the resignation of others. For up-to-date information regarding the Committee appointments, please go to www.cmta.com/about/commit.htm on the College's website.



CEU Announcement

At its meeting on August 31, 2006, the Quality Assurance Committee considered two questions regarding working at a massage therapy school and collecting CEUs. The following two decisions were made regarding CEUs:

- 1) Members may claim CEUs for the preparation time of a course they are teaching at an approved massage therapy school, limited to the first time they teach that course or if there has been a 50% or greater revision to the content of the course. The course must be related to the Self-Assessment Tool Competencies and/or Scope of Practice.
- 2) Members may claim a maximum of six (6) CEUs for acting as a clinical supervisor at an approved massage therapy school per CEU cycle.

Looking for a meaningful holiday gift?

This holiday season, please consider supporting vital research in massage therapy by making a tax-receiptable donation to the Holistic Health Research Foundation of Canada's dedicated Massage Therapy Research Fund (MTRF). Donations received prior to December 31 will effectively double in value through a fundraising "challenge grant" provided by the Lotte & John Hecht Memorial Foundation. Donations can be made directly to the MTRF by phone, fax, mail or online.

Other ways you can help support this important work include:

- Issuing your own "challenge" fundraising letter to friends, colleagues and clients
- Purchasing \$3 "Power of Touch" wristbands, generously provided by Massage Therapy Canada Magazine
- Displaying Foundation brochures in your client waiting area
- Including a brief article about the Fund in your client newsletter (pre-written articles are available from the Foundation)
- Contributing your time and talents for fundraisers, silent auctions etc.

For more information, please visit www.HolisticHealthResearch.ca / www.MassageTherapyResearch.ca or call 416-778-4443/1-866-778-4443.

the charter on PROFESSIONALISM

The College is delighted to provide its members with the new Charter on Professionalism. The Charter offers a vision of what it means to be a professional massage therapist in the context of today's complex health care environment. The Charter has been developed in partnership with you, our members, and refined according to feedback we received from you through one-on-one interviews, surveys and focus groups.

There is already a considerable sense of ownership among members for the principles and commitments outlined in the Charter. In member feedback, an overwhelming majority – 93% – agreed with the principles of the Charter, and 98% believe professionalism is very important. A further 91% answered “yes or maybe” that the Charter will foster and enhance professionalism.

As one member told the College: “Any profession that works with people for the therapeutic benefit of their health has a sacred trust to do their best for that person...keeping their best interests in the forefront of all actions, thoughts and behaviours. That is what professionalism means to me.” Many of you indicated that you believed professionalism is what reinforces credibility and enables clients to distinguish between a Massage Therapist and other unethical or illicit massage practices.

Another member summed it up this way: “I love and respect this profession and I feel that the key to its growth, honour and acceptance is to teach and encourage professionalism in the schools...Visionary leaders and mentors are needed who have a healthy balance of compassion and clinical skills and dedication to the profession which combine to enhance professionalism.”

In the coming months and years, the Charter on Professionalism will play a key part in the College's Strategic Plan as the College rolls out a number of activities and initiatives related to professionalism.

This is *your* Charter, an expression and reflection of the knowledge, skills, standards, ethics and competencies that you exemplify and strive for every day in your work as a massage therapist. We thank you for your contributions to the Charter, and hope that it will inspire and guide you throughout your career.

COLLEGE OF MASSAGE THERAPISTS OF ONTARIO CHARTER ON PROFESSIONALISM

Basic Principles

I. CLIENT CENTERED – dedication to professional excellence in responsible caring, altruism, and serving the best interests of the client, including enabling them to exercise their fundamental right to make informed choices about their treatment.

II. THERAPIST AUTONOMY – acceptance of independent responsibility and accountability for managing their practice, including making appropriate choices regarding how, where, when, and with whom they provide services.

III. SOCIAL JUSTICE – respect for the dignity and worth of all clients, advocating for equitable access to care, and promoting effective distribution of resources.

Commitments and Expectations

1. PROFESSIONAL COMPETENCE, RESPONSIBILITY TO SELF, AND ACCOUNTABILITY TO OTHERS

Therapists must be committed to lifelong learning and be responsible for maintaining the skills, knowledge, and judgment necessary for the provision of the highest possible quality of care. More broadly, the profession as a whole must strive for competence in all of its members and ensure that appropriate mechanisms are available for therapists to accomplish and maintain this goal.

As members of a profession, therapists are expected to work collaboratively to enhance client care, be respectful of themselves and one another, and participate in the processes of self-regulation. This includes remediation and discipline of members who have failed to meet professional standards and ethics. The profession is also obligated to participate in defining and organizing the educational and standard-setting

process within the scope of regulatory authority. These obligations include engaging in self-assessment and accepting, and supporting, external scrutiny of all aspects of their professional performance.

2. HONESTY AND APPROPRIATE RELATIONS WITH CLIENTS

Therapists must ensure that clients are completely and honestly informed before consenting to treatment, as well as during and after treatment. This expectation means that clients must be empowered to decide on the course of therapy and not that they should be involved in every minute decision about their care. Therapists must obtain feedback and reactions from the client in order to appropriately address the outcomes and future options of the treatment process. Therapists must also acknowledge that errors sometimes occur and clients must be informed promptly of any adverse effects or reactions that may cause harm.

Therapists must take whatever precautions are necessary to protect the welfare of their clients. Given the inherent imbalance of power by virtue of authority, and the vulnerability of clients, therapists must never exploit clients for any sexual advantage, personal financial gain, or other private purpose. Therapists must recognize the seriousness and extent of harm or injury that is caused by any form of abuse or negligence and act in accordance with the Standards of Practice and the Code of Ethics at all times.

3. MAINTAINING CLIENT CONFIDENTIALITY AND TRUST

Earning the trust and confidence of clients requires that appropriate confidentiality and privacy safeguards be applied to disclosure of, and access to, client information. This commitment extends to discussions with persons acting on a client's behalf or any other person involved in treatment.

Massage therapists and their organizations must recognize situations that have the potential to compromise their professional responsibilities. They have an obligation to disclose and deal with conflicts of interest that arise in the course of their professional duties and activities. Not to do so can seriously compromise client trust.

4. IMPROVING QUALITY AND SCIENTIFIC KNOWLEDGE

Therapists must be dedicated to excellence in knowledge, skills, and judgment by maintaining and enhancing clinical competence. They are expected to work individually and collectively with other professionals to reduce risks, increase client safety, and optimize the outcomes of care. Therapists must actively participate, both individually and through their professional associations, in the creation and implementation of mechanisms for continuous improvement in the quality of care including complying with, and supporting, quality assurance and peer review requirements.

Part of a massage therapist's contract with society is based on the integrity and appropriate use of scientific knowledge. Therapists have a duty to ensure its appropriate use by upholding standards, promoting research, and creating new knowledge. The profession is responsible for the integrity of this knowledge, which is based on scholarship, scientific evidence, and therapist experience.

5. ACCESS TO APPROPRIATE CARE AND EFFECTIVE DISTRIBUTION OF RESOURCES

Professionalism demands that the objective of all health care services be the availability of a uniform and adequate standard of care. Therapists must individually and collectively promote public health through advocacy, and strive to reduce barriers to equitable access to treatment without any form of discrimination, and without concern for the self-interest of the therapist or the profession.

While meeting the needs of individual clients, therapists are required to provide treatment that is based on the wise and appropriate use of limited resources. They must be committed to working with other therapists, healthcare professionals, third party payers, and the public to develop guidelines for cost-effective care. The provision of unnecessary or inappropriate services not only exposes clients to avoidable harm and expense, but also diminishes the resources available for others.

Adopted by Council – September 8, 2006

address and E-MAIL CHANGES

In the course of administering the Quality Assurance Programme and doing regular mailings to members, we frequently discover that members have moved from the primary business or home address we have on record. In addition, newly registered members forget to inform us when they find employment or open a practice.

The By-laws require members to notify the College in writing within 30 days of any change in their home or business address. Keeping the College informed of all address changes is vital for the following reasons:

1. Your primary business contact information appears on the Search for an MT function on the web site and is given to any person who contacts the College wanting your contact information. If the College does not have your current information, clients and potential clients will have no way to get in touch with you.
2. You will continue to receive important mailings from the College. This can include renewal forms, notices of suspension for lack of liability insurance, warnings that your registration will be suspended for non-payment of fees on a particular date, or Quality Assurance reporting forms. Any document from the College with a deadline for you to complete a requirement is important and you do not want to miss receiving it.
3. Insurance companies call the College to verify that members are registered. They often want to know if a member works at a specific practice location or they may know the name of the business but cannot read the member's signature. If the College does not have a record of all your business addresses, we cannot verify practice locations or find your name. This will slow down the reimbursement of your clients' receipts.
4. Periodically, the Quality Assurance Program sends a peer assessor to your practice. If neither the College nor the peer assessor can reach you, you may be found in default of that requirement.



E-mail Address Changes

We also urge you to keep us updated about changes in your e-mail address because the College is moving more of its communications with members and stakeholders to an electronic format due to the increased volume of messages to members, the time sensitivity of many of these messages and greater cost effectiveness. As you will read in the article on Renewal of Registration, a **current e-mail address** is required to complete the online registration renewal process. The College plans to eventually send most communications through e-mail. In accordance with By-law No. 8, "The Register," the College may collect e-mail addresses from members although this information is not available to the public.

Increase your professionalism by staying in the information loop. Remember to notify the College of e-mail address changes!



changes to the registration renewal PROCESS



The College has not mailed individual registration renewal forms to members this fall because it is moving to an entirely electronic process – members will renew their registration online or print a form from the Downloads section of the web site.

When the College is ready for members to renew online, a notification letter is sent by mail to all members. The letter includes your e-mail address stored in the College's database and your login so you can reset your password on the login page if you have forgotten or misplaced it.

Please notify the College immediately of any change in your e-mail address.

- If you misplace your login and password our system cannot send you a password reset e-mail if we do not have your current e-mail address in our database.
- If the e-mail address in the letter you receive is incorrect, please e-mail cmtocmto.com with your new e-mail address and we will update it; otherwise, you will have to call the College to obtain your password at the busiest time of the year and may not be able to speak to a staff member in time to renew before the deadline. If this happens to you, please complete a paper form and fax or mail it to avoid renewing late and having to pay the late fee.

Some members have expressed concern about the level of security on the site and are unwilling to use their credit cards to make a payment over the Internet. The College adopted security measures for the registration renewal process to ensure that your personal information and credit card number are protected. However, if you are still uncomfortable with online payments, you can print out a form from the Downloads section and send it in by mail or fax with your payment.

If you need help obtaining a printout of the renewal form, or if you are changing your status between General and Inactive Certificates, please contact the College at cmtocmto.com.

If you do not have access to the Internet, you can call, mail, or fax a request to have a form mailed or faxed to you. Please do not wait until later in December to make your request since our telephone lines and e-mail system get extremely busy and staff may not be able to send you a form in time for the December 31 deadline.

The College will, as usual, mail registration renewal information to visually impaired members using their preferred format (Braille, audiotape, etc.).

elections 2007



Elections to Council of the College will take place on January 11, 2007 for Electoral Districts 3 and 4, in accordance with the By-laws of the College. Nomination forms have already been sent out. If your business is situated in either Electoral Districts 3 or 4, or you hold an Inactive Certificate, but reside in these Districts, you will have received a nomination form and a ballot for voting in the elections.

There are still many members who do not realize that the College and the Ontario Massage Therapist Association (OMTA) have very different mandates. The annual election is an opportune time to remind all massage therapists of the objects of the College as described in s. 3, of the *Health Professions Procedural Code*.

Objects of the College

1. To regulate the practice of the profession and to govern the members in accordance with the *Massage Therapy Act*, the *Health Professions Procedural Code*, the *Regulated Health Professions Act, 1991* and the Regulations and By-laws.
2. To develop, establish and maintain standards of qualification for persons to be issued certificates of registration.
3. To develop, establish and maintain programs and standards of practice to assure the quality of the practice of the profession.
4. To develop, establish and maintain standards of knowledge and skill and programs to promote continuing competence among the members.
5. To develop, establish and maintain standards of professional ethics for the members.
6. To develop, establish and maintain programs to assist individuals to exercise their rights under this Code and the *Regulated Health Professions Act, 1991*.

7. To administer the health profession Act, this Code and the *Regulated Health Professions Act, 1991* as it relates to the profession and to perform the other duties and exercise the other powers that are imposed or conferred on the College.
8. Any other objects relating to human health care that the Council considers desirable.

Those members you elect to Council will be charged with the responsibility to fulfill the objects as stated above. The role of a Council member is not to represent the best interests of the profession, but to protect the public of Ontario through appropriate policy development and creation of standards.

Each massage therapist can do their part toward regulation by adhering to the Code of Ethics, Standards of Practice, Regulations and policies and by striving daily to act in a professional manner as articulated by the Charter on Professionalism. Massage therapists can also support regulation by remembering that the Council member elected from their Electoral District cannot further the special interests of massage therapists at Council. While policy development does necessitate the need to obtain input and information from the members through various means, it is important to remember that the final decisions made by Council must be in keeping with the objects of the College. This is contrasted with the role of the Ontario Massage Therapist Association, which represents and serves its members. For more information on the differences between the two organizations, please go to www.cmta.com/about/omta.htm.



practising while suspended

– a COMMENTARY



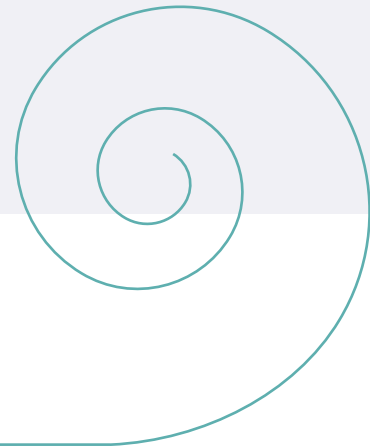
*Executive Summary – Kelly Romanick, MT
June 1, 2006*

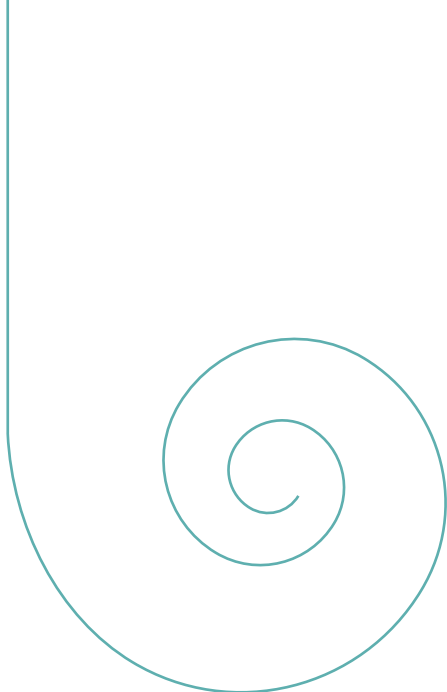
Overview

On December 9, 2005, the College initiated a prosecution under the Massage Therapy Act ("MTA") against Kelly Romanick MT for engaging in the practice of massage therapy while her Certificate of Registration was under suspension for the non-payment of her 2004 and 2005 annual dues. On June 1, 2006, Ms. Romanick entered a plea of guilty to two charges of (1) using the title "Massage Therapist" and (2) holding herself out as being qualified to practice in Ontario as a massage therapist, contrary to subsections 7(1) and (2) of the MTA. The presiding justice imposed a global penalty of \$2,000.00 consisting of a fine of \$800 and a 25% victim surcharge of \$200 per count. The trial was held in the Ontario Court of Justice in Toronto.

CEU Questions:

1. Why was Ms. Romanick's certificate of registration suspended?
2. Under what Act was Ms. Romanick prosecuted?
3. What proof did the College have that Ms. Romanick was practising while suspended?
4. Why was the College willing to accept less than the maximum fine available under the law?





The charges

Ms. Romanick was charged on the following two counts under the provisions of the MTA, which alleged that:

a. Kelly Romanick, on or about June 10, 2005, used the title “massage therapist”, a variation or abbreviation or an equivalent in another language without being a registered member of the College of Massage Therapists of Ontario contrary to subsection 7(1) of the *Massage Therapy Act, 1991*, S.O. 1991, c.27 (as amended) and did thereby commit an offence contrary to section 9 of the *Massage Therapy Act, 1991*, S.O. 1991, c.27 (as amended).

b. Kelly Romanick, on or about June 10, 2005, held herself out as a person who is qualified to practice in Ontario as a massage therapist or in a specialty of massage therapy without being a registered member of the College of Massage Therapists of Ontario contrary to subsection 7(2) of the *Massage Therapy Act, 1991*, S.O. 1991, c.27 (as amended) and did thereby commit an offence contrary to section 9 of the *Massage Therapy Act, 1991*, S.O. 1991, c.27 (as amended).

Section 9 of the MTA provides that a person contravening the provisions of subsection 7(1) or (2) is liable to a fine of not more than \$5,000.00 for the first offence, and not more than \$10,000.00 for a subsequent offence.

The plea

Ms. Romanick entered a plea of guilty to both counts.

The facts

The facts supporting the guilty plea were introduced by the filing of a Joint Agreed Statement of Facts. In the Joint Agreed Statement of Facts Ms. Romanick acknowledged that she has been a member of, and has held a certificate of registration with, the College since February of 2001. Despite being notified by the College in writing on February 2, 2004 that her certificate of registration would be suspended for non-payment of her 2004 annual dues, as a result of her failure to renew her Certificate of Registration for 2004 or pay her annual dues, Ms. Romanick’s Certificate of Registration was suspended, on notice to her, effective April 7, 2004. By virtue of the provisions of section 13 of the *Health Professions Procedural Code* (the “Code”), a person whose Certificate of Registration is suspended “is not a member” of the College. Between April 7, 2004 and January 2006, Ms. Romanick’s Certificate of Registration remained under suspension for non-payment of annual dues for the years 2004 and 2005. Ms. Romanick’s Certificate of Registration was reinstated in January 2006 upon her paying the annual dues, including arrears, and filing the appropriate documentation.

Despite the suspension of her Certificate of Registration, on June 10, 2005, Ms. Romanick engaged in the practice of massage therapy in relation to a client S.B, who in reality was an investigator appointed by the College to determine whether Ms. Romanick was complying with the terms of the suspension of her license. In particular, S.B. attended at Ms. Romanick’s clinic, and received a massage from the suspended member. During the course



of S.B.'s attendance at the spa, Ms. Romanick used the title of massage therapist, contrary to subsection 7(1) of the *MTA*, and held herself out as a person qualified to practice in Ontario as a massage therapist, contrary to section 7(2). Further, during the course of the massage therapy session, Ms. Romanick referred to herself as a registered massage therapist, provided S.B. with a brochure describing herself as a massage therapist, and issued a receipt indicating her qualifications as an "RMT" and her College registration identification number.

The penalty

During the penalty phase of the proceedings, Ms. Romanick acknowledged that in addition to the facts alleged, on December 16, 2005, while her Certificate of Registration was still under suspension, she provided another massage to a client, again a College-appointed investigator, during which Ms. Romanick both used the title "massage therapist", the abbreviation "RMT", and held herself out as a person qualified to practice in Ontario as a massage therapist, contrary to subsections 7(1) and (2) of the *MTA*.

The presiding Justice of the Peace took into consideration the events of December 16, 2005, in the course of determining an appropriate sentence in the case. He accepted the joint submission of the College and Ms. Romanick that a \$2,000 global penalty was appropriate in the circumstances.

Editorial note

The College's decision to prosecute Kelly Romanick for violating the *Massage Therapy Act* under the provisions of the *Provincial Offences Act* reflects its willingness to vigorously investigate and, if necessary, prosecute College members who unlawfully use the title "massage therapist" and hold themselves out as a person "qualified to practice as a massage therapist" in the province of Ontario while under suspension for non-payment of annual dues. The College's policy is to ensure that only members whose licenses are in good standing are permitted to engage in active practice. In this case, the member immediately arranged for the reinstatement of her license, and cooperated with the College in the course of the prosecution. For that reason, the College supported a lesser penalty of \$2,000 in its submissions to the presiding justice.



calendar of EVENTS

Holiday office closing

The office will be closed to the public for the Holidays during the week of December 25, re-opening Tuesday, January 2, 2007. Registration renewals will be processed during this time.

Executive Committee Meet and Greet

District 6 London Jan. 19, 2007

Maintaining Professional Boundaries and Making Ethical Decisions Workshop

District 5 Brantford January 21-22, 2007
District 6 Chatham March 18-19, 2007
District 4 Toronto April 22-23, 2007
District 2 Brockville May 27-28, 2007
District 1 Timmins June 24-25, 2007
District 4 Toronto September 23-24, 2007
District 5 Hamilton October 14-15, 2007
District 3 Peterborough November 18-19, 2007



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*The staff and Council of the
College of Massage Therapists of
Ontario wish you good health,
peace and happiness throughout
the coming Holiday season and
New Year!*