

## **Executive Summary – Daviano Ursomarzo, RMT April 23, 2014**

Summary of the Discipline hearing before a Panel of the Discipline Committee of the College of Massage Therapists of Ontario held on April 23, 2014

### **Allegations of Professional Misconduct and Plea**

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

- Falsifying a record;
- Signing or issuing a false statement;
- For Information return required under the Registration Regulations, making a false or misleading statement or failing to fully provide the information required; and
- Disgraceful, dishonourable and unprofessional.

### **The Facts and Findings of the Panel**

The facts of the case were established by way of an Agreed Statement of Facts which set out the following:

Mr. Ursomarzo was employed by a practice location that publicly advertised an offer for “RMT Receipt - \$30 Mani/Pedi”. The College received information regarding the advertisement and conducted informal investigations at the practice location which confirmed receipts were issued with Mr. Ursomarzo’s name and registration number for spa treatments which included a manicure and eyebrow waxing.

During the course of the investigation, it was discovered that Mr. Ursomarzo did not practice at the location in question despite the location continuing to be listed as his practice address registered with the College. Mr. Ursomarzo failed to advise the College of the changes to his practice locations in or around 2011 and 2012.

Mr. Ursomarzo confirmed it was his writing and signature which appeared on the undercover Investigator’s receipt. Additionally, receipts were obtained during the investigation from a client that received spa treatments provided by others that included Mr. Ursomarzo’s name, registration number and signature. An employee at the practice location confirmed that Mr. Ursomarzo reviewed and signed all his receipts issued at that location and he was paid for his billings.

If Mr. Ursomarzo were to testify he would have stated that while his signature may have appeared on a receipt in question he denied any involvement in the erroneous preparation of the document.

Mr. Ursomarzo admitted to engaging in the acts of professional misconduct and stated that he should have exercised greater care and oversight with respect to the preparation of invoices at the practice location.

The Panel found Mr. Ursomarzo engaged in acts of professional misconduct based the facts as set out in the Agreed Statement of Facts and his guilty plea in relation to the allegations.

### **Decision of the Panel and Penalty and Cost Award Imposed**

The Discipline Panel accepted the Joint Penalty Submission of the College and Mr. Ursomarzo and imposed the following penalty:

1. A public and recorded reprimand;
2. Suspension of Mr. Ursomarzo's Certificate of Registration for a period of four (4) months to commence on June 1, 2014, with the ability to remit two (2) months of the suspension if Mr. Ursomarzo complies with the following term, condition and limitation imposed on his Certificate of Registration, to include:
  - (a) Mr. Ursomarzo must complete a Registrar approved Record Keeping course, at his own expense, within two (2) months of June 1, 2014;
3. Mr. Ursomarzo shall submit to an inspection of his practice, at his own expense, within approximately twelve (12) months of the date of the Penalty Order. The costs of the inspection shall not exceed \$250;
4. Mr. Ursomarzo shall contribute to the investigation and prosecution costs of the College in the amount of \$1,000, which must be paid by December 31, 2014; and
5. The Discipline Committee's decision shall be published in due course.

### **Panel's Reasons for Decision**

The Panel found this case involved very serious acts of misconduct as a Registrant's failure to safeguard their registration number puts the public at risk and puts the integrity of the profession into question. The panel found a suspension of the Registrant's registration was clearly warranted given the serious concerns raised. Additionally, the Panel was of the view that the requirement to complete course work and an inspection of the Registrant's practice following his course work would assist with ensuring the Registrant's remediation.

The Panel noted that the length of the suspension and the required course work will convey to the Registrant, the profession, the public, and other health professionals that the College will not accept such conduct by its Registrants and it will take appropriate action to address such misconduct.