

David Sandison

member: David Sandison

Hearing Dates: October 22, 2003

Charges of Professional Misconduct

- Sexual abuse of a client, B.D.C.;
- Contravening the Standard of practice of the profession or a published standard of the College or failed to maintain a standard of practice of the profession

Brief Synopsis of Facts

- The College received a complaint from B.D.C. regarding the treatment received with the member;
- On or about February 28, 2002 the member provided treatment to B.D.C. and during the treatment the member touched the complainant inappropriately in a sexual manner during a breast massage;
- The breast massage was neither clinically indicated nor consented to by B.D.C.;
- The member entered the treatment room while the complainant was still undressing and he made no effort to establish whether the complainant had finished undressing or was covered on the therapy table;
- During the course of the treatment the member undid the complainant's bra without informing her of his intention and without obtaining her consent;
- The member conducted the treatment while the treatment room was not properly lit during a power outage;
- Evidence of an expert witness opined that the conduct of the member constituted a significant failure to maintain the standards of practice and also confirmed that the lack of clinical justification for a breast massage and consent constituted sexual abuse of a client; and
- The member pleaded guilty to the charges.

Decision

The panel accepted the member's guilty plea and found him guilty of the charges of professional misconduct.

Penalty

- Suspension of the member's Certificate of Registration for a period of nine (9) months;
- A recorded Reprimand;
- An Order directing the Registrar to impose the following terms, conditions and limitations on the member's Certificate of Registration:

1. To enter into personal counseling/therapy with a specified therapist M.L or such other therapist as may be available in the absence of ML. Such counselling/therapy is to commence within 30 days of the sentencing and shall be conducted over a minimum of 12 one-hour sessions or such additional sessions as M. L. directs. M.L. is required to report the progress of the member to the Registrar not less than once every four (4) months from the commencement of therapy until the completion of such therapy. Until the member has completed at least 12 one-hour sessions as directed by the therapist, and the therapist has reported on the progress of those sessions, the member's Certificate of Registration shall notwithstanding the completion of the period of suspension, continue to be suspended;
 2. The member's practice shall be monitored by means of an inspection conducted during the period ending six (6) months following the date of completion of the member's suspension. The member is required to cooperate with the College during the inspection and to pay for the costs of the inspection.
- Costs of \$1200.00

Panel's Reasons for Decision

The panel re-emphasized the College's position of zero tolerance for sexual abuse. The panel noted that clients receiving Massage Therapy could expect to receive safe, client-centered care and that maintaining professional boundaries are integral to the client-therapist relationship. The panel noted that the penalty imposed was sufficient to ensure the member was deterred from any further violations of a similar nature and will deter other members of the profession from such conduct. It was also noted that the panel ensured that the public interest is protected, as the message will be sent to the membership that the College will prosecute any boundary violations discovered. The panel took into consideration the member's guilty plea as well as his cooperation throughout the discipline process and if not for the member's genuine remorse the penalty may have been more onerous.