

# Debra March

member: Debra March, MT

Hearing Dates: September 13, 2004

## Charges of Professional Misconduct

- Engaging in conduct in the circumstance, that would reasonably be regarded by the profession as disgraceful, dishonourable or unprofessional;
- Failing to maintain records as required.

## Brief Synopsis of Facts

- The member pleaded guilty to the charges of professional misconduct;
- An Agreed Statement of facts was filed by the parties and set out the following:
  - The member was registered with the College in 1990;
  - The member practiced at her own clinic located in Peterborough, Ontario;
  - The College received a complainant from the member's client T.D.;
  - The member had been providing Massage Therapy treatments to T.D. from July 1997 to June 1998 in relation to injuries sustained by T.D. in a motor vehicle accident;
  - A personal relationship between the member and T.D. developed outside the professional relationship from early Fall 1997;
  - The professional relationship ceased as of July 10, 1998;
  - A personal sexual relationship commenced as of July 13, 1998 resulting with the member residing with T.D. until May of 2001;
  - member acknowledged that by agreeing to engage in an intimate sexual relationship with a former client in the manner and timeframe it violated the professional obligations to the client and would be regarded by the profession as disgraceful, dishonourable or unprofessional;
  - The member further acknowledged that her conduct in relation to providing treatments to T.D. during the personal sexual relationship and submitting receipts for payment to T.D.'s extended health insurer for payment would be regarded by the profession as disgraceful, dishonourable or unprofessional;
  - Payments were received for receipts submitted totaling \$1,600.00;
  - The member acknowledged that she failed to maintain records relating to T.D.; and
  - A joint submission regarding penalty was submitted by the parties.

## Decision

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

## Penalty

- 6 Month suspension of the member's Certificate of Registration;
- Recorded Reprimand;
- Imposition of terms, conditions and limitations on the member's Certificate of Registration to include:
  - Completion of the College's Ethics and Boundaries Workshop;
- Submission to inspections (2) of the member's practice at her expense 24 months of counseling/therapy with a counselor or therapist approved by the Registrar on at least a monthly basis in relation to boundary and related issues arising out of the member's treatment of T.D.;
- Costs of \$5000.00;
- Reimbursement to the Extended Health Insurance Company of \$1, 600.00;
- Undertaking- terms to includes above as well as:
  - Not to practice Massage Therapy or anything related to Massage Therapy during the suspension period;
  - If directed to pay for any counseling or therapy required by T.D. as a result of this matter to a maximum of \$10,000; and
- Publication of decision.

## Panel's Reasons for Decision

The panel was of the opinion that the Agreed Statement of Facts supported the member's guilty plea. The panel emphasized within their reasons the uniqueness of the facts of the case, which led to the treatment of allegations that might typically be construed as sexual abuse to constitute unprofessional conduct. The panel acknowledged in the circumstance there was a discontinuance of the professional relationship prior to the commencement of the personal relationship although the time between the same did not accord with the guidance provided by the College to the profession. The panel was of the opinion that this matter raised boundary issues which had to be addressed and the penalty imposed offered sufficient deterrence to the member as well as the profession that conduct as described in this case will not be treated lightly.