

## **Executive Summary – Giovanni Stracuzza, RMT April 24, 2013**

Summary of the Discipline hearing before a Panel of the Discipline Committee of the College of Massage Therapists of Ontario held on April 24, 2013

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

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

- Received a form of benefit from the practise of massage therapy while under suspension;
- Contravened the Act in relation to continuing to practice while suspended; and
- Engaged in disgraceful, dishonourable, and unprofessional conduct.

### **The Facts**

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

An investigation was commenced in relation to the practice of Mr. Stracuzza when the College received information to suggest he was continuing to practice the profession while his Certificate of Registration was suspended for non-payment of fees.

During the course of the investigation it was revealed that on April 6, 2009, Mr. Stracuzza's Certificate of Registration was suspended as a result of his failure to renew his registration with the College. Mr. Stracuzza was under the mistaken impression that he had properly completed his online registration renewal in late 2008.

Mr. Stracuzza was sent correspondence to his home address in April 2009, notifying him of the suspension. This correspondence was returned to the College. Further correspondence was sent to Mr. Stracuzza at his practice location in respect of the suspension. Mr. Stracuzza denies receiving any of this correspondence. Through inadvertence, Mr. Stracuzza did not update his home address with the College when he moved in early 2009. Mr. Stracuzza continued to practice as a RMT and received benefits from his practice as a RMT, between April 6, 2009 and January 5, 2010.

Upon receiving information that his registration was suspended, Mr. Stracuzza immediately ceased to practice. He subsequently re-instated on June 23, 2010. Mr. Stracuzza did not practice as a RMT, nor did he receive a benefit from the practice of massage therapy between January 5, 2010 and June 23, 2010.

Mr. Stracuzza was cooperative and forthcoming with the College throughout the College's investigation.

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

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

The Panel accepted a Joint Penalty Submission from the College and Mr. Stracuzza and imposed the following penalty:

1. Mr. Stracuzza will receive a public and recorded reprimand;
2. Mr. Stracuzza's Certificate of Registration will be suspended for (7) seven months, with the ability to remit (3) three months of the suspension , if he complies with the following terms, conditions and limitations imposed on his Certificate of Registration:
  - a. Mr. Stracuzza will complete the Professionalism Workshop and the College's Standards and Regulations course at his expense, within two months of the date of the decision;
  - b. Mr. Stracuzza will pay costs of \$1,200.00 payable within 30 days of the date of the hearing by certified cheque, money order or credit card;
3. In the event, the condition set out in paragraph 2(a) is to be fulfilled within one year of the date of the decision and the condition set out in (b) is to be fulfilled within 90 days;
4. The decision will be published in the usual course; and
5. Mr. Stracuzza will comply with an inspection of his practice, at his expense, to occur within one year of his resumption of practice (costs not to exceed \$500.00).

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

The Panel was of the view that penalty proposed was reasonable finding that it is a very serious offence to practice massage therapy without a valid registration and the penalty reinforces this message. The Panel went on to note that practicing while suspended has a suspension range of six (6) months suspension with no remittance of time in the suspension to as low as two ( 2) months suspension and in this particular case the facts supported a mid- range suspension given a number of mitigating factors.

The Panel made noted of the mitigating facts in this case to include Mr. Stracuzza's acknowledgement of his conduct almost immediately and then his cooperation with the investigation. While recognition was given to these factors, the Panel commented that the aggravating factors which supported the suspension was that Mr. Stracuzza did not take any action to ensure that his registration was complete on time and he failed to take responsibility to ensure that he was registered and he continued to practice.

It was noted that the suspension imposed sends a strong message to Mr. Stracuzza and the profession that this type of behaviour will not be tolerated. The course work imposed was viewed by the Panel to serve to rehabilitate and offer some professional growth for Mr. Stracuzza as he works towards re-entering the profession. The Panel noted that the inspection is also appropriate as it will ensure that the public is protected and further emphasize to Mr. Stracuzza's his professional responsibilities.