

Executive Summary – John Vos, RMT September 26, 2013

Summary of the Discipline hearing before a Panel of the Discipline Committee of the College of Massage Therapists of Ontario held on September 26, 2013

Allegations of Professional Misconduct and Plea

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

- Failing to maintain records
- Contravening a standard of practice of the profession
- Disgraceful, dishonourable and unprofessional

The Facts

L.D. became a client of Mr. Vos in the aftermath of two major operations. L.D. sought treatment with Mr. Vos on June 29, 2009 seeking particular treatment to the psoas/iliopsoas muscle. During the course of that treatment, with L.D. lying on his back, Mr. Vos applied significant pressure with his elbow as to cause an undisplaced fracture to L.D.'s 11th left rib which was visible by x-ray and an additional fracture to the 10th left rib, which was confirmed by a bone scan. These injuries caused L.D. great pain and required that he limit his activities. L.D. filed a complaint with the College given his concerns. The College's subsequent investigation of L.D.'s complaint included obtaining the client health records which revealed a number of concerning record keeping deficiencies.

An expert opinion was obtained to review Mr. Vos's actions on June 29, 2009. The expert concluded that the technique employed by Mr. Vos during the treatment demonstrated a lack of knowledge, skill and judgment as well as a disregard for the welfare of the client. Mr. Vos's conduct fell below the standard of practice of a massage therapist.

Prior to the hearing, Mr. Vos successfully completed on his own accord a deep tissue massage workshop.

Decision of the Panel and Penalty and Cost Award Imposed

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

1. An Order directing the Registrar to suspend Mr. Vos's Certificate of Registration for a period of 6 consecutive months, to commence immediately upon the date of this Order or as soon as practicable thereafter and, upon proof of Mr. Vos's full and satisfactory compliance with section 2(i), directing the Registrar to suspend the 3 months of the remaining suspension;
2. An Order further directing the Registrar impose the following terms, conditions and limitations on Mr. Vos's Certificate of Registration:
 - I. That Mr. Vos complete the College's Professionalism Workshop, at his own expense, and that he provide proof to the satisfaction of the Registrar of the successful completion of the Workshop prior to the expiry of the period of suspension;

- II. That Mr. Vos provide to the College, within 90 days following the completion of the Workshop, a written report describing:
 - a) What he has learned through the Workshop,
 - b) How his conduct reflects upon both himself and the profession, and
 - c) How his conduct relates to the Charter of Professionalism which report, in whole or in part, or a summary thereof, may be published in the College Standard or such other publication as may be directed by the Registrar in the Registrar's sole and absolute discretion.
 - III. That Mr. Vos be required to submit to two (2) inspections of his practice, at his own expense, within six (6) months and (1) one year after the completion of his Workshop, and to instruct the Inspector provide a report of each inspection to the Registrar within 1 month of each inspection, the total cost of such inspections not to exceed \$175.00.
3. An Order requiring Mr. Vos to attend before a panel of the Discipline Committee, on a date to be fixed by the Registrar, to be reprimanded, and that the fact of the reprimand be recorded in the public portion the College Register;
 4. An Order requiring Mr. Vos to pay to the College the sum of \$1,500.00 towards the costs incurred by the College in investigating, retaining and instructing counsel and conducting the hearing; and
 5. An Order, pursuant to subparagraph ii. of paragraph 3 of subsection 23(3) of the Health Professions Procedural Code, Schedule 2 of the *Regulated Health Professions Act, 1991*, directing that the results of the hearing be included in the public portion of the College's Register.

Panel's Reasons for Decision

The panel noted that Mr. Vos accepted full responsibility for his actions and he had taken steps to address the deficiencies identified within his practice almost immediately.

The panel was of the view that the seriousness of the conduct involved warranted the penalty imposed and would send the appropriate message to Mr. Vos and the profession as a whole that conduct of this nature will garner a significant penalty. The imposition of the inspection of practice was seen as an additional assurance that the public is protected as it will ensure upon Mr. Vos' return to practice his compliance with his professional responsibilities.