

Executive Summary – Kristi Clements, RMT November 28, 2013

Summary of the Discipline hearing before a Panel of the Discipline Committee of the College of Massage Therapists of Ontario held on November 28, 2013

Allegations of Professional Misconduct and Plea

Ms. Clements entered a guilty plea in relation to the following allegations:

- Engaging in disgraceful, dishonourable or unprofessional conduct

The Facts

The College received a complaint from Manulife Financial stating concerns with claims submitted by Ms. Clements which suggested she submitted an account or charge for services that she knew to be false or misleading. It was further indicated that Ms. Clements falsified a record using another member's credentials and registration number in relation to accounts submitted for services provided to Kristi Clements, and Ms. Clements' husband and children (the "family members"). Prior to contacting the College, Manulife had confirmed with the other massage therapist that she had not, in fact, issued the receipts in question.

During the course of the College's investigation, Ms. Clements informed the College Investigator that she had previously received three or four treatments from the other therapist however she did not submit her receipts for reimbursement to her insurance company. She admitted to creating false insurance receipts for her family members in order to be "reimbursed" under her husband's insurance plan with Manulife Financial given that her family was experiencing financial troubles relating to her maternity leave.

After receiving notice from the College Registrar that a complaint against her had been received, Ms. Clements sent a letter to the College in which she acknowledged that she had created false receipts, which she then submitted to the insurance company. In her letter, Ms. Clements acknowledged her actions, and that she ought to have acted with more integrity.

Decision of the Panel and Penalty and Cost Award Imposed

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

1. Ms. Clements will receive a public and recorded reprimand;
2. Ms. Clements' Certificate of Registration will be suspended for five months, beginning November 29, 2013, two months of which shall be remitted if she complies with the following term, condition and limitation:
 - a. Ms. Clements will complete the College's Professionalism Workshop at her own expense, within three months of the date of the decision;
3. In any event, the condition set out in paragraph 2(a) is to be fulfilled within one year;

4. Ms. Clements will pay costs of \$1,500.00, payable to the College in installments or as a single payment, within twelve months of the date of the hearing by certified cheque, money order or credit card;
5. The decision will be published in the usual course.

Panel's Reasons for Decision

The Panel cited that Insurance fraud is a very serious offence and engaging in such conduct for their own benefit was deemed to be conduct unbecoming a massage therapist. In the circumstance the Panel was of the opinion that the suspension and course work imposed sends a strong message that significant penalties are warranted for such conduct.