

**EXECUTIVE SUMMARY – MARIEL CAMILLERI-SARINGER, RMT
DISCIPLINARY HEARING CONDUCTED
JANUARY 18, 2012**

The Member, Mariel Camilleri-Saringer, RMT, was charged with the following counts of professional misconduct:

1. Contravening a standard of practice of the profession or a published standard of the College or failing to maintain the standard of practice of the profession;
2. Failing to keep records as required;
3. Signing or issuing, in the Member's professional capacity, a document that the Member knows contains a false or misleading statement;
4. Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonorable or unprofessional; and,
5. Engaging in conduct unbecoming a Massage Therapist.

THE PLEA

The Member entered a guilty plea in relation to allegations 1, 2, 3, and 4 (above), and the College withdrew allegation 5.

THE FACTS

Evidence was presented by way of an Agreed Statement of Facts.

The Member has been a Registered Massage Therapist since October 20, 1981.

On February 17, 2010, following receipt of a complaint received by the College from an anonymous female caller, two undercover investigators attended for a couples massage with the Member.

During the massage, the Member raised the subject of erotic massage, among other things. She also performed a breast massage on the male investigator, in which she touched his nipples. The Member indicated that she did not recall touching the investigator's nipples, but that if she did, it was inadvertent.

The Member issued an invoice to the investigators for "hot stone massage", and indicated that she did so because "teaching massage" might not "qualify".

The Member also provided, beginning in May 2008, Massage Therapy to a client with whom she had been in a sexual relationship between February and April 2008. With the Member's knowledge, this client was engaged in an ongoing sexual relationship with the Member's spouse at the time the Member began providing Massage Therapy to her.

When asked by a College investigator to produce client files, the Member advised that she does not maintain client files, and does not record any treatment notes. She also could not locate all of her health history forms or financial records.

FINDING OF GUILT

On the basis of the Member's guilty plea and its review of the Agreed Statement of Facts, the Panel of the Discipline Committee found the Member guilty in relation to counts 1, 2, 3 and 4 as outlined above.

PENALTY

The Member and the College made a Joint Submission on Penalty on the basis of these submissions. The Panel ordered as follows:

1. The Member's Certificate of Registration shall be suspended for a period of six (6) months.
2. The Member shall pay costs of \$1,000.00.
3. The Member will undergo one inspection of her practice at her expense within twelve (12) months after the conclusion of her period of suspension.
4. A public and recorded reprimand; and,
5. The publication of this decision in the usual course, which includes publication in the Annual Report of the College, an Executive Summary posted on the College's website, as well as a summary of findings, also accessible through the College website.

In its Reasons for Penalty, the Panel noted that while it accepted the parties' Joint Submission, the Panel felt that the penalty was on the light side of the penalty range given the seriousness of the Member's behaviour.

The Panel noted that the Member's record-keeping deficiencies warranted a suspension, which should provide deterrence for this type of behaviour. The Panel recognized that the Member had already taken two professional upgrading courses on her own initiative, and noted that the practice inspection will help to protect the public. The Member's course work should also help the Member reflect on her demonstrated lack of judgment and ability to maintain appropriate boundaries with clients.

CASE COMMENT

This decision emphasizes the importance of both appropriate record-keeping and of maintaining professional boundaries with clients. The six-month suspension highlights the seriousness of the professional misconduct at issue. Members are reminded of their obligations to maintain strict and appropriate boundaries with all clients.