



NOTICE OF SURRENDER – Thomas McGowan

By decision of the Inquiries, Complaints and Reports Committee dated October 3, 2014 Mr. McGowan was referred to the Discipline Committee of the College of Massage Therapists of Ontario (the “College”) in relation to the following allegations of professional misconduct:

1. Sexual abuse of a client thereby committing an act or acts of professional misconduct as provided by subsection 51 (1)(b.1) of the *Health Professions Procedural Code*, being Schedule II to the Regulated Health Professions Act, S.O. 1991, c. 18, in the period June to September, 2013, while providing massage therapy you engaged in sexual intercourse with a patient, C. R.;
2. Falsifying records thereby committing an act of professional misconduct, as provided in subsection 51 (1)(c) of the *Code*, as further defined in section 26, paragraph 27 of Ontario Reg. 544/94, as amended in that on June 10, 2013 and June 17, 2013 you falsified records relating to your practice;
3. You have committed an act of professional misconduct, as provided in subsection 51 (1)(c) of the *Code*, as further defined in section 26, paragraph 29 of Ont. Reg. 544/94, as amended in that you signed or issued in your professional capacity documents that you know contained false or misleading statements;
4. You have committed an act of professional misconduct, as provided by subsection 51 (1)(c) of the *Code* as defined in section 26, paragraph 49 of Ont. Reg. 544/94, as amended, in that during the period of May to September, 2013, you engaged in conduct unbecoming of a member of the College of Massage Therapists of Ontario; and
5. You have committed an act of professional misconduct, as provided by subsection 51 (1)(c) of the *Code*, as defined in section 26, paragraph 44 of Ont. Reg. 544/94, as amended, in that in the period of May to September of 2013, you engaged in conduct that have regard to all of the circumstances would be reasonably regarded by members as disgraceful, dishonourable or unprofessional.

On June 18, 2015 Mr. McGowan entered into an Undertaking and Surrender Agreement with the College whereby he agreed to surrender his Certificate of Registration and to forever withdraw from the practice of Massage Therapy as a Massage therapist in the province of Ontario, or elsewhere in Canada and the United States or any other jurisdiction in exchange for the College staying the discipline proceedings in relation to the allegations outline above.

Mr. McGowan agreed to:

1. Surrender his Certificate of Registration with the College;
2. Refrain from practising and/or holding himself out as a Registered and/or regulated Massage Therapist anywhere in Canada or the United States or any other jurisdiction;
3. Refrain from applying for the reinstatement of his Certificate of Registration with the College, or from applying for registration with any other licensing body governing the practice of Massage Therapy in any other jurisdiction;
4. Pay \$3,500 to partially offset the College's costs of investigating the matter; and
5. Publication of the terms of the Undertakings and Surrender Agreement with the College in the College's routine publications.