

**EXECUTIVE SUMMARY – IAN BROWN, RMT
DISCIPLINARY HEARING CONDUCTED
NOVEMBER 25, 2011**

The Member, Ian Brown, RMT, was charged with seven counts of professional misconduct:

1. Contravening a term, condition or limitation imposed on the Member's Certificate of Registration;
2. Receiving any form of benefit from the practice of massage therapy while under suspension unless full disclosure is made to the College and the nature of the benefit to be obtained and prior approval is obtained from the Executive Committee;
3. Failing to permit entry at a reasonable time or to cooperate with an authorized representative of the College conducting an inspection or examination of the Member's office, records, equipment or practice;
4. Signing or issuing, in the Member's professional capacity, a document that the Member knows contains a false or misleading statement;
5. Submitting an account or a charge for service that the Member knows is false or misleading;
6. Contravening the Massage Therapy Act, the Regulated Health Professions Act, 1991, or regulations under either of those Acts; and
7. Engaging in conduct or performing an act, in the course of practising the profession that, having regard to all of the circumstances, would reasonably be regarded by Members as disgraceful, dishonourable or unprofessional.

THE PLEA

At the commencement of the hearing, the College withdrew allegations 1 and 3. The Member entered a guilty plea in respect of the remaining five allegations of professional misconduct, allegations 2, 4, 5, 6 and 7.

THE FACTS

The evidence was presented by way of an Agreed Statement of Facts. Mr. Brown is a RMT. Mr. Brown failed to pay his renewal fees as required in 2009, resulting in a suspension of his Certificate of Registration ("Certificate") effective April 6, 2009. Mr. Brown was notified of the suspension and was instructed to return his Certificate and photo I.D. to the College.

Although Mr. Brown paid his reinstatement fee on December 4, 2009 and paid membership fees through to December, 2009, he failed to renew his registration on December 31, 2009, as required, and was thus notified on January 21, 2010. Mr. Brown's Certificate was suspended again for non-payment of fees, effective February 23, 2010.

The College received information from RWAM Insurance Administrators regarding a receipt for massage therapy dated October 6, 2009 identifying Mr. Brown as the provider. In a subsequent investigation by the College, it was confirmed that while Mr. Brown's Certificate was suspended he continued to:

- a. Practise massage therapy;
- b. Issue receipts for massage therapy identifying himself as a RMT; and
- c. Display his Certificate at his place of work.

Mr. Brown acknowledged that he was guilty of professional misconduct in respect of the allegations 2, 4, 5, 6 and 7.

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 of five allegations of professional misconduct, allegations 2, 4, 5, 6 and 7.

THE SENTENCING HEARING

The Member and the College presented a Joint Submission on Penalty to the Discipline Panel. On these submissions, the Panel ordered as follows:

1. The Member shall receive a public and recorded reprimand immediately following the conclusion of the Discipline Hearing;
2. The Member's Certificate of Registration shall be suspended for a period of 7 months. However, such suspension shall be remitted for up to 4 months, leaving a minimum suspension of 3 months, if the Member, by that earlier date, complies with all the terms, conditions and limitations imposed upon his Certificate as provided below.
3. The following terms, conditions and limitations shall be imposed upon the Member's Certificate:
 - a. Within 7 months of the date of the Hearing, the Member shall enroll in, and successfully complete, at his own expense, the College's Professionalism Workshop (or shall have done so within the past 7 months) and shall provide satisfactory evidence of same within 30 days of completing the course; and
 - b. The Member agrees that the College is entitled to contact the facilitators of the above-listed course, and request a report to the Registrar outlining the Member's participation in the course, which if unsatisfactory, will constitute a breach of term (a) above.
4. Within one year of his resumption of practice, the Member will submit to an inspection of his practice at his expense. The cost of the inspection shall not exceed \$250;
5. The Member shall pay costs of \$1,000; and

6. Publication of the results of the Hearing in the usual course.

EDITORIAL NOTE

In its reasons for accepting the joint submission, the Panel noted that this was on the light side of the penalty range given the seriousness of the behaviour. It noted that disregarding the governing rules and regulations of the profession is a serious charge, for which a lengthy suspension is appropriate. The length of the suspension sends a strong message to the profession that practising while under suspension will not be tolerated.

The Panel noted that the suspension, course work, future inspection and costs payable should convey to the Member and the public that offences of this nature will be taken very seriously.