

**EXECUTIVE SUMMARY – KIMBERLEY DICKERSON, RMT**

**DISCIPLINARY HEARING CONDUCTED MARCH 26, 2009**

The Member, Kimberley Dickerson, RMT, was charged with four counts of professional misconduct:

- a. Falsifying records relating to the Member's practice;
- b. Signing or issuing, in the Member's professional capacity, a document that she knew contained false or misleading statements;
- c. Submitting an account or charge for services that she knew was false or misleading; and
- d. Engaging in disgraceful, dishonourable or unprofessional conduct.

**THE PLEA**

The Member entered a guilty plea to the allegations of professional misconduct.

**THE FACTS**

Evidence was presented by way of an Agreed Statement of Facts. The Member was a registered massage therapist practising at Orono Chiropractic and Massage in Orono, Ontario (the "Clinic").

In September 2007, the College received information that the Member falsified receipts for massage therapy treatments provided to T.H. by using the names of T.H.'s family members, when they were not receiving those massages, in order for T.H. to receive reimbursement from his insurance company. The complaint also alleged that the Member also engaged in a personal intimate relationship with T.H. while in the therapist/client relationship.

Subsequent investigations of the College demonstrated the following:

- a. In speaking with the investigator, the Member acknowledged that she had falsified receipts by using the name of T.H.'s wife and children, when only T.H. received massage therapy treatments;
- b. The Member terminated the therapist/client relationship by March 25, 2004 and began a personal intimate relationship with T.H. immediately or shortly thereafter; and

By letter dated November 26, 2007, the Member admitted that it was against her better judgment that she agreed to falsify receipts for T.H. The Member also admitted to commencing a personal intimate relationship with T.H., immediately or shortly after terminating the therapist/client relationship.

Following her admission of having committed serious breaches of professional misconduct, the Member cooperated with the College's investigation and prosecution of the allegations.

### **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 the allegations of professional misconduct set out in the Notice of Hearing.

### **THE SENTENCING HEARING**

The Member and the College presented a joint submission respecting penalty to the discipline panel. Following submissions of counsel, the panel accepted the recommendation and imposed the following penalty:

1. A six month suspension of the Member's Certificate of Registration;
2. A period of three months of the suspension to be remitted, in the event that the Member complies with the terms, conditions and limitations imposed on the Certificate of Registration;
3. The following terms, conditions and limitations shall be imposed on the Member's Certificate of Registration:
  - a) The Member will complete the professionalism workshop, at the Member's own expense, within six months from the date of the decision of the panel;
  - b) The Member will reimburse the standard health insurance company in the amount of \$515.00 in respect of the wrongly claimed fees and provide the College with confirmation of the reimbursement within six months from the date of decision at the panel; and
  - c) The Member will contribute to the investigation and prosecution costs of the College in the amount of \$1,000, to be paid within 30 days of the decision becoming final.
4. Public and recorded reprimand; and
5. Publication in the usual course.

In its reasons for accepting the joint submission on penalty, the panel affirmed the seriousness of the allegations and how such unprofessional behaviour eroded the profile of the profession in the minds of the public, other health care professionals and the insurance providers.

At the same time, the panel recognized how remorseful the Member was and the co-operative attitude displayed throughout the proceedings. The panel stated that the public interest will be protected by the suspension imposed and coursework required. The suspension, coursework and

fine were onerous and should deter others in the profession from engaging in similar acts of professional misconduct.

Immediately following the hearing, the Member waived her right of appeal and the panel administered a public reprimand at that time.

### **EDITORIAL NOTE**

The Dickerson decision emphasizes the importance of maintaining professional behaviour to protect the integrity of the profession in the minds of the public, other health professionals and insurance providers. Even where the insurance company is reimbursed for losses, there are always lingering issues of the impact on the profession in the eyes of the insurer. It is important that professional massage therapists earn and maintain the trust of public as well as insurers. This decision also underscores the importance of upholding the College's policies with respect to personal relationships with current and former clients. Public confidence and trust in the integrity of profession must be sedulously fostered.

The signing of false receipts, submitting them to insurers and engaging in personal relationships with former clients within such a short time frame are serious violations, for which a lengthy suspension is warranted. The panel made note of the remorse of the Member and her cooperation with the College process which served to mitigate the penalty imposed in some respect.