

**EXECUTIVE SUMMARY – LINDA LAFRANCE
DISCIPLINARY HEARING CONDUCTED
JUNE 22, 2011**

The Member, Linda LaFrance, RMT, was charged with three counts of professional misconduct:

- a. Failing to keep records;
- b. Contravening a standard of practice; and
- c. Engaging in conduct relevant to the practice of the profession that would reasonably be regarded by Members as disgraceful, dishonourable or unprofessional.

THE PLEA

The Member entered a guilty plea in relation to allegations 1 and 3, and the College withdrew the second allegation.

THE FACTS

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

The Member was a registered massage therapist since December 1996 and practiced out of her home in Oshawa. The Member had a prior history with the College, including a previous undertaking in June 2005 concerning a failure to maintain appropriate records and practicing outside of the scope of practice.

Arising out of a quality peer assessment in August 2009, the Quality Assurance Committee referred Ms. LaFrance to a panel of the Inquiries, Complaints and Reports Committee (the "Panel"). A Section 75 investigator was appointed, and attended at the Member's clinic to investigate her massage therapy practice.

During the course of the College's investigation, the Member questioned the authority of the investigator, displayed disregard to the role of the College in supervising her practice and generally failed to co-operate with the investigation. Among other things, the Member resisted production of clinical records and documents; she refused to provide full client files for some clients; and sought to remove some documents from client files.

The Member also refused to produce financial information and failed to understand the necessary requirement to maintain record in accordance with the governing regulation. The Member failed to understand and respect the College's role and duty to regulate her massage therapy practice.

The Member acknowledged her failure to keep records as required. The Member also acknowledged that her failure to cooperate with the College's investigation and facilitate the appointed investigator's inquiries constituted conduct that would reasonably be regarded by Members as unprofessional, contrary to the misconduct regulation.

FINDING OF GUILT

On the basis of the Member's guilty plea and its review of the Agreed Statement of Facts, the Panel found the Member guilty of the allegations of professional misconduct.

PENALTY

The Member and the College presented a Joint Submission respecting penalty, which was accepted by the Panel. The following penalty was imposed:

1. A one month suspension of the Member's Certificate of Registration;
2. The following terms, conditions and limitations shall be imposed on the Member's Certificate of Registration:

The Member will enrol in and complete at her own expense a Registrar-approved record keeping course within six months;

The Member shall enrol in and complete, at her own expense, the Professionalism course offered by the College; and

The Member shall contribute to the costs of the investigation and prosecution by the College in the amount of \$1,000, which may be paid in instalments as agreed to by the College.

3. The Member shall receive a public and reported reprimand and there shall be publication in the usual course.

In its reasons for accepting the Joint Submission and imposing costs of \$1,000, the panel noted that the Member's unwillingness to cooperate with the College was serious. The two courses to be completed within six months were felt to be necessary in light of the extremely unprofessional behaviour exhibited.

EDITORIAL NOTE

The LaFrance Decision affirms the importance of cooperation with any College investigation. Any failure to cooperate and facilitate such an investigation, will be seen as unprofessional conduct and not tolerated by the College.