

the DECISION

Once it has reviewed all the information, the panel may do one of the following:

- Counsel or caution the massage therapist, either in writing or by requiring the massage therapist to appear before the panel. The panel will provide direction and advice to ensure improved conduct in the future.
- Refer the case to the Quality Assurance Committee, where the massage therapist may be assessed and/or required to attend relevant educational programs
- Refer the case to the Executive Committee for further action if there are significant concerns about the massage therapist's physical or mental capacity to practise
- Refer the case to the Discipline Committee for action if there are sufficient grounds for a charge of professional misconduct and/or incompetence
- Decide that the massage therapist's conduct or care was appropriate
- Decide to dismiss the complaint because it is frivolous, vexatious, made in bad faith or is an abuse of process.

The Complaints Committee then sends a formal decision in writing, together with the reasons for that decision, to both the complainant and the massage therapist.

Unlike a disciplinary hearing, which becomes a matter of public record, all information relating to the investigation and the hearing of the complaint remains strictly confidential.

APPEALS

Either the complainant or the massage therapist has the right to appeal the decision within 30 days. In most cases, they may request a review of the Committee's decision and reasons by the Health Professions Appeal and Review Board. (Exceptions to this are cases in which the matter has been referred to the Discipline Committee, or if the massage therapist has been referred to the Executive Committee because of concerns about physical or mental capacity to practise.)

Requests to appeal the decision should be sent to:
Health Professions Appeal and Review Board
151 Bloor Street West, 9th Floor
Toronto, ON M5S 2T5

CONTACTING the College

If you would like to talk to someone about the complaints process, or about the care or conduct of a massage therapist, please contact the Investigation and Complaints Manager at the College (ext. 116).

To make a complaint, please address the Registrar in writing. The College has developed a form to help complainants ensure they include all the necessary information in their letter. To download this form, please visit our website at www.cmto.com.

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the COMPLAINTS PROCESS



the STEPS

The College of Massage Therapists of Ontario is dedicated to excellence in protecting the public, serving its members, and promoting the highest possible quality of the practice of massage therapy in a safe and ethical manner.

As one of the province's self-regulating health colleges, operating under *the Regulated Health Professions Act (RHPA) 1991*, we are required to have a formal complaints process in place. This process enables the public to ask the College's Complaints Committee to investigate a complaint about a massage therapist's behaviour, conduct or practice.

Each step in the process is designed to ensure fairness both to the complainant and to the massage therapist who is the subject of the complaint.

STEP 1 Filing a complaint

A complaint must be sent to the College in writing, or in some other permanent form such as on a videotape, audio tape or disk. Complaints may not be sent by e-mail due to confidentiality.

The College cannot process anonymous complaints because the massage therapist who is the subject of the complaint must be allowed to respond fully to the specific content of the complaint.

STEP 2 Acknowledging receipt

Once we receive a complaint, the College contacts the complainant in writing or by phone to confirm receipt of the complaint, obtain any additional information and clarify concerns, and advise that the complaint has been filed.

STEP 3 Obtaining consent

Because all medical information is confidential, the complainant will be asked to sign a consent form allowing access to the relevant health information from the massage therapist, as well as other healthcare professionals (if appropriate).

STEP 4 Notifying the massage therapist

The College will then write to the massage therapist to notify them that a complaint has been received and to request a written response within 30 days (required by law). This is an opportunity for the massage therapist to explain their care or conduct to the complainant and to the College.

STEP 5 Investigating a complaint

At this point an investigator may be appointed to look into the complaint. The investigator may visit the location of the alleged incident(s), interview people who have relevant information or meet separately with the complainant and the massage therapist.

STEP 6 Review and decision by the Complaints Committee

Following the investigation, the College puts together a report for review by a panel of the Complaints Committee, made up of two massage therapists and one public Council member. The College notifies the complainant and the massage therapist of the date of the panel meeting. (Neither party is present at this meeting; the committee meets to review the documentation only.) The panel then makes a decision, or identifies that more information is needed.

The panel is responsible for determining whether the massage therapist's services were professionally and competently delivered. It has no authority to assess injury, demand refunds from the massage therapist or award damages to the complainant.

