

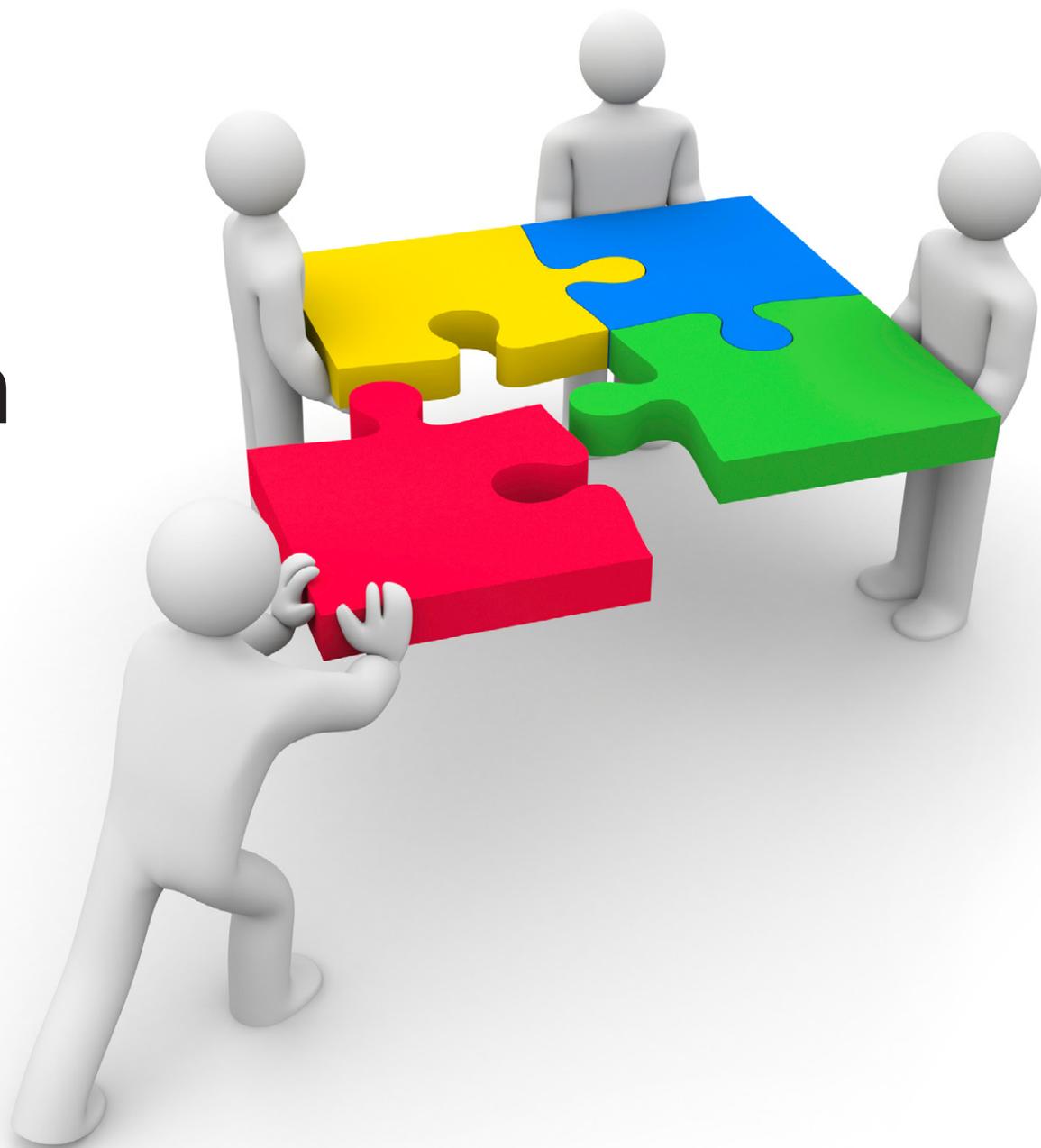
The Power of Collaboration

2009 Annual Report



College of Massage
Therapists of Ontario

TRUST. ASSURANCE. SAFETY.





Message from the President and Registrar

2009 was an extraordinary year for the College of Massage Therapists of Ontario; in fact it marked a turning point for the profession as a whole.

In the previous year, the College began a renewed strategic planning process – to help better fulfill its mandate of protecting the public’s interest.

To guide and facilitate this process, the College retained the management consulting firm, Breakthrough Growth Corporation. One of the key outcomes of the plan was the development of a strategy map. This strategy map (as displayed here) is a visual representation of the strategic plan, which illustrates how the College plans to improve the performance of its mission and achieve its vision through a linked chain of continuous improvements and strategic objectives.

The map provides a macro view of the College’s strategy and the language in which to describe its strategy. It is a cause-and-effect chain of strategic objectives by which the strategy will be implemented. The other key component of the strategic plan was to develop the measurements with which to evaluate the College’s performance against these strategies, through a measurement tool called the balanced scorecard.

The balanced scorecard refers to the recognition that to achieve a comprehensive overview of the College’s performance, it needs to be seen from different viewpoints,

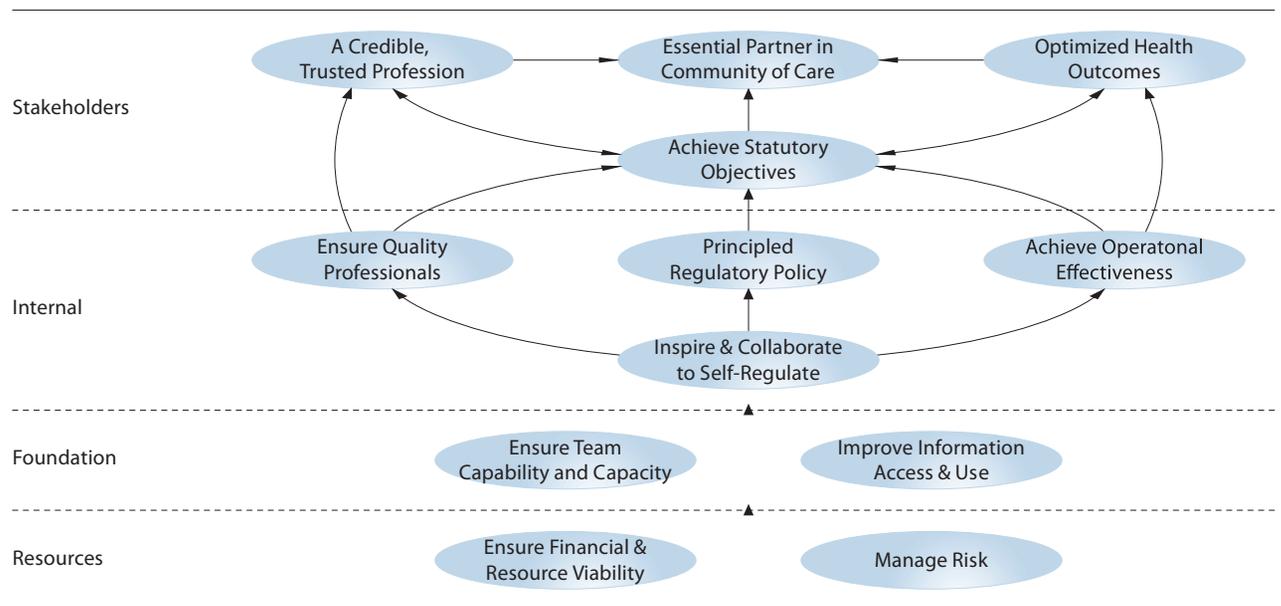
or perspectives. In the past, organizations only tended to look at financial measures. However in the not-for-profit sector which includes the College, there are other perspectives from which to look at the College’s performance:

- **Stakeholder perspective:** Involves outcomes which impact the public of Ontario who utilize massage therapy
- **Internal (business) process perspective:** Involves

outcomes resulting from:

- Operations management processes
- Customer management processes
- Innovation processes
- Social and regulatory processes
- **Foundation perspective:** Includes human, information and organizational capital or capacities, including learning and development
- **Resources perspective:** involves financial stewardship and risk management

Valued Professionals, Compassionate Care, Optimized Health for Life



The chart displayed shows how these strategic improvements flow from the bottom up to a final result – linking both the overarching “perspectives”, as well as their associated “objectives” for the College.

The higher level perspectives involve the key constituents of the College, the public. The lowest perspective, however, has no explicit stakeholders; improvement in terms of the lower perspectives take longer, but they are the sole way to bring about a lasting and dramatic change in the organization’s performance, ultimately for the benefit of the public of Ontario.

The College began implementing and reporting out on its strategic plan to Council in January of 09’, using the balanced scorecard. Ongoing projects being tracked include: development of the CMTO Project Charter, an indicator for the research on health outcomes and models; and the submission of the Fair Registration Practices Audit Report, created for the Fairness Commissioner, as required by the new legislation (*see 2009 College Highlights for details*).

Through the ensuing planning dialogue and discussions, which focused on the College and the public, it was realized that the College shared similar concerns about the health and viability of the massage therapy profession and its ability to meet the statutory mandate of the College with the Ontario Massage Therapist Association (the professional association).

At a certain point, through the assistance of Breakthrough Growth Corporation, it was acknowledged that while the College needed to develop its own strategic plan, there also needed to be a plan for the “whole profession” building in longer-term objectives, measures and actions,

while balancing strategic and tactical decisions for the short-term.

One of the newest responsibilities for all the health regulatory Colleges, as stated in the *Regulated Health Professions Act, 1991* (RHPA) is, “To promote and enhance relations between the College and its members, other health profession colleges, key stakeholders, and the public.”

This objective became a driving force in the creation of the College’s strategic plan, but also opened the door for the College to collaborate with other key leadership stakeholders: Ontario Massage Therapist Association (OMTA), Ontario Council of Private Massage Therapy Colleges (OCPMTC) and Heads of Massage Therapy, Ontario’s Community Colleges (HMT), to complete the profession’s strategic plan.

In the profession’s strategic plan, which was made public in May 2009, the four organizations agreed upon a shared vision statement that would embody the collective passion, and belief in the active engagement of all members of the massage therapy profession:

“Valued Professionals, Compassionate Care, Optimizing Health for Life”

This ground-breaking statement is meant as a powerful and enabling representation of the massage therapy

profession’s aspirations.

The profession’s strategic plan is managed by a team consisting of members of the four leadership stakeholders and is known as the RMT Management Team (RMTMT). The RMTMT wasted no time in putting the profession’s strategic plan into action. One of the first steps has been to create a collective branding for the profession, the results of which will be implemented in 2010.

As exemplified by the strategic planning process, the College truly believes in The Power of Collaboration. In 2009, the leadership, innovation and passion of members played a pivotal role in key decision-making and moving the College’s mandate forward through involvement in the two strategic plans.

The most notable guiding force behind the College and its activities is its Council. The Council consists of fourteen members, eight elected by the College, an OMTA board member and five appointed by the Ontario Government. It is a regulatory and disciplinary body, empowered through the approval of the Lieutenant Governor-in-Council to make Regulations governing and directing the activities of the massage therapy profession in the Province of Ontario.

The eight elected members of the Council must be massage therapists in good standing with the College. They hold office for three years and may stand for re-election twice for a maximum of nine years served.

The five public members appointed by the Ontario government are specifically charged with protecting the public interest and maintaining the public confidence in the self-governing status of the health professions.

In December of 2009, the government approved an increase in Council membership. Professional members were increased from seven to nine, and public members were increased from five to a maximum of eight.

All Council members have one common task which is to support the regulatory authority and goals of the Council and the College in order to protect the public and benefit the massage therapy profession through the maintenance of standards.

The College also engages non-council members, through participation on a variety of statutory and non-statutory committees:

- Client Relations Committee
- Discipline Committee
- Fitness to Practice Committee
- Inquiries, Complaints and Reports Committee
- Quality Assurance Committee
- Registration Committee
- Appeals Committee

We applaud the hard work and dedication of these individuals, as they help shape the future of the College. For a more detailed description of the activities of each committee in 2009, please refer to their reports later in this document; and if you would like to serve on a committee, please go to the College's website (www.cmta.com) for contact information and the application process.

A strategic direction of the College of Massage Therapists of Ontario for the last several years has been "to foster and enhance professional behaviour to encourage the highest possible standards in the practice of massage therapy." To this end, the College adopted the Charter on Professionalism.

To help the membership achieve and demonstrate professional behaviour, the College has created a Professionalism Workshop. Through this workshop, participants review different modules, which will engage them in presentations, case studies, and discussions. The outcome is that participants develop the skills and tools to implement high ethical standards, by being accountable for their actions and committed to the profession.

Throughout the year, there are also numerous members who have worked for the College in a variety of roles, including: peer assessors, investigators, and examiners. These individuals are truly ambassadors of the College, bringing their knowledge and expertise, as well as providing fairness and high ethical standards to the tasks at hand.

The College understands the magnitude and impact of reaching out to its members. Initiatives such as the Job Analysis Survey, which is utilized to ensure that exam

content remains relevant and current, is initiated several times a year, and relies upon the input of members across the province. Members are also engaged in various strategic (and other) projects through surveys, focus groups and interviews.

The College's website also plays an integral role in engaging members. It is a key portal for information on the College and its activities.

2009 was indeed an historic year for the College and profession as a whole. The Power of Collaboration can be seen and felt on many different levels; and as we move forward, this key philosophy will be paramount to the continued success of massage therapy in Ontario.



Peter Roach, BA, RMT, President



Deborah Worrad, CAE, C. Dir, Registrar

Message from the President and Registrar
continued





2009 College Highlights

As part of the Health Professions Database Project (HPDB), changes were made to the registration renewal forms for 2010 to meet the requirements of the *Regulated Health Professions Act, 1991*. Greater detailed information is required from regulated health professionals to assist in Human Health Resource Planning. The first submission of registration was submitted to the Ministry of Health and Long Term Care in 2009.

Once populated, the Ministry's database will provide standardized, consistent and comparable demographic, geographic, educational, and employment information on the regulated health professionals in Ontario.

In 2009, the Fair Registration Practices Report was completed and submitted to the Office of the Fairness Commissioner. The College volunteered to be part of the pilot project for the first cycle of the audit of registration practices. The College also submitted its annual registration practices report to the Office of the Fairness Commissioner as required by the *Regulated Health Professions Act, 1991*.

The Office of the Fairness Commissioner (OFC) is mandated to make sure the registration practices of regulated professions in Ontario are transparent, objective, impartial and fair.

The College increased its communication with members through the utilization of more e-blasts, an initiative which was spring-boarded in 2008 – this has helped convey key information as it arose during the year. The e-blasts are commonly brief and link to more detail on the website.

The public register was updated in June 09' – changes to the *RHPA, 1991* required that enhanced public register be available on each College website as a searchable database.

The College participated in a number of projects related to the profession's strategic plan, including an earnings survey of massage therapists and developing a new brand.

The College's 2009 summarized audited financial statements are available in this annual report. The College realized a surplus of approximately \$962,000. During the year, the College's internal budget provided for a surplus of approximately \$434,000. There were significant variances from budget as not all projects could be completed in the fiscal year, or projects were completed and services were provided to the College at less cost. As a result, there were two areas in which the College was under budget. The Consultants category was \$326,000 under budget and Office & General was \$178,000 under budget. In 2009, the College incurred higher staffing expenses in providing

more competitive compensation and hiring more staff to provide services to a larger membership and meet regulatory obligations.

In May 2009, the profession introduced its strategic plan for the "whole profession". This is a collaboration with other key leadership stakeholders: Ontario Massage Therapist Association (OMTA), Ontario Council of Private Massage Therapy Colleges (OCPMTC) and Heads of Massage Therapy, Ontario's Community Colleges (HMT). Moving forward, the RMT Management Team will be working to guide the projects, thereby driving this strategy forward.

A new logo was created for each member of the RMT Management Team, including the College and for the profession as a whole. The College collaborated with other key leadership stakeholders: Ontario Massage Therapist Association (OMTA), Ontario Council of Private Massage Therapy Colleges (OCPMTC) and Heads of Massage Therapy, Ontario's Community Colleges (HMT), to develop a series of logos and the College's logo is a subset of the one created for the profession. This will help to create consistency in branding and messaging.

Full Labour Mobility: Inter-jurisdictional Competencies Development – the College worked on phase two of the document, in collaboration with British Columbia and Newfoundland and Labrador. The final document will provide a common competency standard for all regulated provinces which will, in the future, enable the creation of a national examination and assist with regulation provinces not currently regulated.

As proposed by the College, the government amended the *Massage Therapy Act, 1991* regarding the size of Council. Professional member representation was increased to 9 members from 6, while public representation was increased to 8 from 5.

District realignments were initiated to create a new district 8. The government changed the *Massage Therapy Act* to increase the College's Council size, thus a new District was created.

By-law 8 amendment: members' registration numbers no longer appear on the Public Register – this was completed at the request of members in an effort to diminish fraudulent use of members' registration numbers.

The College began using a Balanced Scorecard as part of the College's strategic plan. The Balanced Scorecard refers to the recognition that to achieve a comprehensive overview of the College's performance, it needs to be seen from different viewpoints, or perspectives. In the past, organizations only tended to look at financial measures. However in the not-for-profit sector which includes the College, there are other perspectives from which to look at

the College's performance from: Stakeholder perspective; Internal (business) process perspective; Foundation perspective; and Resources perspective. The use of a Balanced Scorecard will help the College readily identify areas that are not meeting targets, so that Council can make informed decisions on how to proceed.

An amendment was made to s. 7 of the *Massage Therapy Act, 1991* regarding restricted titles of the profession as proposed by the College. The protected titles of the profession are now: Massage Therapist and Registered Massage Therapist, including the French translation, massotherapeute inscrit and any variation or abbreviation.

Redesigned OSCE/MCQ School Reports – the College worked collaboratively with its examination consultant, Schroeder Measurement Technologies (SMT), and school representatives to create a more detailed and useful presentation of the statistical examination data through customized reports for each school as well as cumulative data.

The College retained a consultant to commence its evaluation of the College's Quality Assurance programme. The Quality Assurance Programme has been designed to maintain and to elevate the standard of care massage therapists provide to their clients. The programme does this by encouraging members to consistently upgrade their knowledge and skills, and ensure that the members are meeting the current Standards of Practice, Regulations and Policies and Position Statements of the College of Massage Therapists of Ontario.

Senior staff continued annual school visits across the province. The purpose of these presentations is to provide students with information about the College, as well as regulatory changes and initiatives in Ontario.

The College continued to offer monthly workshops to discuss and inspire members regarding Professionalism.

The objectives for this workshop are to:

- Ensure that the profession of massage therapy continues to demonstrate its competence and accountability to society;
- Facilitate the efforts of massage therapists to develop professionally and improve their awareness and clinical practice as regulated healthcare professionals;
- Provide ethics and professionalism resource tools to assist members in improving their level of professionalism and accountability.

Throughout the workshop, participants are given the opportunity to review different modules, which will engage them in presentations, case studies, and discussions. The anticipated outcome is that participants will develop skills and tools to implement high ethical standards by being accountable for their actions and committed to the profession. These workshops were free of charge to members who wished to attend.



Committees Reports

Client Relations Committee

In 2009, the Client Relations Committee again acknowledged the recommendations in the Health Professions Regulatory Advisory Council. A spreadsheet summarizing the HPRAC recommendations and aligning them to elements of both the College's strategic plan and the Profession's strategic plan was developed. The committee's role over the next few years will be to monitor and identify gaps in information, programmes and services offered by the College.

The committee also carefully reviewed the College's 2008 complaints statistics, to determine the types of complaints received by the College that could potentially be reduced by provision of information within the committee's scope. The type of conduct most commonly seen were: abandonment of clients; withholding client files; practicing while in conflict of interest; rude and abusive communication; and breach of confidentiality.

The committee discussed the possibility of participating in a joint project for assessing school readiness. This inter-professional collaboration is already underway in Peel County by a group of Nutritionists, and members of the College of Dental Hygienists and College of Optometrists. After review of the project it was determined, for various reasons – mainly involving the lack of a readily available and tested health outcomes that massage therapists could

utilize – that the College of Massage Therapists would not participate in the project at this time.

Issues were also tabled regarding bartering and tipping, including the effects and implications the practice may have on members as well as the public. It was determined that the committee would again table the discussion upon review of the business model project from the profession's strategic plan. Finally, a comprehensive review of the current Sexual Abuse Prevention Plan was completed, to ensure the plan's continuing accuracy and relevance.

Discipline Committee

This was a record setting year for the Discipline Committee for both the number of active cases and cases completed. The total number of cases handled was forty seven, sixteen of which were completed.

From the completed cases, the nature of the allegations involved:

- Sexual abuse – inappropriate touch of a sexual nature (2)
- Sexual remarks (1)
- Sexual relations with a client (1)
- Contravening the Standards (1)
- Failing to maintain records (1)
- Falsifying records (3)

- Practicing while suspended (3)
- Contravening a term, condition or limitation imposed on the member's Certificate of Registration (2)
- Conduct unbecoming (2)
- Disgraceful, dishonourable, and unprofessional (11)

The committee held a training session with Richard Steinecke that focused on Administrative Law and reviewed bias, rules of evidence, conducting a hearing and sanctions.

The Discipline Committee also had a group of students in to observe a hearing, and took time to answer some of their questions. The feedback from the students was very favourable and hopefully after seeing a hearing and its consequences it will help guide them positively in their new career.

Finally, the committee would like to acknowledge the loss of a long-term member, Lynn Dobson. Lynn was a public member and had been Chair of Discipline for five years. Her knowledge and experience shall be missed.

Executive Committee

A primary initiative on the part of the Executive Committee has been its involvement in the ongoing development and actions of the strategic plan for both the College and the profession. Current President, Peter Roach, is an active

member of the RMT Management Team, responsible for the implementation of the strategic plan for the profession, and is presently Chair of the RMT Management Team. Executive Committee is kept well informed of the progress of this group and periodic summaries of activities are given to Council.

We are eager to report that the branding strategy is in its final stages, and the Earnings Survey is now complete. Of further note, since June 2009 the activities of the Committee have changed as a result of the legislative changes so that Executive no longer deals with complaints.

The Executive Committee has strongly endorsed the idea of ongoing learning for Council both in Council meetings and on a daily basis. To this end, learning maps for Council members will continue to be provided, and an education component will be built into all Council meetings.

Fitness to Practice Committee

The Fitness to Practice Committee was not required to meet this year, as there were no matters for consideration.

Inquiries Complaints and Reports Committee (ICRC)

The members of the Inquiries Complaints and Reports Committee (ICRC) continue to work diligently – dedicated and focused on excellence with respect to protecting the public interest at all times; to serve the members of the College; and ultimately to promote the highest possible quality of the practice of massage therapy in a safe and ethical manner. The entire committee met a total of 15 times in 2009 and early 2010.

Following the changes to the Code, and due to the nature of the complexity of the matters presented (as per item 3.3 size and composition), the ICRC became comprised of three panels: Panel A, B and C which included the following members:

- Panel A: James Lee, Co-Chair, Deny Brulotte, Non-Council Professional Member and Andrew Komer, Non-Council Professional member.
- Panel B: Wendy Hunter, Co-Chair, Peter Roach, Professional member and Babar Chaudry, Public Member.
- Panel C: Marion Drewes, Chair, Romilla Gupta, Public Member and Patricia Fitzmaurice, Non-Council Professional member.

Cases reviewed included: 83 complaint matters (of these 52 were new complaints received in 2009), and 100 Registrar Report Investigations (50 of which were new investigations commenced in 2009).

Making a comparison with respect to the number of complaints that were received in 2009 and disposed of in 2009, the results show that the track record is much improved. Overall, it appears that the nature of the allegations and the complexity of the cases have also added to the time that it takes to complete a matter. Currently, there are 29 unresolved matters that have been carried over to the current 2010 year.

Of final note: a formal meeting was held on April 30, 2009, (the second meeting held at the College for the Committee as a whole). The purpose of the meeting was for an important half day training session, led by Mr. Richard Steinecke, Barrister & Solicitor. This was intended to inform and familiarize everyone involved with the changes that have already occurred to the *Regulated Health Professions Act, 1991* (RHPA), when the Complaints Committee officially was renamed, the Inquiries Complaints & Reports Committee, on the 4th of June, 2009.

Quality Assurance Committee

The activities of the Quality Assurance Committee during 2009 were mainly focused on the review of peer assessment activity. The projected number of peer assessments to occur in 2009 was one thousand – 909 of which were completed. Of these, 592 required no further action. Following is a chart tabulating results of the remaining actionable assessments:

- 214 members received a Letter 1 – a reminder of the improvements required.
- 95 members received a Letter 2 – a request that the member send to the College documentation of the required changes.
- 8 members received a Letter 3 + 4 – outlines remediation required by the member and a notification of a re-assessment at a later date.

One thousand six hundred and fifty-eight members completed their Self-Assessment Tools in 2009 and 3,688 members were required to complete their CEU reporting forms by December 31st.

The process of a complete quality assurance programme evaluation was commenced in the latter months of 2009 by external consultants. This comprehensive evaluation of the quality assurance programme will continue in 2010.

Registration Committee

The purpose of the Registration Committee is to verify that all applicants meet the requirements for registration, both applicants from within Canada and internationally-educated applicants. The committee reviews and makes decisions regarding applications on a case-by-case basis.

There were two registration applications for which the Registration Committee imposed terms, conditions and limitations on the members' registration with the College; and two registration applications for which the Registration Committee refused to register. The Committee also reviewed credential and prior learning assessment results of seven applicants from other jurisdictions: three applicants were directed to take the bridging programme; two were directed to apply to an approved massage therapy programme; and two were eligible to take the certification examinations with the College of Massage Therapists of Ontario.

The committee also discussed a request for programme equivalency by the Okanogan Valley College of Massage Therapy. This College provides both a three year and two year training programme. The Registration Committee directed the College to accept graduates of the three year programme to the College's examinations; however, the committee did not approve the two year programme – it was deemed to be deficient in providing training in key areas.

A definition of "In Good Standing" was agreed upon and recommended to Council – with the changes in the Agreement on Internal Trade recently approved by government, regulators are required to accept individuals from other regulated jurisdictions if they meet the requirements of "In Good Standing".

Furthermore, the committee discussed manual osteopathy techniques, which are similar to elements of massage therapy practice. There was acknowledgement of the similarity of practice, but that some of the work does not fall within the scope of massage therapists. The committee decided that it would be better to defer any changes to the position on osteopathy until the CEU Programme review is completed.

The Registration Committee also reviewed proposed amendments to Registration Regulation under Ontario Regulation 864/93. This review will be completed in early 2010.

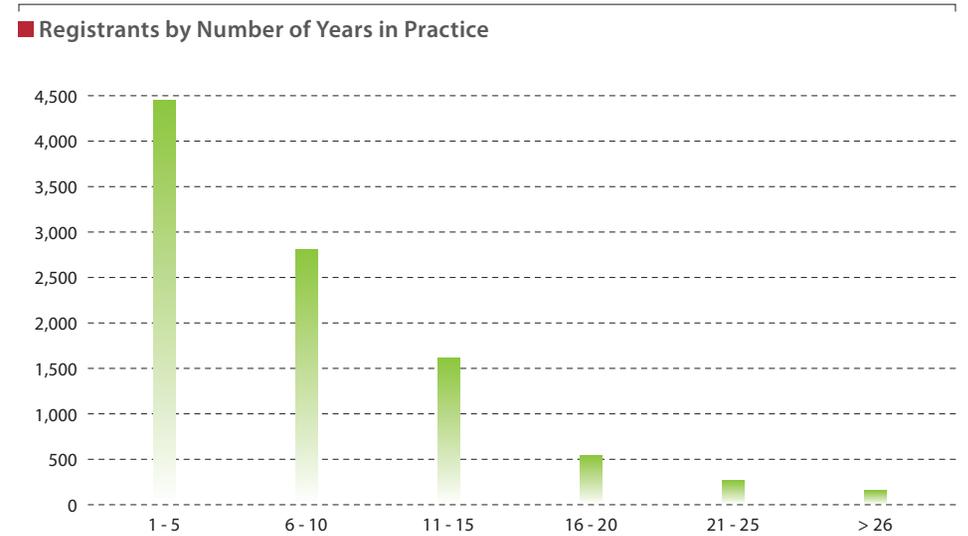
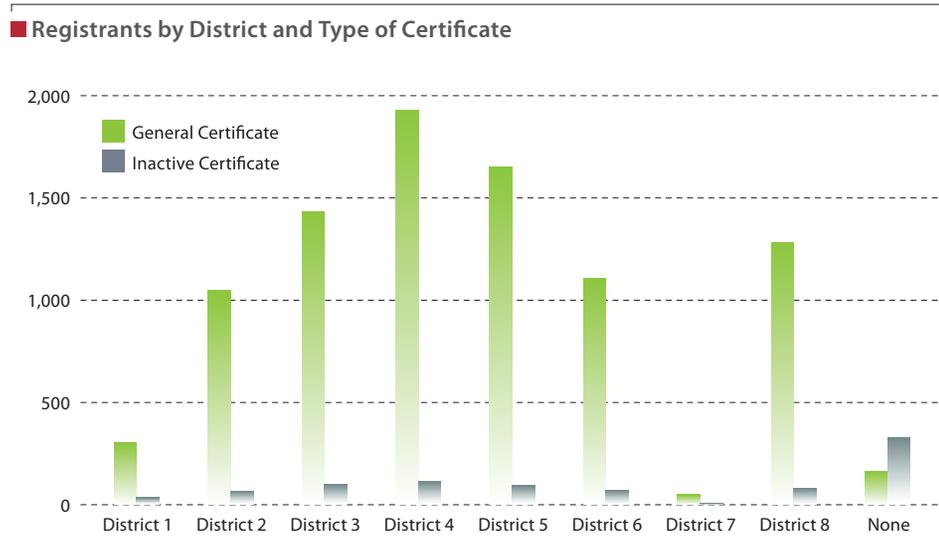
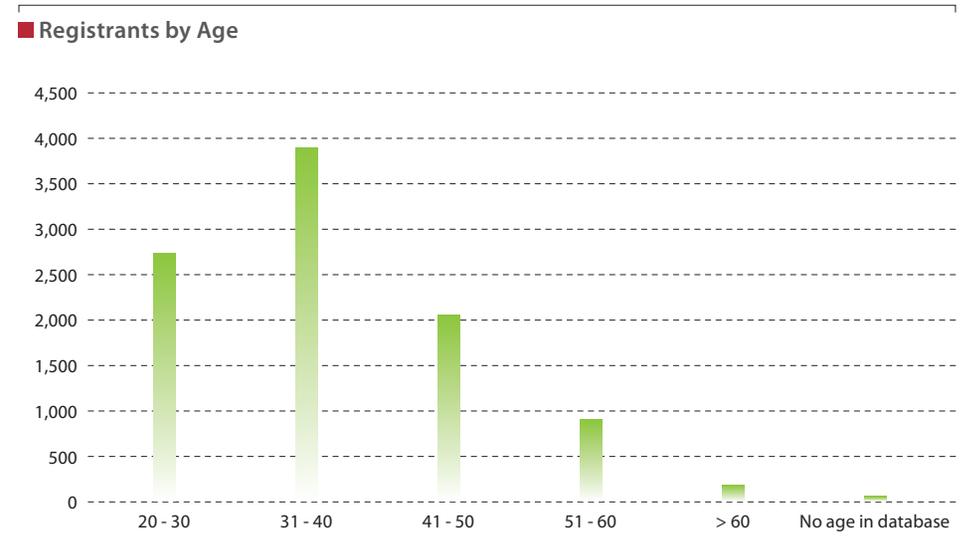
Appeals Committee

The Appeals Committee met once in 2009. Members were given an orientation regarding the scope of the committee, and introduced to the situations that could form the grounds for an appeal, as well as the possible decisions that could be rendered. An appellant appeared before a panel of the committee – the appeal of the MCQ result was denied.



College Facts and Stats

Registration



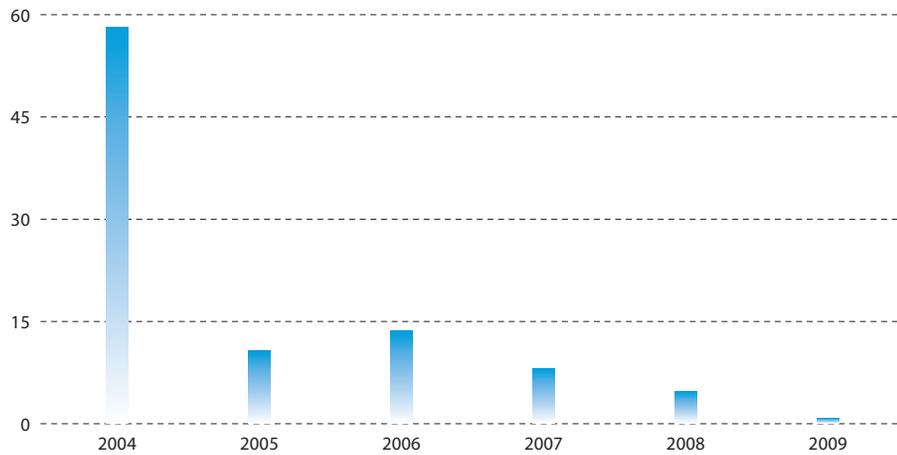
Certification Examinations

Examination Stats Summary

	Attempts	Candidates	Passes	Pass / Attempts	Pass / Candidates
OSCE	925	887	852	92%	96%
MCQ	915	841	784	92%	93%

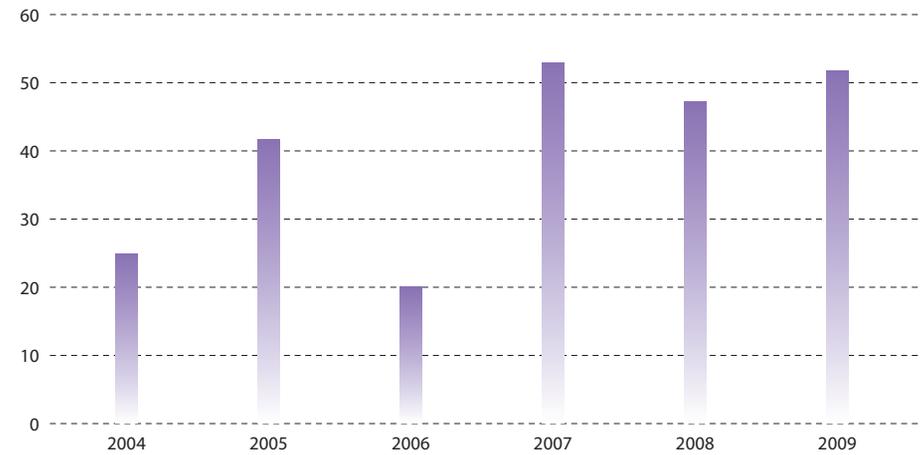
All schools excluding non-standard applicants and closed schools.

Appeals Volumes



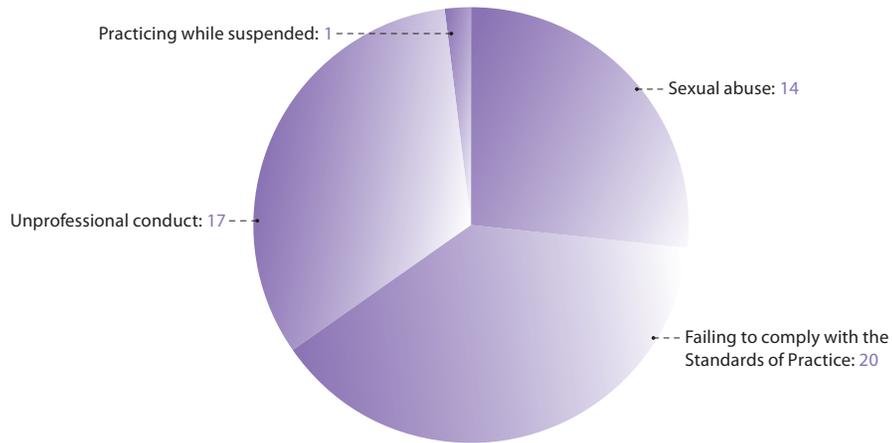
Complaints

New Complaints



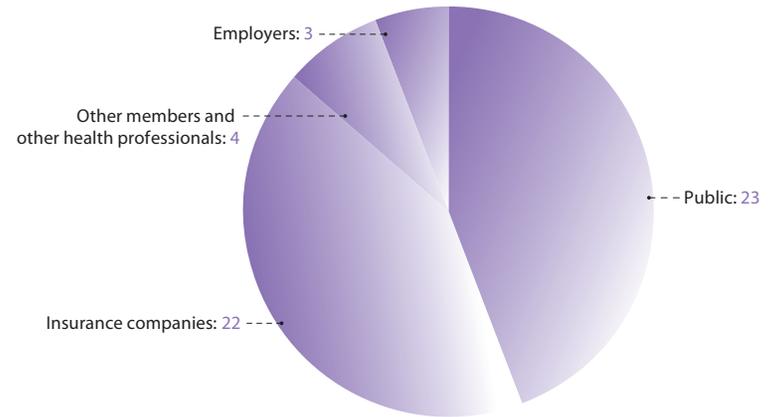
Complaints

■ Number of New Complaints by Type



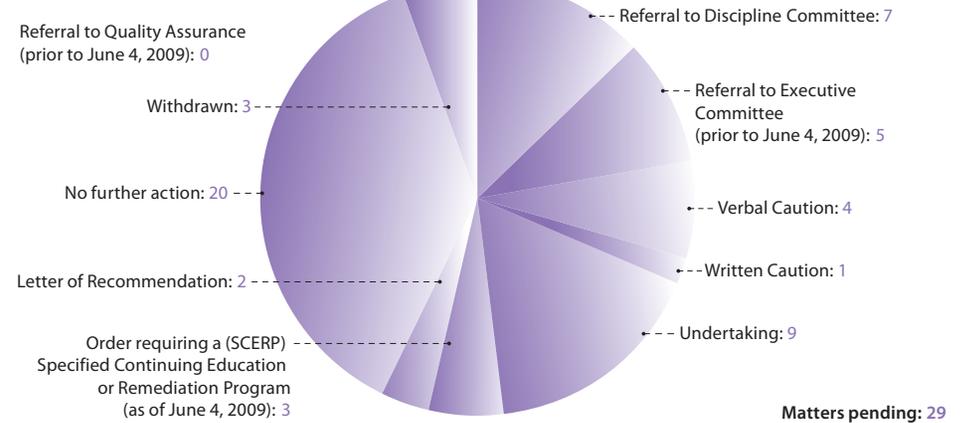
Sexual abuse.....	14
Inappropriate touch of a sexual nature	8
Sexual relations with a client.....	2
Remarks of a sexual nature	4
Failing to comply with the Standards of Practice	20
Failing to maintain records.....	14
Failing to maintain Standards	4
Failing to provide treatment within the client's pain tolerance	2
Unprofessional conduct.....	17
Soliciting clients.....	2
Rude and/or slanderous communications	2
Breach of Confidentiality	3
Failing to respond to a clients request for records.....	2
Abandonment of client	2
Falsifying a records	6
Practicing while suspended.....	1
Total.....	52

■ Source of New Complaints



■ Dispositions

Total number of matters comleted: 54





2009 Discipline Decisions

ROBERT BLACK, RMT CONVENING OF A PANEL OF THE DISCIPLINE COMMITTEE APRIL 24, 2009

The Member, Robert Black, RMT, was charged with two counts of professional misconduct:

- a. Failure to keep records as required; and
- b. Failing to maintain his practice premises in a safe and sanitary manner.

On April 24, 2009 a panel of the Discipline Committee was convened and advised the College was withdrawing all allegations against Mr. Black, RMT

GLENN BUNTING, RMT DISCIPLINARY HEARING CONDUCTED MARCH 1, 2009

The Member, Glenn Bunting, RMT, was charged with four counts of professional misconduct, and pleaded guilty to the following two counts:

- a. Contravening a standard of practice of the profession or a published standard of the College for failing to maintain the standard of practice of the profession; and

- b. Engaging in disgraceful, dishonourable or unprofessional conduct.

Following the plea, the College withdrew the balance of charges of professional misconduct, which included an allegation of sexual abuse. The Member was self-represented.

THE FACTS

Evidence was presented by way of an Agreed Statement of Facts. The Member was a Registered Massage Therapist since December 31, 1997, with no prior complaints to the College.

The College received three complaints concerning the Member. The first complainant complained that over two visits in early 2007, the Member had inappropriately massaged her breasts for an extended period of time, and on the second occasion, touched her nipples, without first discussing it with her. The complainant felt vulnerable and did not say anything to the Member at the time.

The second complainant complained about a treatment on March 30, 2007 where she felt that the Member had pushed her underwear higher than normal, and appeared to let his fingers fall into the divot between her

buttocks. He also massaged her breasts, when a pectoral massage had just been discussed. The client felt uncomfortable and that the massage was not therapeutic. She did not ask him to stop because she felt awkward and vulnerable.

The third complainant complained about a treatment where the Member had offered to perform a pectoral massage, but then proceeded to undrape the front of her body, massage her breast and to touch her nipple. When this occurred, she asked the Member to stop. She complained that the Member had offered no explanation of what would be involved in a pectoral massage, including where he would touch.

In his response, the Member apologized to the complainants for any misunderstanding. He acknowledged that he likely failed to be specific enough in his description of a pectoral massage and what was involved. He claimed that he only undraped the area being worked upon. He denied ever touching any of the complainants' nipples. He immediately stopped when the third complainant indicated she was uncomfortable.

With respect to the second complaint, the Member stated that when working on the gluteus region, he tucks and folds the sheet to expose the area to be treated. He

apologized if the client felt that as part of this, her underwear was moved too high. In working the gluteus region, he claimed that he does not work close to the cleft line and it would not be exposed with the draping. He was not aware of any discomfort with the client during this massage.

The Member apologized to the clients for their discomfort with his massage treatments. He gave the best treatment he could. There was never any sexual intention in his work. The Member affirmed that he took the complaints very seriously. As a result of the complaints, he had voluntarily decided not to perform any pectoral work from May 25, 2007. If any client now asks for pectoral work, he refers them to another therapist.

The Member acknowledged that he had failed to obtain appropriate written consent for the treatment of sensitive areas, including the chest wall and breast tissue as set out in the College's Position Statement on Treatment of Sensitive Areas. This statement provides that:

- "Massage Therapists need to remember, and should inform their clients that, a signed consent is not valid without ongoing informed consent. Therapists should be careful to obtain and record verbal consent for all procedures,

including massage to sensitive areas, each time treatment is delivered.

- Massage Therapists must conduct themselves responsibly and understand that treatment of chest wall muscle, breast tissue, inner thigh and gluteal structures that exceeds reasonable professional practice is disconcerting to the public and the College, and may be considered grounds for charges of professional misconduct.”

The Member acknowledged that he had failed to perform breast massage in accordance with the standard of care and Technique Standard 15, which provide that:

Conditions:

Given that breast massages requested are clinically indicated prior to treatment, in that the client has consented to breast massage.

Standard:

Quality/Technical and Interpersonal:

- So that you do not touch the nipple and/or areola.
- So that the breast tissue is uncovered only when it is being treated directly.

Both of these failures constituted a failure to maintain the published standards of practice of the profession.

The Member acknowledged that he had engaged in conduct that would reasonably be regarded by members as disgraceful, dishonourable or unprofessional conduct.

FINDING OF GUILT

On the basis of the Member’s guilty plea, its review of the Agreed Statement of Facts and the accepted standards of the College, the panel of the Discipline Committee found the Member guilty of two counts of professional misconduct in that he had failed to meet the applicable standards for breast massage, failed to obtain the necessary consent, and had engaged in disgraceful, dishonourable and unprofessional conduct.

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. The following penalty was imposed:

1. A nine-month suspension of the Member’s Certificate of Registration;
2. Five months of that suspension shall 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) Registration within the College’s professionalism and standards and regulations courses within six months’ time; and

(b) The Member shall pay costs of \$1800 within 60 days of the decision becoming final.

4. The Member signed an undertaking to the College that he will not perform any form of pectoral or breast massage in his practice in the future, and acknowledged that a breach of the undertaking would constitute an act of professional misconduct.

In its reasons for accepting the joint submission, the Panel unanimously found that the conduct set out in the Agreed Statement of Facts supported the finding of professional misconduct.

The Panel considered that the guilty plea meant that none of the complainants had to testify at a hearing. The proposed penalty was in line with the College’s primary goal, being to protect the public by regulating the profession. The coursework will ensure the Member understands the importance of meeting prescribed standards. The undertaking will serve as a constant reminder to the Member that it is a privilege to be a regulated health care professional. The undertaking will further protect the public by preventing the Member from putting himself in similar circumstances in the future.

The penalty conveys a clear message to the Membership that this type of behaviour will not be taken lightly by the College.

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

EDITORIAL NOTE

The Bunting decision emphasizes the importance of adhering to standards of practice of the College and maintaining professional care of clients. In undertaking massage of the breasts, written consent must be obtained and there must be a thorough discussion of what the client should expect.

**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 practicing 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 the

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.

STAVROS KAMOULAKOS DISCIPLINARY HEARING CONDUCTED OCTOBER 22, 2009

The Member, Stavros Kamoulakos, RMT was charged with two counts of professional misconduct:

- a. Engaging in disgraceful, dishonourable or unprofessional conduct; and
- b. Engaging in conduct that would reasonably be regarded by Members as conduct unbecoming of a massage therapist.

THE PLEA

The Member entered a guilty plea to the first allegation and the College withdrew the second one.

THE FACTS

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

The Member was a registered massage therapist who provided massage therapy services at South Carleton Physiotherapy in Richmond, Ontario (the "Clinic").

The College received two complaints from CF and DK, who were high school students and receptionists at the Clinic in 2007. CF was also a client of the Member. But she had no complaints in relation to the treatments received from him.

CT and DK complained about inappropriate behaviour by the Member. While working at the Clinic, the Member asked CF to participate in a survey about sexual activities. The purported research paper was to review how sexual relations had changed over time. CF indicated that the Member had prepared a document for her to sign saying that she wouldn't discuss the individual questions or answers provided. The questions were very sexual in content.

The Member admitted to asking CF to participate in such a survey, but that he ensured that she was comfortable in dealing with such an open subject. He indicated that as he could not find volunteers to complete the study, he decided to stop it. He shredded all the information for security purposes and no documentation was available in its regard.

DK complained that on the first day she worked alone with the Member, he kept inquiring as to the "wildest" thing she had ever done. He proceeded to describe his sexual adventures with a girl. The Member admitted to this interaction and stated that as soon as he realized she was uncomfortable, he apologized and changed the subject.

The complainants also expressed concerns about solicitous and inappropriate e-mails from a "Peter Smith" who had an e-mail contact address that was the same as the Member's business. The messages included comments that the complainant was "sexy" and inquiring if she was single.

The Member denied ever having sent such emails. He claims that it may have been a former contact of his that was utilizing his business information. He claims that he immediately contacted Facebook who deleted his account and related postings.

The Member acknowledged and pleaded that his discussions and interactions with the complainants in the workplace constituted conduct that would reasonably be regarded by Members as disgraceful, dishonourable or unprofessional.

FINDING OF GUILT

On the basis of the Member's guilty plea and the Agreed Statement of Facts, the panel of the Discipline Committee found the Member guilty of misconduct.

THE SENTENCING HEARING

The Member and the College presented a Joint Submission Respecting Penalty to the Discipline Panel. Following submissions of counsel and the Member, the panel accepted the joint recommendation and imposed the following penalty:

1. The Member shall, having waived his right of appeal, attend in person before the panel of the Discipline Committee to receive a recorded reprimand following the conclusion of the Discipline Hearing in this matter.
2. The Member's Certificate of Registration shall be suspended for two months, however, such suspension shall be remitted for one month if the Member complies with the terms, conditions and limitations imposed on his Certificate of Registration as provided below.
3. The following terms, conditions, and limitations shall be imposed on the Member's Certificate of Registration:
 - a. The Member shall enrol in and successfully complete, at his own expense, the College's professional workshop;

- b. Following the Member's attendance at the Professionalism Workshop he shall provide the registrar with satisfactory evidence of his successful completion of the course within seven days;
- c. Within thirty days of completing the course, the Member must prepare a written submission, at least two pages in length, to the Registrar, that is suitable for publication and may be published at the Registrar's discretion, outlining what the Member learned from his coursework in relation to the allegations raised and what is considered by the profession to be appropriate and valid research methodology;
- d. The Member shall contribute to the College's investigation and prosecution costs in the amount of \$1,000, which may be paid in installments within twelve months of the hearing, with the first instalment of \$250 paid within thirty days of the hearing.
- e. In the event that the Member fails to comply with the timelines of the terms, conditions and limitations imposed on his Certificate of Registration, the Member will be required to served the entire period of the suspension without the ability to remit time and the suspension will commence immediately;
- f. Upon completion of the hearing, the Member must enter into an undertaking/agreement with the College that he will cease and desist from conducting any further research relating in any way to the sexual habits of massage therapy clients or massage therapy work colleagues; and
- g. There shall be publication of the panel's decision in the usual course.
- In its reasons for accepting the Joint Submission, the panel noted that it had expedited the process and saved the complainants from the trauma of testifying. While the panel felt that the penalty was at the light end of the range given the seriousness of the behaviour, it was still reasonable. The length of the suspension would be an adequate deterrent to the Member and the profession and message that such behaviour will not be tolerated. The public would also be protected while the Member was suspended and re-educated.
- The panel noted that completion of the course in Professionalism would serve to rehabilitate the Member and offer professional growth as he worked towards re-entering the profession. Preparation

of a written report would offer the Member further insight into his behaviour and reinforce the need for appropriate boundaries with colleagues and clients. Publication of such a report would provide further education and deterrence. The undertaking and agreement to be entered into will protect the public and reinforce the concept of professional boundaries.

EDITORIAL NOTE

The Kamoulakos decision affirms the importance of respecting boundaries with the clients and work colleagues. Professional behaviour must be maintained in the workplace. This includes the adoption of appropriate and professional research methodologies.

STEFAN MAROGY, RMT DISCIPLINARY HEARING CONDUCTED MAY 22, 2009

The Member, Stefan Marogy, RMT, was charged with the following acts of professional misconduct:

- Sexual abuse of a client;
- Failing to maintain the standard of practice of the profession;
- Engaging in conduct unbecoming of a massage therapist; and
- Engaging in disgraceful, dishonourable or unprofessional conduct.

THE PLEA

The Member was represented by counsel and entered a plea of not guilty.

THE FACTS

The complainant suffered a back injury and received related massage therapy treatments from the Member. The complainant had spent the majority of her adult life in a convent, and only recently left prior to the massage treatments. She suffered from depression.

Commencing on the third or fourth treatment with the Member, the complainant and Member engaged in sexual activities, including oral sex and mutual masturbation. The complainant testified that from this point, the massage therapy sessions became 50% massage and 50% sexual. She testified that the first two encounters were consensual however on subsequent appointments she advised the Member that she did not want any more sexual activity.

That said, she continued to see the Member for treatments because she wanted to give him a chance to stop his sexual behaviour. She testified that she was frozen on the table in these latter sessions and too ashamed to tell family or friends about the encounters. She eventually reported what had happened to the York Regional Police, but was advised that there was insufficient evidence to lay charges against the Member as the sexual encounters were consensual.

A complaint was filed with the College. The Member submitted a written response. He

described how the complainant became flirtatious with him during the third or fourth treatment, and that on one of these days they “crossed the line”. They engaged in sexual activities over the next few treatments. The Member acknowledged in his written response that these activities included oral sex on at least three or four occasions, and mutual masturbation. He claimed that the complainant had initiated the activities and consented throughout.

FINDING OF THE PANEL

The Panel unanimously held that the member was guilty of all the allegations of professional misconduct. There was clear, convincing and cogent evidence to support the allegations of sexual abuse and other misconduct against the Member.

PENALTY

Following submissions as to an appropriate penalty, including a Victim Impact Statement from the complainant, the panel imposed the following penalty:

1. Immediate revocation of the Member’s Certificate of Registration;
2. The Member shall reimburse the College \$3,500 toward the costs of its investigation and hearing;
3. The Member shall provide \$2,000 toward any treatment that the client may require to help her recover from the events.
4. A public and recorded reprimand; and

5. Publication of the results of the hearing.

In its reasons for imposing the penalty, the Panel affirmed that there was clear convincing and cogent evidence to make out the definition of sexual abuse in subsection 1(3) of the Code, including oral to genital sex and mutual masturbation.

The existence of consent to the sexual activities, and identity of the person who initiated these activities were irrelevant. The College steadfastly maintains a zero tolerance to sexual abuse towards clients. Prohibition on any sexual relations between a Member and his client are absolute. It was the Member’s obligation to stop any inappropriate relation with his client.

Immediate revocation of the Member’s Certificate of Registration would uphold the College’s stringent standards in this regard. The Member showed no respect for the standards of the College, his fellow massage therapists and clients.

The Panel noted that the Member took advantage of a very vulnerable and depressed client. The client was continuing to undergo active treatment and struggling with issues of guilt and shame arising from the encounter with the Member. She will take time to heal, and may never fully recover. Therefore, it was appropriate that the Member contribute to the costs of treatment.

Publication of the results of the hearing was essential to ensure transparency and accountability to the public and Members of the profession. The Panel noted that the Member did not acknowledge his guilt from

the outset, leading to the costly investigation and hearing.

The encounter with the complainant was of such a despicable nature that it was fitting that he no longer be a Member of the profession.

EDITORIAL NOTE

The Marogy decision upholds the College’s zero tolerance on sexual abuse. It is the obligation of a Member to stop any inappropriate relationship with clients. It is irrelevant whether consent is given to any sexual encounter. Members who commit sexual abuse may be liable for related treatment costs.

TANYA MOUNT, RMT DISCIPLINARY HEARING CONDUCTED MAY 19, 2009

The Member, Tanya Mount, RMT, was charged with three counts of professional misconduct:

- a. Failing to maintain records as required;
- b. Contravening the *Massage Therapy Act, 1991*, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts; and

- c. 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 is a registered massage therapist practicing massage therapy in Newmarket, Ontario. Prior to her current practice locations, the Member was employed at the Ruegg Clinic in Newmarket, Ontario (the “Clinic”).

The Member’s Certificate of Registration was suspended effective October 23, 2007 for a failure to pay fees as required. On October 30, 2007, the College received information that the Member continued to practice, even though she had been advised of her suspension by letter dated October 23, 2007.

Subsequent investigations by the College demonstrated the following:

- a. Between October 23, 2007 and March 15, 2008, the Member provided 257 massage treatments at the Clinic while suspended and earned \$20,558.00 during this time; and

b. The Member's record-keeping was deficient in several respects.

By email communication dated November 9, 2008, the Member admitted that it was against her better judgment to continue practicing while suspended and expressed a willingness to take course work to improve her record-keeping skills.

Following her admission of having committed serious breaches of professional misconduct, the Member co-operated 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 as 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, and agreement by the Member, 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 shall 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 Registrar approved records-keeping course, at the Member's own expense, within sixty days from the decision of the panel;
 - b) The Member will provide the College with satisfactory evidence of successful completion of the records-keeping course within thirty days of completing same; 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 thirty days of the decision becoming final or on such terms agreeable to the College.
4. The Member will undergo one inspection of her practice at her expense within twelve months of her reinstatement into practice;
5. Public and recorded reprimand; and
6. 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. The panel felt that

during the joint submission on penalty phase of the hearing, Ms. Mount still did not fully understand the total concept of standards of practice for her profession. The standards are in place to protect the public and the integrity of the profession. Members cannot pick and choose which ones they will follow, even in the event of personal and financial difficulties occurring outside of practice. For that reason, the panel added another condition to the joint submission on penalty which was to have one inspection of the Member's practice at her expense within twelve months of her reinstatement into practice.

At the same time, the panel recognized how remorseful the Member was and the mitigating difficult personal and financial circumstances giving rise to her unprofessional conduct. The panel stated that the public interest will be protected by the suspension imposed, the coursework required, and the follow-up monitoring of her practice upon reinstatement into the profession. The suspension, coursework, monitoring 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 Mount decision emphasizes the importance of maintaining a legitimate Certificate of Registration while practicing the profession and ensuring that client health records are maintained in accordance with the standards expected of the profession. Engaging in unlicensed practice diminishes the integrity of the profession in the minds of the public, other health professionals and insurance providers. Insurance companies are crucial to the financial wellbeing of the whole profession and when members practice without the required credentials, future benefits for clients may be adjusted or eliminated. Members represent the entire profession in every act taken in professional and public life. Public confidence and trust in the integrity of the profession must be promoted.

Engaging in practice while suspended and failing to maintain records as required are serious violations, for which a lengthy suspension is warranted. A professional massage therapist can not let personal events outside of practice affect their professional conduct. That said, the panel made note of the remorse of the Member and her co-operation with the College process, which served to mitigate the penalty imposed in some respect.

**ANNA PETTITA, RMT
DISCIPLINARY HEARING CONDUCTED
JANUARY 16, 2009**

The Member, Anna Pettita, RMT, was charged with two counts of professional misconduct:

- a. Failure to keep records as required; and
- b. Engaging in conduct that would be regarded by members as conduct unbecoming a massage therapist.

THE PLEA

The Member entered a guilty plea in relation to allegation 1, 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 October 26, 2005 and practiced at the Glass and Pillar Spa in Sarnia, Ontario (the "Spa") between March 13, 2006 and July 20, 2007.

On September 4, 2007, the Spa complained that, among other things, the member had failed to maintain appropriate and accurate client information for treatments conducted.

The member admitted that she had failed to document or chart any of her massage therapy treatments at the Spa, and failed to keep health records as required. She kept no treatment notes for any treatments administered to clients and only sometimes kept client profile sheets.

The member admitted that her failure to keep records as required constituted a disregard of prescribed standards on massage therapists, and contrary to section 11 and 26(26) of Ontario Regulation 544/94 to the *Massage Therapy Act, 1991*.

The member had not practiced massage therapy in Ontario from July 20, 2007 and as of January 2009, had not renewed her membership status with the College. She was moving to the States imminently and had no intention of practicing massage therapy in Ontario in the future.

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 failing to keep records as required.

THE SENTENCING HEARING

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

1. A three month suspension of the Member's Certificate of Registration, to take effect upon the member's return to practice massage therapy in Ontario;
2. Such suspension shall be remitted for the full period if the Member complies with the terms, conditions and limitations imposed on the Certificate of Registration:
 - a) The Member will enrol in and complete a Registrar-approved record keeping course;
 - b) Upon return to the practice of massage therapy in Ontario, the Member's practice will be subject to an inspection within one year's time to ensure appropriate record-keeping practices;
3. The Member will contribute \$500 to the investigation and prosecution costs of the College, which may be paid in monthly instalments over two years.
4. The Member waived her right of appeal.

In its reasons for accepting the joint submission and imposing costs of \$500, the panel noted that the three month suspension would deter the member and others from

acting unprofessionally by failing to keep proper records. The Record Keeping course would refresh the member's knowledge of what constitutes proper documentation of treatment plans, as well as recording information pertinent to optimizing the well-being of clients.

While the member advised that she was experiencing financial difficulties, the panel held that she should be responsible for some costs.

The panel noted that the penalties imposed protected the public as the suspension would remain in effect until the Record Keeping course was taken; and they affirm that a failure to keep records is a serious matter and constitutes an act of professional conduct, which will not be tolerated by the College.

EDITORIAL NOTE

The Pettita decision affirms the importance of keeping records as required. A failure to keep records constitutes an act of professional misconduct, which will not be tolerated by the College.

**LISA TEIXEIRA
DISCIPLINARY HEARING CONDUCTED
JULY 23, 2009**

The Member, Lisa Teixeira, RMT was charged with the following counts of professional misconduct:

- a. Falsifying a record related to a Member's practice;

- b. Signing or issuing in the Member's professional capacity a document that she knew contained a false or misleading statement;
- c. Submitting an account or charge for services that the Member knew was false or misleading;
- d. Contravening a term, condition or limitation imposed on the Member's Certificate of Registration; and
- e. Engaging in conduct that would reasonably be regarded by Members as conduct unbecoming of a massage therapist.

Member continued to provide massage therapy treatment to clients. As part of providing such treatments, the Member issued and provided receipts to clients which included a representation that she was a registered massage therapist. They included her stamp "Lisa Teixeira, RMT Reg. G002", representing that she was an RMT.

In respect of such receipts, claims were made by the clients to their insurance companies. In November 2006, an insurance company complained to the College with respect to a receipt submitted for massage treatment provided by the Member, where she held herself out as an RMT when her registration was under suspension.

THE PLEA

The Member entered a guilty plea in relation to allegations (b), (c) and (d), and the College withdrew the other allegations.

THE FACTS

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

Between November 22, 2004 and November 20, 2006, the Member's registration was suspended or revoked. In this period, the

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 in relation to counts (b), (c) and (d) as outlined above.

THE SENTENCING HEARING

Counsel for the College proposed a penalty, in respect of which the Member only took issue with the proposed penalty. The Member argued that extenuating

personal circumstances and favourable peer assessments rendered a suspension unnecessary.

Following submissions of counsel for the College and Member, the Panel imposed the following penalty.

1. The Member's Certificate of Registration shall be suspended for a period of nine months;
2. Such suspension shall be remitted to four months if the Member complies with the terms, conditions and limitations imposed on the Certificate of Registration;
 - a. The Member shall complete, at her own expense, the course in Professionalism offered by the College prior to the Member resuming her practice as a Registered Massage Therapist;
 - b. The Member's practice will undergo two inspections, one at the recommencement of her practice, and the other within twelve months of her return to practice, both at her own expense. The fee for each inspection shall be \$250;
 - c. The Member will pay costs in the amount of \$2775 to the College within 60 days of the execution of the hearing of this matter. This is broken down into \$1500 towards the costs of the proceedings and \$1275 for three years of College fees not paid; and
3. The Member shall receive a public and recorded reprimand; and

4. Publication of this decision will be made in the usual course, which includes publication in the Annual Report of the College, and an Executive Summary posted on the College's website, as well as a summary of the findings on the public register, also accessible through the College website;

In its reasons for imposing the penalty, the Panel reduced the total suspension to be served by one month based on the defendant's co-operation and compliance with Quality Assessment since 2007. However, it affirmed the lengthy suspension was warranted to protect the public and send a strong message to the profession that this type of behaviour will not be tolerated. The Member had chosen to disregard the governing rules and regulations of the profession for three years. This conduct also warranted the costs awarded against the Member.

TONY TAT-WING LAU, R.M.T. - PUBLICATION NOTICE

The Complaints Committee of the College commenced an investigation into the activities of Tony Tat-Wing Lau, R.M.T. (the “Member”) as a result of a complaint made by L.C., a client, following a massage therapy session on February 24, 2007. L.C. alleged, inter alia, that the Member fondled her vagina and touched her clitoris over her underwear during the course of the massage (the “Incident”): L.C. reported the matter to the police. L.C. subsequently told the police that, for a variety of reasons, including the College’s investigation and her belief that the Member had already lost his job, she did not wish to pursue a criminal prosecution. The police ultimately decided not to lay charges against the Member.

The Member, who is clinically blind, denied that he touched the complainant’s genitalia and indicated that, if he did so, it was unintentional. The Member provided a written response to L.C.’s complaint and complied with the College’s request for documentary evidence in accordance with his professional obligations.

The College agreed not to proceed with the discipline proceedings or to seek any of the penalties available to the College under the provisions of the Regulated Health Professions Procedural Code on the condition that the Member enter into an Undertaking/Agreement with the College. Both the Member and the College agreed on the terms of the Undertaking/Agreement which provides, among other things, that the Member immediately surrender his Certificate

of Registration and that he will forever withdraw from the practice of massage therapy as a registered and/or regulated massage therapist anywhere in Canada and the United States in the future. The Member has agreed to apologize to L.C. in writing (in a form acceptable to the College) and to reimburse her for the cost of the massage therapy session. The Member is also required to contribute \$7,500 to partially offset the College’s overall costs in investigating and prosecuting the matter. Finally, it is a term of the Undertaking/Agreement that, should the Executive Committee of the College determine that the Member has failed to abide by any of the terms of the agreement, the Executive Committee and/or the Complaints Committee may reactivate the proceedings relating to allegations of sexual abuse or initiate new proceedings relating to breach of the Undertaking/Agreement.

EDITORIAL NOTE

Members of the profession are reminded of the College’s policy of zero tolerance for failing to maintain professional boundaries and/or commit acts constituting sexual abuse as defined in the Health Professions Procedural Code.

NOTICE OF RESIGNATION- NARIS KAPETANOVIC

By decision of the Complaints Committee on November 24, 2008 Mr. Kapetanovic was referred to the Discipline Committee in relation to the following allegations of professional misconduct:

1. Sexual abuse of a patient, B.T.B. thereby committing an act of professional misconduct under clause 51(1)(b.1) of the Regulated Health Professions Procedural Code;
2. Contravening a standard of practice of the profession or a published standard of the College, or failing to maintain the standard of practice of the profession contrary to paragraph 6 of section 26 of Ontario Regulation 544/94 as amended; and
3. Engaging in conduct or performing an act in the course of practicing the profession, that having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional contrary to paragraph 44 of section 26 of Ontario Regulation 544/94 as amended.

On May 28, 2009, Mr. Kapetanovic entered into an Undertaking 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, in lieu of the College staying the discipline proceedings in relation to the allegations outlined above. Mr.

Kapetanovic denies the allegations.

Mr. Kapetanovic has agreed to:

1. Surrender his Certificate of Registration with the College
2. Refrain from practicing and/or holding himself out as a registered and /or regulated massage therapist anywhere in Canada;
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 within Canada and the United States; and
4. The terms of the Undertaking/Agreement with the College will be published in the College’s routine publications.



Summarized Financial Statements

Auditors' Report on Summarized Financial Statements

To the Council of the College of Massage Therapists of Ontario

The accompanying summarized statements of financial position, operations and changes in net assets are derived from the complete financial statements of the College of Massage Therapists of Ontario as at December 31, 2009 and for the year then ended on which we expressed an opinion without reservation in our report dated April 4, 2010. The fair summarization of the complete financial statements is the responsibility of the College's management. Our responsibility, in accordance with the applicable Assurance Guideline of The Canadian Institute of Chartered Accountants, is to report on the summarized financial statements.

In our opinion, the accompanying summarized financial statements fairly summarize, in all material respects, the related complete financial statements in accordance with the criteria described in the Guideline referred to above.

These summarized financial statements do not contain all the disclosures required by Canadian generally accepted accounting principles. Readers are cautioned that these statements may not be appropriate for their purposes. For more information on the College's financial position and results of operations, reference should be made to the related complete financial statements.

Hilboim Ellis Grant LLP

Chartered Accountants
Licensed Public Accountants
Toronto, Ontario
April 4, 2010

Summarized Statement of Financial Position

December 31	2009 \$	2008 \$
ASSETS		
Current assets		
Cash and cash equivalents	5,316,197	3,203,657
Investments	205,873	311,375
Prepaid expenses	31,982	85,165
	5,554,052	3,600,197
Investments	2,287,139	1,944,741
Capital assets	335,526	350,056
	8,176,717	5,894,994
LIABILITIES		
Current liabilities		
Accounts payable and accrued liabilities	1,045,119	980,416
Deferred membership fees	4,737,345	3,556,127
	5,782,464	4,536,543
Lease inducements	117,437	114,327
	5,899,901	4,650,870
NET ASSETS		
Invested in capital assets	335,526	350,056
Unrestricted - cumulative excess of revenues over expenses	1,869,093	892,724
Unrestricted - cumulative net unrealized gains on available for sale financial assets	72,197	1,344
	2,276,816	1,244,124
	8,176,717	5,894,994

Summarized Statement of Operations

Year ended December 31	2009 \$	2008 \$
Revenues		
Membership fees	5,185,572	3,725,305
Examination fees	885,020	1,031,900
Investment income	132,075	153,585
	6,202,667	4,910,790
Expenses		
Council and committees	150,451	132,932
Complaints and discipline	661,432	264,002
Communications	114,820	367,258
Examinations	892,027	980,783
Professional fees	160,894	135,726
Consulting fees	413,049	406,585
Quality assurance	163,082	156,629
Rent and operating costs	275,338	264,883
Office and general	565,955	489,428
Amortization	93,799	102,467
Salaries and benefits	1,749,981	1,331,933
	5,240,828	4,632,626
Excess of revenues over expenses for year	961,839	278,164

Summarized Financial Statements
continued 

Summarized Statement of Changes in Net Assets

Year ended December 31	Invested in Capital Assets \$	Unrestricted Excess of Revenues over Expenses \$	Unrestricted Net Unrealized Gains on Available for Sale Financial Assets \$	2009 Total \$	2008 Total \$
Balance, beginning of year	350,056	892,724	1,344	1,244,124	993,790
Excess (deficiency) of revenues over expenses for year	(93,799)	1,055,638	-	961,839	278,164
Purchase of capital assets	79,269	(79,269)	-	-	-
	335,526	1,869,093	1,344	2,205,963	1,271,954
Accumulated gains (losses) included directly in the statement of changes in net assets:					
Unrealized gains (losses) on available for sale financial assets arising during the year	-	-	83,632	83,632	(13,291)
Reclassification adjustment for gains included in excess of revenues over expenses	-	-	(12,779)	(12,779)	(14,539)
	-	-	70,853	70,853	(27,830)
Balance, end of year	335,526	1,869,093	72,197	2,276,816	1,244,124

Complete Audited Financial Statements Available Upon Request From The College



2010 Council



Marion Drewes, RMT



Alois Nikodym, RMT



Darren Stevens, RMT



Nancy Engstrom, RMT



Rick Overeem, RMT



Debbie Wilcox RMT



Romilla Gupta



Robert Pletsch



Lloyd White



James Lee



Karen Redgers, RMT



Hedy Miszuk



W. Peter Roach, RMT



2010 Committees

Executive

Peter Roach – President
Romilla Gupta - Vice President
Rick Overeem - Executive Member

Appeals

Nancy Engstrom - Chair
Darren Stevens
Lloyd White
Nicole Fink (non-council)

Client Relations

Alois Nikodym - Chair
Lloyd White
Kimberley Westfall-Connor (non-council)

ICRC

James Lee -Chair
Darren Stevens
Marion Drewes
Alois Nikodym
Lloyd White
Romilla Gupta
Deny Brulotte (non-council)
Joanna Kent (non-council)
Andrew Komer (non-council)

Discipline

Karen Redgers - Chair
Nancy Engstrom
Peter Roach
Hedy Miszuk
Robert Pletsch
Nicole Fink (non-council)
Odette Jackson (non-council)
Kimberley Westfall-Connor (non-council)

Fitness to Practice

Debbie Wilcox - Chair
Robert Pletsch
Joanne Kent (non-council)

Quality Assurance

Rick Overeem - Chair
Darren Stevens
James Lee
Robert Pletsch
Deny Brulotte (non-council)

Registration

Romilla Gupta - Chair
Peter Roach
Hedy Miszuk
Rick Overeem
Andrew Komer (non-council)

Non-Council Members (Volunteers)

Thank you to all the non-Council members who are involved with the College's many committees and working groups throughout the year. We truly appreciate your dedication and commitment to advancing the College's strategic mission.



2010 Staff

Registrar & Executive Director
Associate Registrar, Member & Corporate Services
Associate Registrar, Policy & Professional Practice
Associate, Member Services
Associate, Member Services
Associate, Member & Certification Services
Associate, Professional Conduct
Content Specialist, Certification Services
Coordinator, Certification Services
Coordinator, Corporate Services
Coordinator, Professional Conduct
Coordinator, Professional Practice
Director, Member and Certification Services
Director, Professional Conduct
Director, Professional Practice
Executive Assistant, Registrar's Office
Investigations Specialist, Professional Conduct
Practice Specialist, Professional Practice
Receptionist & Corporate Services Associate
Specialist, Communication & IT, Corporate Services

Deborah Worrad
Tami Hynes
Corinne Flitton
Carlington Clarke
Temeka Tadesse
Shyam Pirtam
Elizabeth Berardi
Kevin Stocker
Rebecca Samms
Flo Meingast
Kathryn Ho
Grace Nicer
Penny Connors
Pauline Walters
Shona Hunter
Deborah Smith
Trina Meloche
Amy Beggs
Deepika Sriramesh
Emie Hoshi



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