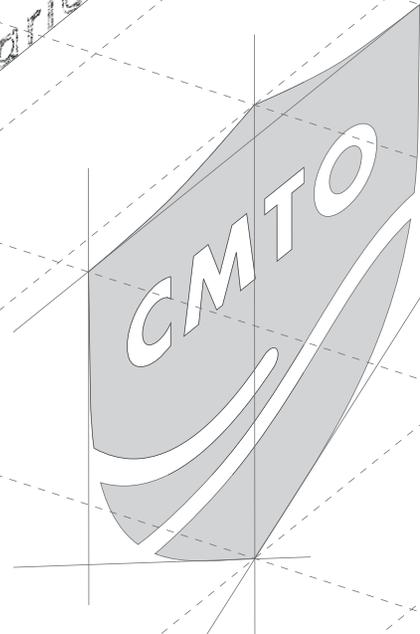


College of
Massage
Therapists of
Ontario



College of
Massage
Therapists of
Ontario



College of
Massage
Therapists of
Ontario

2011 Annual Report

A Year of Transition



College of
Massage
Therapists of
Ontario

A Year of Transition

2011 was a busy and unique year for the College – a year of transition, change and new relationships. The essence of this was most evident in the collaborative spirit of both Council and staff, as they worked together through the many challenges of this year. The College also focused on strengthening internal operations and ensuring that it was fulfilling its mandate in a principled way. The College laid the foundation for additional staff positions, and expanded the College office.

One key component to this driving force is the College's strategic plan. The College's vision is similar to that of the profession's – envisioning a future where Massage Therapists are valued professionals, providing compassionate care and working within a system to optimize the health of the whole person for the life of the person. To this end, many of the projects initiated and completed in 2011 aim to fulfill this objective.

Profession's Strategic Plan Update

As part of the strategic plan for the profession, the College of Massage Therapists of Ontario, the Heads of Massage Therapy Programs in Community Colleges, the Ontario Council of Private Massage Therapy Colleges, and the Registered Massage Therapists'

Association of Ontario initiated the RMT Management Team (RMTMT) a couple of years ago.

Over the last year and a half, it was acknowledged by the RMTMT that each organization has different strengths, different mandates and different financial resources. The RMTMT to date has helped create the vision for the future of the profession by putting the Profession's Strategic Plan together. However, the team has faced challenges in moving the plan forward due to transitions in organizational leadership and constraints in human resources.

The team may consider initiating some of the projects already contemplated in the plan in the future when the organizations in the consortium have stabilized their resources and have the ability to move the plan forward.

The College's Strategic Plan

Within the context of its own mandate, as set out by legislation, the College has a strategic plan which is depicted as a "strategy map". A strategy map is a visual depiction of an organization's primary strategic goals and the linkages between them, seen through several perspectives.

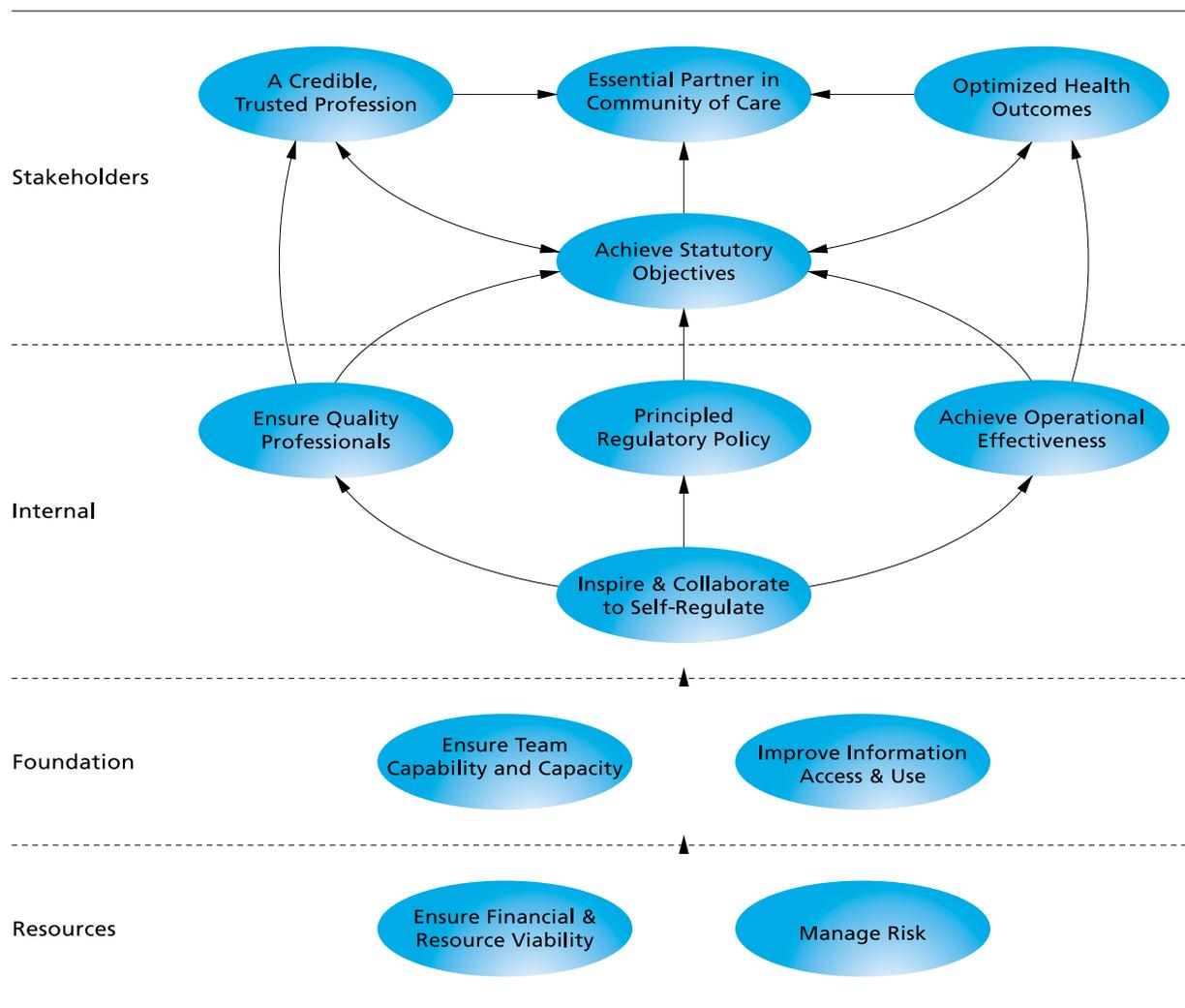
Definitions of each of the College's strategic objectives are posted on the College's website at: <http://www.cmtocom/PDFS/CMTOSTrategicObjectives.pdf>

A number of projects related to the College's strategic plan were commenced in 2011, and are moving forward to completion in 2012. Following are highlights of some of these projects.

3-Year Communications Plan

One of the key areas that the College studied in 2010 was its communications strategy, both with respect to registrants and the public. In the latter part of that year, extensive research was conducted by the firm Ipsos Reid. Registrants and the public were consulted through various methodologies, including online surveys and in-person focus groups. From this, a 3-Year Communications Plan was formulated – Year 1 of which commenced in January 2011.

A crucial component to this plan was focused on creating a stronger online presence, with a full re-design of the current website. The approach of the re-design was built upon the results of the conducted surveys: creating a more "friendly website", with "better navigation" and "concise documentation" that could be accessed through a variety of channels. It became clear from the data, that special attention needed to be paid not only to the design of the new site, so that it appealed to a broader audience, but



that the information contained within should be updated and more accessible for users.

Consequently, the philosophy of the new site is not only meant as a quick reference guide for “drop-in” users, but designed to encourage the viewer to remain on the site, taking full advantage of its dynamic nature and resources. It is designed as an information portal, where communication is presented on different platforms.

On the home page there are two main points of entry: “For Registrants” and “For the Public” – the logic being that pertinent information can easily be found, for either user. There is also a new “For the Media” section that has been created, not only to post recent press releases from the College, and a press kit for reporters to refer to; but also as a place where the College can respond to certain news issues that may arise, with clear messaging, and in some cases, a firm position statement.

The site also allows for the flexibility to expand over time; it is a malleable entity, as any good website should be. Social media has also played a role in its construct, with the development of podcasts, and later in 2012 online webinars. These lend the perfect opportunity to present material utilizing audio/visual mediums, thereby adding another means for access to information.

As a College, we believe in the utilization of current technology to better our efforts to communicate with both the public and registrants. We hope you enjoy visiting the new site, and we look forward to expanding upon its capabilities in the coming months and years, in order to ensure information access and a positive experience for all users.

Policy and By-Law Review Projects

Also in 2011 the College commenced a series of lengthy and detailed policy and by-law review projects. These projects support one of the College’s strategic objectives to create and implement sound, principled regulations, policies and standards in relation to provision of client care in the public interest.

The Policy review project involves a number of phases and activities including:

- Review of existing College policies and a review of policies in other health professions;
- Creation of a policy framework which would form the basis for all future policy development;
- A gap and risk analysis;
- Guidelines for the development, review and approval processes and the drafting processes;
- A written plan for recruiting, orienting, training and recognizing/compensating a volunteer advisory group from the public;
- Templates for regulatory documents – policies vs. guidelines vs. bulletins;

- An information management strategy that includes a naming convention and organization and storage plan that fits with the College’s technological capacity.

The By-Law Review Project is being led by a lawyer external to the College, and involves a review of by-laws of other Colleges; as well as recommendations for a new by-law template with the view to clarifying inconsistencies in language and intent.

Council has struck some Ad Hoc Working Groups to provide input into these projects, and they are beginning to review completed work. It is expected that these projects will be completed in 2012.

Inter-Jurisdictional Competency Development Project

The currently regulated jurisdictions, Ontario, British Columbia and Newfoundland & Labrador, comprising the Massage Therapy Consortium (the Consortium), have worked over the last 4 years comparing

competencies, establishing a common competency document and creating the Inter-Jurisdictional Competency Standards with the support of the Government of Canada.

The boards and Councils of the Consortium all expressed their desire and support for the next phase of the project, which is the development of Performance Indicators, having adopted the Inter-jurisdictional Competency Standards in June 2010.

A performance indicator (PI) is an externally observable task, which may be undertaken by an individual within an assessment vehicle. Successful completion of this task will provide an indication of the individual's capacity to perform the practice competency.

The Performance Indicators will complement the Inter-jurisdictional Practice Competency Standards and enable educators nationally to develop curricula based on the final amalgamated document. This will further assist in creating the inter-jurisdictional standard, facilitating common entry-to-practice requirements in each of the regulated jurisdictions, and for other provinces as they become regulated.

In essence, the Inter-Jurisdictional Practice Competencies and Performance Indicators create a foundation for our profession, which opens up the possibility for other big steps moving forward, such as: a national accreditation process for Massage Therapy education programmes, facilitating more provinces

in achieving regulation, and the establishment of a national registration exam.

A nationally implemented set of competencies will create increased consistency of practice by RMTs throughout Canada, and ensure high quality Massage Therapy care to all Canadians.

The Consortium successfully managed the financial aspects of this joint project in the past, and Ontario will take the lead in financial management of the current project in Phase 2 of the Inter-Jurisdictional Competency Development Project.

The Government of Canada contributed a grant of \$216,144 towards project costs, and the project commenced February 1, 2011, and was successfully completed in March of 2012.

Registration Renewal Process

The profession in Ontario has grown substantially over the past few years, and the membership size reached over 10,500 in 2011. As a result, the College has implemented a number of measures to streamline the annual registration renewal process and to provide effective tools and techniques for registrants to ensure completion of the requirement in advance of the deadline.

As part of our online expansion, registrants are now encouraged to make use of the online registration

renewal tool, by accessing their registration file and the College website on a regular basis. Registrants can now ensure that their registration record is up to date, as well as being current and informed about important College news items and updates.

The Ministry of Health and Long-Term Care has posted the 2009 Health Professions Database Stat Book. If registrants have not already done so, they should take an opportunity to review the stats reported to the Ministry from all regulated health professions. Information provided by our registrants during the annual registration renewal process helps form a picture of the profession, and assists in health human resources planning for years to come. A link to the Stat Book can be found at: http://www.healthforceontario.ca/WhatIsHFO/evidence_hhr/hpdb.aspx

Massage Therapy Research Fund

In May 2011, the Board of Directors of the Holistic Health Research Foundation of Canada voted to wind up its operations due to insufficient financial and

physical resources. After seven years working in this still-emerging field, the Foundation was unable to attract the significant operational funding needed to sustain the organization and grow its programmes.

Amongst the many achievements of the Foundation since its inception in 2004 were:

- Funding more than 20 pilot projects in complementary and alternative medicine at academic institutions across the country;
- Setting up designated research funding programmes in the areas of cancer and Massage Therapy;
- Hosting four successful annual education conferences, and a webinar series to provide Canadians with information about the evidence for natural approaches in disease prevention and management;
- Collaborating with like-minded individuals and organizations towards a common goal of improved health and health care for Canadians.

The College was a founding partner of the Holistic Health Research Foundation, which administered the Massage Therapy Research Fund with annual donations from the College of Massage Therapists of Ontario, the Massage Therapy Association of British Columbia, and by individual Massage Therapists and other donors.

Now, more than ever, it is important that both the College and profession support research into Massage Therapy, in order to ensure client safety and the quality and effectiveness of Massage Therapy care. This is vital to ensuring that Massage Therapy remains a viable, credible option for the public of Ontario when choosing their health care services.

In 2011 the Executive Committee commenced a search for another suitable charity to house the Massage Therapy Research Fund to assure that grants would continue to be available for Massage Therapy research – a contract is now being finalized with the Canadian Interdisciplinary Network for CAM Research (IN-CAM) at University of Calgary, and a research competition will be commenced in 2012 in the areas of Massage Therapy effectiveness, efficacy and safety; Massage Therapy delivery and policy and Massage Therapy knowledge translation. It is hoped that some of the projects conceived in the Profession's Strategic Plan can be funded through the MTRF.

Accreditation of Massage Therapy Programmes

The College is preparing to submit a Registration Regulation to the government which will require all candidates for registration with the College to obtain a diploma in Massage Therapy from an accredited Massage Therapy programme at an educational institution in Ontario, which has been approved by a body or bodies designated by the Council or by the Council itself.

Council directed that the College to utilize an external third party accreditation agency and apply to the Canadian Medical Association Conjoint Accreditation Process.

The application process itself will take some time, as a number of criterion must be satisfied. The Council struck an Ad Hoc Working Group to assist in the application process. The College commenced gathering information and documentation to support the application.

At year end it was determined that the College should commence some discussion with the College of Massage Therapists of British Columbia to determine whether there was some opportunity to partner on the application to CMA or to explore another accreditation model.

Message from
the Acting Registrar
& President

Improving College Capability and Capacity

The annual cycle of training and orientation of Council members and non-Council members was conducted during the course of 2011. This training is aligned to the College's strategic objective of improving College capability and capacity and is necessary to ensure that Council members have the competencies expected of them in order to fulfill their roles on Council.

Council training and orientation each year includes a review of regulatory decision-making responsibilities for ensuring fair, objective, impartial and transparent registration and investigative practices.

To enhance the learning experience for Council and non-Council members, as well as the many contractors the College depends on – examiners, peer assessors and investigators/inspectors, three staff members now hold certificates in Adult Training and Development from the Ontario Institute in Studies in Education, University of Toronto, which gives them the tools to improve the quality of the orientation programmes and materials provided to both Council and contractors.

This professional development also assists the College in creating content for future online courses, and practice materials which can be made available to registrants and schools.

In Conclusion

2011 was a very introspective year – a year of reflection and transition – reinvention in some respects. It was indeed a year of great change for the College – of taking time to pause, reflect, and look inward on our organization; of strengthening current partnerships and creating new ones, through the initiation of innovative projects; of recognizing that as staff, Council members and RMTs, we share the same goals for our profession – and it is this palpable energy which renews us as our organization moves forward.



Corinne Flitton, Acting Registrar



Dave Janveau, RMT, President

Message from
the Acting Registrar
& President

2011 College Highlights

The currently regulated jurisdictions, Ontario, British Columbia and Newfoundland & Labrador, comprising the Massage Therapy Consortium (the Consortium), have worked over the last 4 years comparing competencies, establishing a common competency document and creating the Inter-Jurisdictional Competency Standards with the support of the Government of Canada. The boards and Councils of the Consortium all expressed their desire and support for the next phase of the project, which is the development of Performance Indicators, having adopted the Inter-jurisdictional Competency Standards in June 2010. The Consortium successfully managed the financial aspects of this joint project in the past, and Ontario will take the lead in financial management of the current project in Phase 2 of the Inter-Jurisdictional Competency Development Project. The Government of Canada contributed a grant of \$216,144 towards project costs, and the project commenced February 1, 2011, with a view to being completed in 2012.

In 2011 the College commenced a series of lengthy and detailed policy and by-law review projects. These projects support one of the College's strategic objectives to create and implement sound, principled regulations, policies and standards in relation to provision of client care in the public interest. The By-Law Review Project is being led by a lawyer external to the College, and involves a review of by-laws of other Colleges; as well as recommendations for

a new by-law template with the view to clarifying inconsistencies in language and intent. Council has struck some Ad Hoc Working Groups to provide input into these projects, and they are beginning to review completed work. It is expected that these projects will be completed in 2012.

One of the key areas that the College studied in 2010 was its communications strategy, both with respect to registrants and the public. In the latter part of that year, extensive research was conducted by the firm Ipsos Reid. Registrants and the public were consulted through various methodologies, including online surveys and in-person focus groups. From this, a 3-Year Communications Plan was formulated – Year 1 of which commenced in January 2011. A crucial component to this plan was focused on creating a stronger online presence, with a full re-design of the current website, alongside the development of a new College logo.

As part of the strategic plan for the profession, the College of Massage Therapists of Ontario, the Heads of Massage Therapy Programs in Community Colleges, the Ontario Council of Private Massage Therapy Colleges, and the Registered Massage Therapists' Association of Ontario initiated the RMT Management Team (RMTMT) a couple of years ago. Two meetings were held in 2011.

In 2012 the College completed a renovation of the existing office, having acquired the new office space in 2011. This will add more administrative offices and meeting rooms as the staff size grows; to provide services to the increasing number of members, questions from the public, and increasing government initiatives. The renovation included a re-design of the reception area, to take advantage of underutilized space, and to display the College's new logo, which is being rolled out over the next few months.

For just the second time in the College's history, Council commenced the search for a new Registrar, looking for our efforts to come to fruition in mid 2012. This is an extremely important endeavour, which will shape our College and take us into a new era. Along with the departure of the former Registrar, we have seen a number of changes to our office staff this year. A year of great change; but change can be invigorating, and there is a fresh, palpable energy which renews us as the organization moves forward.

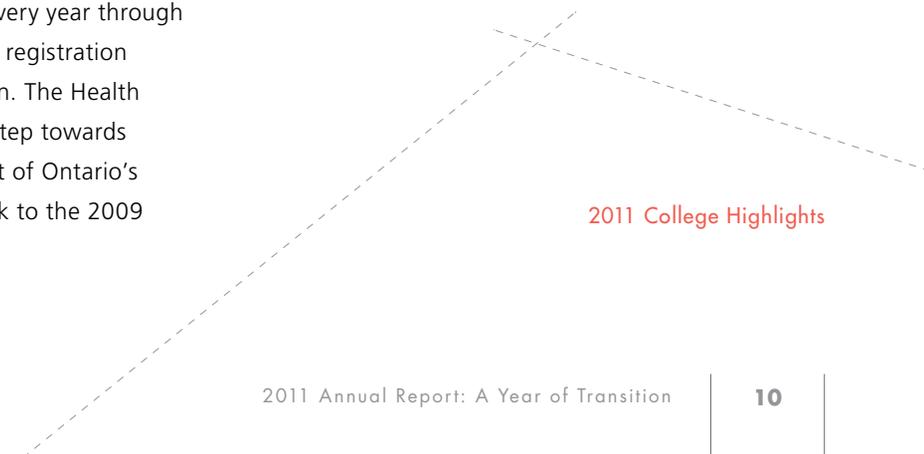
In May 2011, the Board of Directors of the Holistic Health Research Foundation of Canada voted to wind up its operations due to insufficient financial and physical resources. After seven years working in this still-emerging field, the Foundation was unable to attract the significant operational funding needed to sustain the organization and grow its programmes. The College was a founding partner of the Holistic

Health Research Foundation, which administered the Massage Therapy Research Fund with annual donations from the College of Massage Therapists of Ontario, the Massage Therapy Association of British Columbia, and by individual Massage Therapists and other donors. In 2011 the Executive Committee commenced a search for another suitable charity to house the Massage Therapy Research Fund to assure that grants would continue to be available for Massage Therapy research – a contract is now being finalized with the Canadian Interdisciplinary Network for CAM Research (IN-CAM) at University of Calgary, and a research competition will be commenced in 2012 in the areas of Massage Therapy effectiveness, efficacy and safety; Massage Therapy delivery and policy and Massage Therapy knowledge translation. It is hoped that some of the projects conceived in the Profession's Strategic Plan can be funded through the MTRF.

Staff at the Ministry of Health and Long-Term Care have been working with the health regulatory Colleges of Ontario since 2008 to create a database that will provide the evidence needed for sound health human resources planning. The database is an initiative of the HealthForceOntario health human resources strategy. Massage Therapists contribute to it every year through the information they provide at initial registration and the annual renewal of registration. The Health Professions Database is a significant step towards having a truly representative snapshot of Ontario's regulated healthcare workforce. A link to the 2009

Health Professions Database Stat Book can be found at: http://www.healthforceontario.ca/WhatIsHFO/evidence_hhr/hpdb.aspx

The College is preparing to submit a Registration Regulation to the government which will require all candidates for registration with the College to obtain a diploma in Massage Therapy from an accredited Massage Therapy programme at an educational institution in Ontario, which has been approved by a body or bodies designated by the Council or by the Council itself. Council directed that the College to utilize an external third party accreditation agency and apply to the Canadian Medical Association Conjoint Accreditation Process. The Council struck an Ad Hoc Working Group to assist in the application process. The College commenced gathering information and documentation to support the application. At year end it was determined that the College should commence some discussion with the College of Massage Therapists of British Columbia to determine whether there was some opportunity to partner on the application to CMA or to explore another accreditation model.



2011 College Highlights

Committees Reports

Client Relations Committee

The Client Relations Committee met on March 23, 2011. The committee reviewed statistics pertaining to 2010. The statistics regarding sexual abuse were gathered from both complaints and the Registrar Report Investigations. The statistics included: 61 new complaints received by the College in 2010; 45 new Registrar Report Investigations in 2010; 6 of the 61 complaints were regarding sexual abuse; and 4 of the 45 Registrar Report Investigations were regarding sexual abuse.

As a result of the mandated oversight responsibility for a sexual abuse prevention plan combined with the above statistics, the committee agreed to review the current sexual abuse plan further; as well as reviewing all existing communications offered by the College regarding the client/therapist relationship and abuse prevention.

Discipline Committee

This year showed a decrease in referrals to the Discipline Committee.

The following chart compares the rate of referrals to discipline, against registrant numbers. The chart also allows tracking over time in the rate of referrals per registrant:

Referral rate to Discipline per Registrant

	2008	2009	2010	2011
Referrals to discipline	24	21	28	21
Total number of registrants at year end	8905	9791	10130	10986
% of referrals per registrant	.0027	.0021	.0027	.0019

The following chart compares the last four years of the discipline caseload. Of note is that ICRC may have several cases for one registrant, but at discipline they would be treated as one case; therefore, the number of cases that ICRC refers to discipline may be adjusted to reflect the number of registrant cases.

This year, ICRC referred 35 cases, but when adjusted to reflect the number of registrants referred to discipline, it is 21 cases.

Discipline Caseload

	2008	2009	2010	2011
Number of registrant cases at the start of the year	14	27	32	49
Number of new registrants referred to discipline	24	21	28	21
Total number of registrants before discipline	38	48	60	70
Number of cases completed in the year	11	16	11	16
Number of registrant cases carried over	27	32	49	54

Of the 16 cases completed there were:

- 14 guilty pleas
- 1 surrender of license agreement
- 1 contested hearing

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

- Sexual abuse (2)
- Contravening the Standards (4)
- Failing to maintain records (6)
- Falsifying records (8)
- Submitting an account or charge for service that the registrant knew was false (4)
- Signing or issuing, in the registrant's professional capacity, a document that the registrant knows to contain false statements (10)
- Conduct unbecoming (1)
- Disgraceful, dishonourable, and unprofessional (15)
- Contravening the Act (2)
- Receiving benefit from practice while suspended (2)
- Failing to permit entry at a reasonable time or cooperated with an authorized representative of the College (1)
- Failing to take reasonable steps to ensure that information provide by the member to the College is accurate (1)
- Charging a fee that is excessive (1)
- Failing to post fees (1)
- Failing to advise, in advance of services being rendered the fees (1)

- Contravening a term, condition or limitation imposed on the registrant's certificate (1)

One case was under appeal to the Ontario Appeal Court. The Appeal Court ruled in the College's favour and costs were also rewarded. This case will now be able to proceed to the penalty part of the hearing in 2012.

The Discipline Committee also had a half-day training session with the College's Independent Legal Counsel, Janet Leiper. This focused on:

- Conflict of Interest
- Fairness of Hearing
- Note Taking
- Writing and delivering reprimands
- Joint Submission on Penalty

Executive Committee

The Executive Committee met 19 times in 2011, both in-person and by teleconference.

Executive continued with its monitoring and oversight role for strategic and financial planning for the College and provided leadership through what turned out to be a major transition year for the College in a number of areas.

The Executive Committee led the College through the transition period after the departure of the former

Registrar, Deborah Worrad, who served the College since its formation in 1994.

Along with the change of Registrar, the College transitioned to Peter Osborne of Lenzcer Slaight as the new general counsel after many years of association with former general counsel Richard Shekter, of Shekter, Dychtenberg.

A new annual performance evaluation process for the Registrar's position was launched in 2011, which included the rollout of a new operational plan and reporting format. The completion of the first cycle of this new process is anticipated in Q2 of 2012.

With the help of the College's auditor, Hilborn Ellis Grant, the Acting Registrar and Executive Committee commenced a review of the College's financial policies, to ensure they are meeting best practices.

The Holistic Health Research Foundation of Canada also wound up its operations in 2011, and the Executive Committee commenced a search for another suitable charity to house the Massage Therapy

Research Fund to assure that grants would continue to be available for Massage Therapy research – a contract is now being finalized with the Canadian Interdisciplinary Network for CAM Research (IN-CAM) at University of Calgary.

Executive also worked with senior management of the College to secure additional space for the College, as it needed additional administrative office space and meeting rooms.

2011 was a very busy and unique year for the College and the Executive Committee. Special acknowledgement goes to Rick Overeem, RMT, who in his position as President, led the College during the transition period between Registrars; James Lee, Public Member, who was elected by Council to assume the duties of Vice-President after Rick's resignation in September 2011, to Executive Member Bob Pletsch, Public Member and to Dave Janveau, RMT who assumed the role of President after Rick's departure.

Fitness to Practice Committee

The 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 ICRC was comprised of two panels; Panel A and B. The Panels met a total of 14 times in 2011 and early 2012, as well as completing 25 teleconferences. The Panels jointly reviewed 92 complaint matters, and 103 Registrar Report Investigations. Of the 92 complaint matters, 57 cases were new complaints received in 2011. Of the 103 Registrar Report Investigations, 46 were new investigations commenced in 2011. The combined panels completed 93 cases (53 complaints and 40 Registrar Report Investigations).

Quality Assurance Committee

The Quality Assurance Committee conducted 4 meetings during the 2011 calendar year. The committee had a very active year in reviewing peer assessments. What was unique for the committee this year was meeting with two registrants. The committee was interested in understanding the registrants' perspectives in the findings of the peer assessment that required further action. This process was determined to be very useful to the committee, as well as to the registrants in understanding the role of the CMTO and the responsibilities it has in protecting the public and ensuring members are held to the Standards of Practice.

The total number of peer assessments completed for 2011 was 934. Of these, 562 (60.2%) required no further action. Following are the tabulated results of the remaining actionable assessments:

- 224 registrants (24%) received a Letter 1 – a reminder of the improvements required.
- 120 registrants (12.8%) received a Letter 2 – a request that the member send to the College documentation of the required changes.
- 28 registrants (3%) received a Letter 3 + 4 – outlines remediation required and notification of a re-assessment at a later date.

For registrants completing their CEU (Continuing Education Units) cycle on October 31, 2011, CEU reporting forms were required to be submitted by December 31, 2011. Out of the 1998 registrants required to submit, 82% were received by the deadline. The average number of CEUs obtained was 55.6. The minimum required is 30 CEUs in a three-year cycle.

For registrants required to complete and submit the SAT (Self-Assessment Tool) 87% of the required 1657 due were received by the deadline.

Registration Committee

The Registration Committee held three meetings in 2011. Registration Services, under its Director, processes and verifies that all applicants, both from within Canada and internationally educated applicants, meet the requirements for registration as set out in regulation.

The Registration Committee has a statutory duty to determine the eligibility for registration of all applicants where there is a question about capacity, training, experience or education, and when the Registrar believes that terms, conditions or limitations should be imposed on a certificate. These files are reviewed on a case-by-case basis.

The Registration Committee commenced the year with a review of the RHPA and the MTA, specifically as they relate to the registration of Massage Therapists as regulated health professionals in Ontario. The committee focused specifically on ensuring an understanding of the Fair Access to Regulated Professions Act, 2005 and the role of the Ontario Office of the Fairness Commissioner. The committee received orientation training on the importance of fair, transparent, impartial and objective decision making and cultural sensitivity to ensure files reviewed by

the Registration Committee had each of these principles in mind.

During the course of this year, the committee reviewed 4 applicants referred by the Registrar. The committee's decisions were as follows:

To instruct the Registrar to issue 1 certificate of registration; 2 certificates of registration with terms, conditions and limitations (TCL's); and 1 certificate of registration with TCLs pending additional information to be received by the Registrar.

In addition, the Committee reviewed 7 CPLA (Credential and Prior Learning Assessment) applicants, which resulted in the following decisions:

- 2 applicants referred to write the College certification exams;
- 2 applicants referred to complete the Ontario Massage Therapy bridging programme;
- 3 applicants referred to complete a full Ontario Massage Therapy diploma programme.

As of December 31, 2011, the College had over 10,800 registrants.

A special thanks to the committee for its work and dedication during the past year; as well as to Penny Connors, Director of Registration and Certification

Services, whose guidance and expertise were invaluable in meeting our mandate.

Appeals Committee

The Appeals Committee met once during 2011 for committee orientation purposes. The committee had no appeals in 2011. The Appeals Committee may do one of the following, based upon evidence presented and considered:

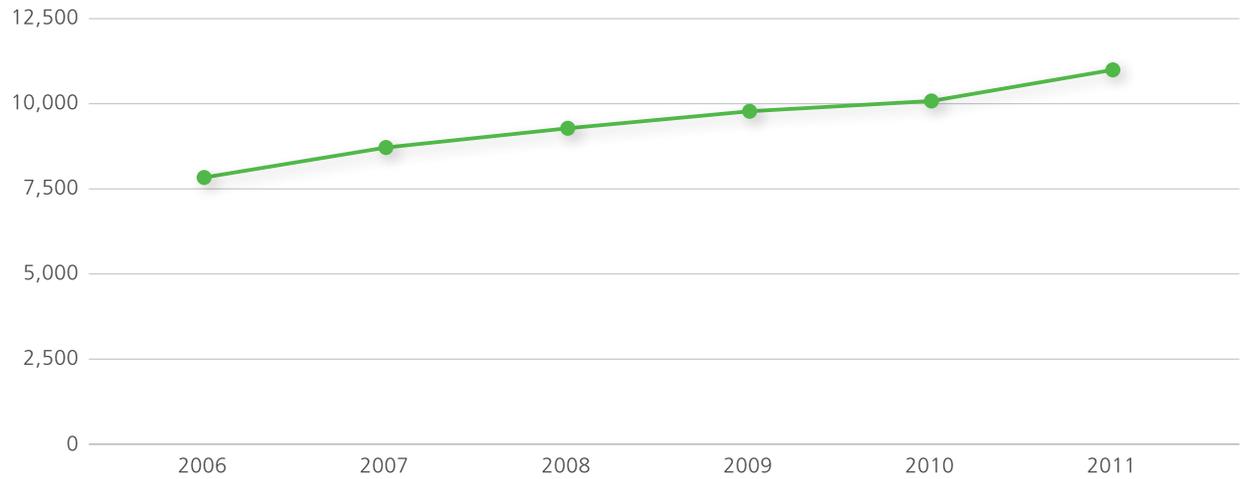
- Grant the appeal.
- Deny the appeal.
- Deny the appeal and grant the appellant an attempt at the next examination with the previous unsuccessful attempt not being counted as part of the allowable attempts under the Examination Regulation.

Committees Reports

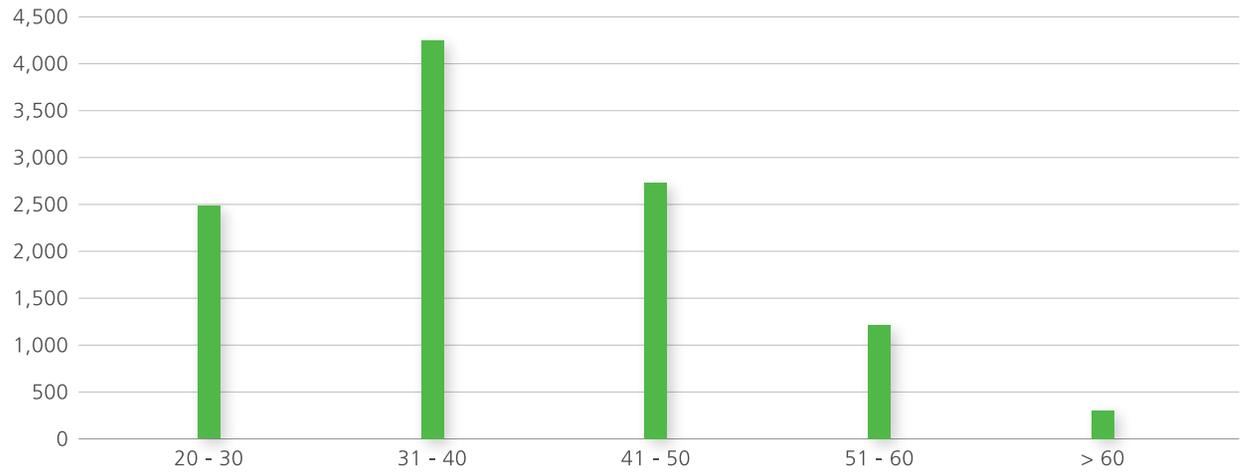
2011 College Facts and Stats

Registration

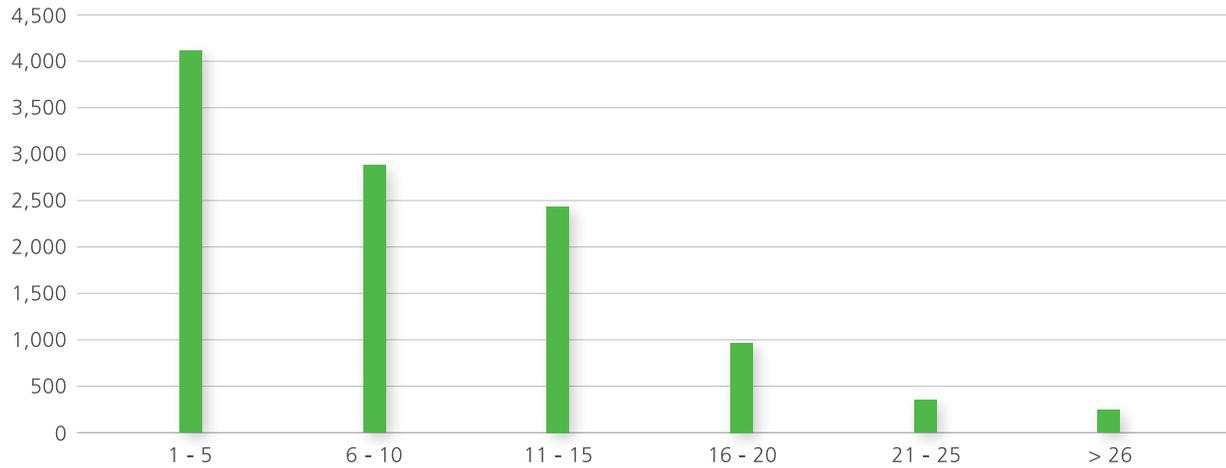
■ Total Number of Registrants



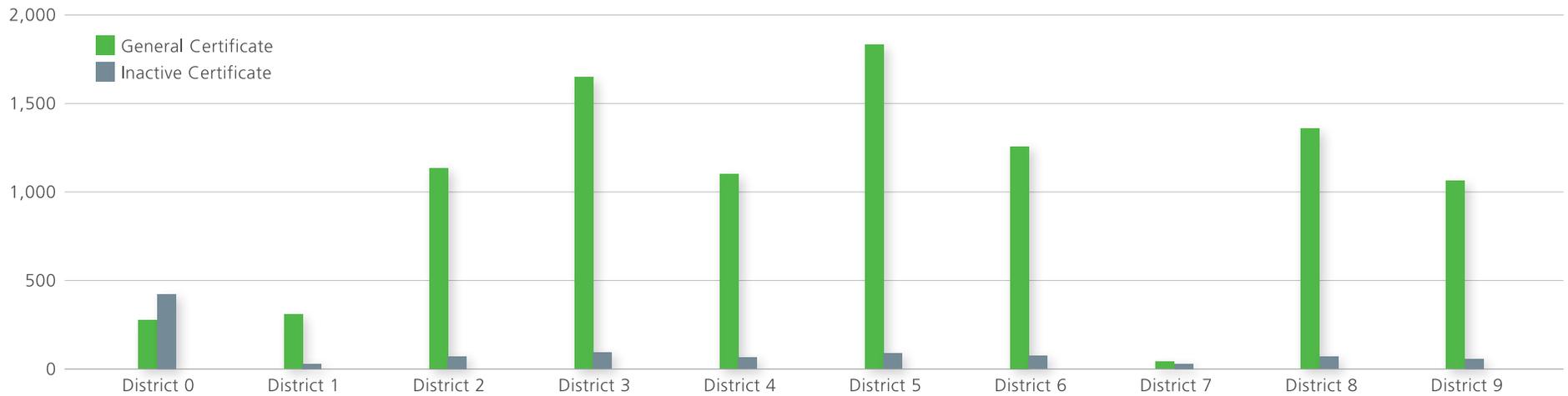
■ Registrants by Age



■ Registrants by Number of Years in Practice



■ Registrants by District and Type of Certificate



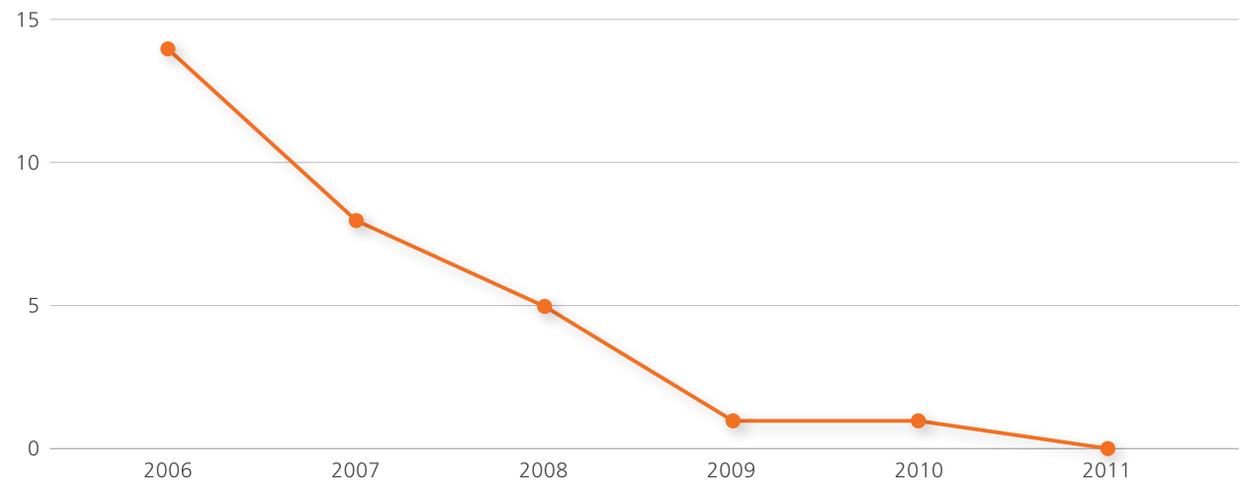
Certification Examinations

■ Examination Stats Summary

	Attempts	Candidates	Passes	Pass / Attempts	Pass / Candidates
OSCE	1411	1224	992	70%	81%
MCQ	1074	1042	1002	93%	96%

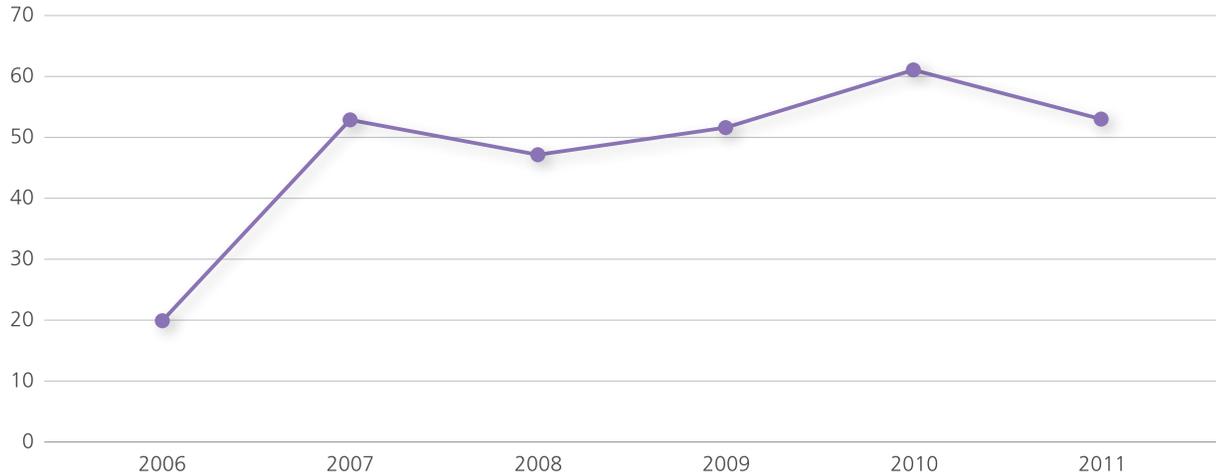
*Excluding non-standard applicants and closed schools.

■ Appeals Volumes

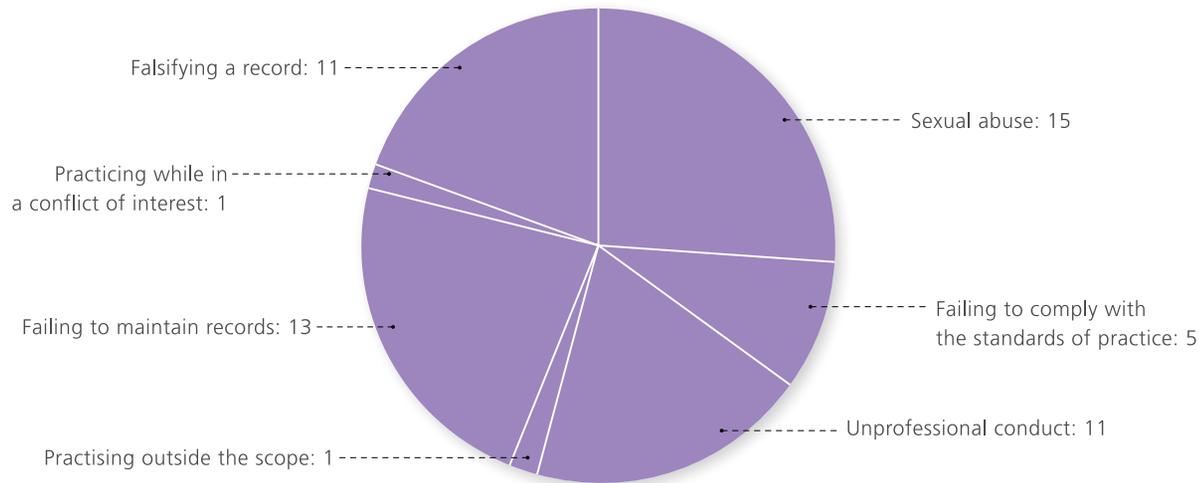


Complaints

New Complaints



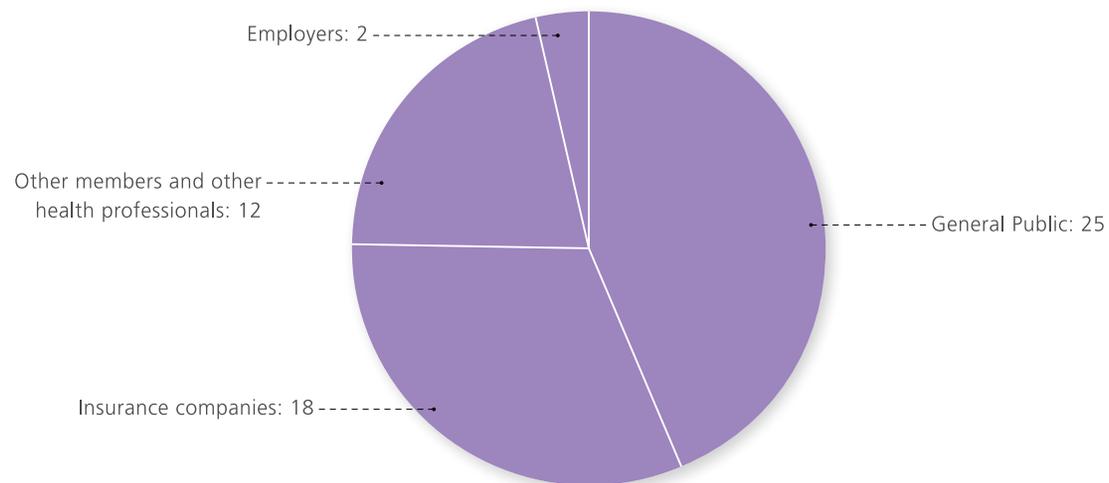
Number of New Complaints by Type



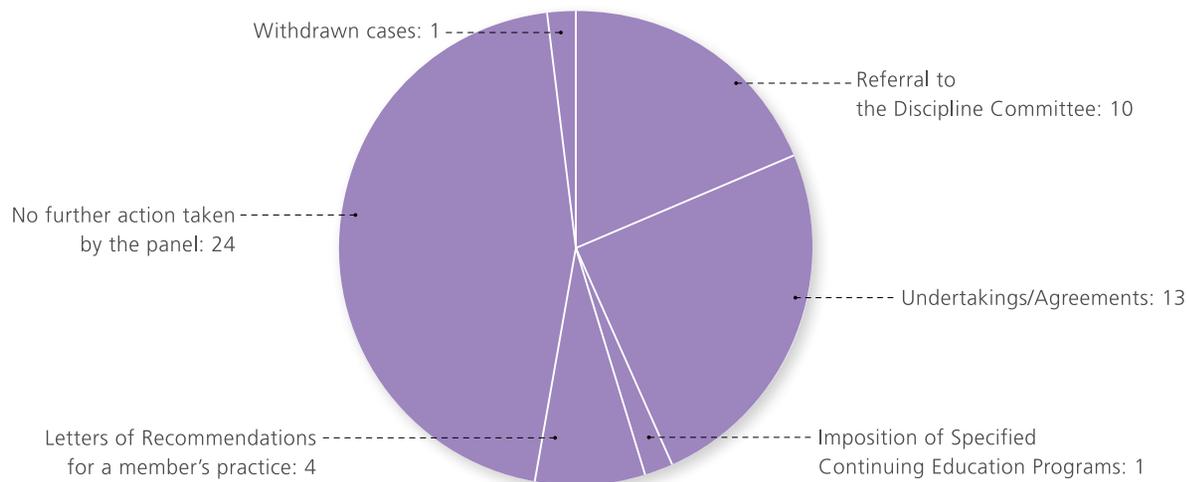
New Complaints by Type Breakdown

Sexual abuse	15
• Inappropriate touch of a sexual nature	13
• Remarks of a sexual nature	2
Failing to comply with the standards of practice.....	5
• Use of excessive pressure causing injury	1
• Inappropriate draping	1
• Failing to provide the treatment requested	1
• Failing to obtain consent	1
• Failing to provide a treatment plan	1
Unprofessional conduct.....	11
• Denying access to client health record	2
• Rude and/or slanderous/inappropriate communications ..	2
• Breach of Confidentiality	4
• Failing to update current practice location	1
• Failing to respond to a clients request for records	1
• Solicitation of clients	1
Practising outside the scope	1
Failing to maintain records.....	13
Practicing while in a conflict of interest	1
Falsifying a record	11
TOTAL.....	57

■ Source of New Complaints



■ Dispositions



*39 cases carried over to 2012

2011
College Facts
and Stats

EXECUTIVE SUMMARY – LISA CHONG, RMT DISCIPLINARY HEARING CONDUCTED MARCH 31, 2011

The Member, Lisa Chong, RMT, was charged with four counts of professional misconduct: falsifying records relating to the Member's practice; signing or issuing, in the Member's professional capacity, a document that she knew contained false or misleading statements, submitting an account or charge for services that she knew were false or misleading and engaging in disgraceful, dishonourable or unprofessional conduct.

THE PLEA

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

THE FACTS

The facts of the case were established by way of an agreed statement of acts submitted by the parties which are summarized below.

Ms. Chong was the owner and operator of Town Centre Rehab, a clinic which provided massage therapy, acupuncture and other services. It employed one other RMT.

As a result of an informal investigation of Town Centre Rehab, further to receiving an informational complaint, the College became aware that employees

of Town Centre Rehab providing massages and thereafter issuing computer-generated receipts, which indicated that "Massage Therapy Treatment" had been provided. The receipts included a note on the bottom as follows: "Thank you for your Business. Lisa Chong. R.M.T. No. F282" in some circumstances where neither Ms. Chong, nor any registered massage therapist had provided the services.

After having received disclosure from the College in relation to the investigation, Ms. Chong responded in which she noted that not all insurance companies required a registered massage therapist, that the clinic had changed its procedures as well as its computer generated templates for receipts. Ms. Chong concluded as follows:

In conclusion we admitted that we have made procedural mistakes and we have problems with staff training, especially in terms of intake procedures & issuing receipts. We, now, with the help of your reports have identified these problems and we have taken measures to remedy the mistakes.

1. In the intake forms we have added an item for the client to clearly indicate if an RMT is required.
2. New receptionists will be trained directly by the manager instead of having the incumbent to train new receptionist staff. The training will be complemented by written instructions.

3. Computer generated receipts will be issued indicating the provider of the service and the type of service. Hand written receipts will be utilized in case of power failure or computer malfunction. In such cases, the manager must endorse the handwritten receipt.
4. We have issued a notice to all employees that disciplinary action will be taken for failure to adhere to procedure.

The College subsequently received a complaint from an insurance company relating to receipts provided to a family with two daughters. The receipts were submitted directly to the insurance company by the family for reimbursement.

The invoices addressed to members of the family indicated "15 Minutes of Massage Therapy Treatment for Pain Relief." For every 15 minutes of massage, fifteen dollars was charged. The invoices either indicate "Thank You for Your Business. Lisa Chong. R.M.T. No. F282" or had the name and registration number of the other registered massage therapist who was employed by Town Centre Rehab.

Ms. Chong responded to the complaint and advised that while the services accurately described the nature of the treatment provided, she acknowledged that her name or that of the other R.M.T. appears on the receipt whereas the receipts should have identified the actual provider in order to comply with the College's Policy on Receipts. She also provided the following information:

- All services that were billed were in fact performed for no less than the length of time indicated (i.e., 15 minutes).
- The type of service performed (i.e. massage) was correctly described on the receipt.
- The family's plan has no requirement that a registered massage therapist provide the service itself [sic].
- The invoices were issued in the name of the R.M.T.'s as they were the only two registered massage therapists at the clinic at the time.
- The family were more confident knowing that there was R.M.T. supervision on site even though their policy only covers \$15 per session regardless of whether the practitioner is a registered massage therapist or not.

- As the other R.M.T. was unable to handwrite his clinical notes himself (he is legally blind) Ms. Chong wrote the notes on his behalf.
- She recognized in hindsight that the College's "Policy on Receipts" requires (amongst other things) that receipts be signed by the massage therapist who actually performed the service. The clinic made a number of recent changes to its procedures for issuing receipts to ensure compliance with the College's policies and regulations.

FINDING OF GUILT

Ms. Chong was originally charged with two sets of duplicate allegations. The first set was a result of a referral from the Executive Committee and the second set was from a complaint from the insurance company. Both sets of allegations contained the same charges and as a result, counsel for the College withdrew the referral from the Executive Committee and proceeded on the matters that arose from the insurance company complaint.

The Member pleaded guilty in relation to each of the allegations of professional misconduct as pertaining to the insurance company complaint. The College withdrew the allegations of professional misconduct pertaining to the Executive Decision.

The Panel unanimously found that the facts contained in the Agreed Statement of Facts supported the guilty plea and therefore the Panel found the member guilty of the allegations of professional misconduct.

THE PENALTY

A Joint Submission respecting penalty was presented to the Discipline Panel. The Panel accepted the recommendation and imposed the following penalty:

1. THE DISCIPLINE PANEL directs the Registrar to suspend the Member's Certificate of Registration for a period of six months, with three months of that suspension to be remitted upon compliance with the terms, conditions and limitations imposed on the Member's Certificate of Registration, as described in paragraph 2. This suspension shall commence on April 4, 2011.
2. THE DISCIPLINE PANEL directs that the following terms, conditions and limitations be imposed on the Member's Certificate of Registration:
 - a. The Member shall enrol in and successfully complete, at her own expense, a Registrar-approved record-keeping course and provide satisfactory evidence to the Registrar within twelve months from this Order.
 - b. The Member shall enrol in and successfully complete, at her own expense, the first

available session of the College's Online Standards and Regulations course and provide satisfactory evidence to the Registrar within twelve months from this Order.

- c. The Member shall enrol in and successfully complete, at her own expense, the College's Professionalism Workshop and provide satisfactory evidence to the Registrar within twelve months from this Order.
 - d. For greater certainty, the Member shall complete at least (1) of the (3) courses in paragraphs (a) to (c) within three months from the date of this hearing.
3. THE DISCIPLINE PANEL directs that the results of this proceeding be included in the register; and
 4. THE DISCIPLINE PANEL directs that the member is to receive a Public and Recorded Reprimand.
 5. The Member shall pay costs in the amount of \$4500, which may be paid in instalments. Such costs must be paid by March 31, 2013.

In its reasons for accepting the Joint Submission, the Panel noted that it was of the view that the penalty proposed was reasonable.

It noted that falsifying records is a very serious charge, for which a suspension is appropriate. The length of

the suspension should provide adequate deterrence to the Member and other Members of the profession that this behaviour will not be tolerated by the College.

The Panel noted that the required course work will ensure that Ms. Chong has learned from her mistakes and will help to assure the public that she is following the standards of practice. The course work will serve to rehabilitate Ms. Chong and offer some professional growth as she works towards re-entering the profession.

The Panel also noted that the Member behaved inappropriately which necessitated an investigation and subsequent Discipline Hearing. Because these are costly proceedings it is important that the Member contributes to the costs in the amount of \$4500.00.

EXECUTIVE SUMMARY – FELIX SUN, RMT DISCIPLINARY HEARING CONDUCTED APRIL 27, 2011

The Member, Felix Sun, RMT, was charged with five counts of professional misconduct:

- | | |
|--|---|
| <ul style="list-style-type: none"> a. Falsifying records relating to the Member’s practice; b. Signing or issuing, in the Member’s professional capacity, a document that he knew contained false or misleading statements; c. Submitting an account or charge for services that he knew was false or misleading; d. Failing to permit entry at a reasonable time or cooperate with authorized representative of the College conducting an inspection or examination of the Member’s office, records, equipment or practice; and e. Engaging in disgraceful, dishonourable or unprofessional conduct. | <p>name by WSRC during a period in which the Member claimed not to be employed at WSRC.</p> <p>Subsequent investigations of the College demonstrated the following:</p> <ul style="list-style-type: none"> a. The Member knowingly authorized the use of his registration number by another person; b. The Member accepted cash funds in exchange for the use of his registration number by another person; c. The Member falsified records related to his practice; and d. The Member signed and issued in his professional capacity documents that he knew contained false and misleading statements. |
|--|---|

THE PLEA

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

THE FACTS

Evidence was presented by way of an Agreed Statement of Facts. The Member was a registered massage therapist practising at the Woodbine-Steeles Rehab Clinic (the “WSRC”) at the relevant time.

The College received information from Standard Life Canada concerning receipts issued in the Member’s

The Member also originally refused to cooperate with the College Investigator in this matter.

The Member admitted that his registration number had been improperly used by the owner of WSRC, and that he was offered payment in return for such use. The Member created fictitious progress notes to sustain the improper use of his registration number by WSRC’s owner.

Following his 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 parties made joint submissions with respect to penalty to include the following:

1. A six month suspension of the Member’s Certificate of Registration;
2. A period of two 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 professionalism workshop and the record-keeping course, at the Member's own expense, within six months from the date of the decision of the panel;
 - b. The Member will submit to two inspections of his practice, at his own expense, within six months and one year of completing the professionalism workshop and the record-keeping course. The costs of each inspection will not exceed \$500; and
 - c. The Member will contribute to the investigation and prosecution costs of the College in the amount of \$1,500, which will be paid in instalments of \$100 per month over a period of 15 months.
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, the need to protect the public from

such conduct, and the panel's concern for the erosion of the profile of the profession in the minds of insurance providers.

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

EDITORIAL NOTE

The Sun 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. The provision of false receipts for insurance purposes is a serious offence. The severity of the offence is compounded by the creation of fictitious progress notes to support the improper conduct and the acceptance of a fee for the use of one's registration number by another individual. It is important that professional massage therapists earn and maintain the trust of insurers and the public. Such trust cannot be earned and maintained in these circumstances.

Allowing another individual to use one's registration number, accepting money in exchange for such use, permitting the issuance of false receipts and creating false documentation to support these activities are serious violations for which a suspension and the further education requirement are warranted.

EXECUTIVE SUMMARY – SANJAY SHARMA, RMT DISCIPLINARY HEARING CONDUCTED APRIL 29, 2011

The Member, Sanjay Sharma, RMT, was charged with six counts of professional misconduct:

1. Sexual abuse of a patient;
2. Abusing a client verbally or physically;
3. Contravening a standard of practice of the profession or published standard of practice, or failing to maintain the standard of practice of the profession;
4. Contravening the Massage Therapy Act, the Regulated Health Professions Act, 1991 or the regulations under either of those Acts;
5. Engaging in conduct or performing an act in the course of practising the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional; and
6. Engaging in conduct that would be reasonably regarded by members as conduct unbecoming of a massage therapist.

THE PLEA

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

THE FACTS

The evidence was presented by way of an Agreed Statement of Facts. Mr. Sharma is a RMT. At the relevant time, he was employed at the Greensborough Therapy Massage Clinic in Ottawa, Ontario. The allegations of professional misconduct arose out of two complaints received from clients of the Member: LH and AT.

The complainant LH submitted a complaint concerning treatment provided by the Member on December 3, 2008. In particular, she alleged that the Member touched her inappropriately in that he massaged both of her breasts under the linens, including areolas, between five and ten times. In the Member's response to the complaint of LH, he noted that this was the first that he had heard of any concerns that LH had regarding the massage treatment. He acknowledged that he massaged her upper pectoral muscles but denied any knowledge of touching her inappropriately. In his letter, he also extended an apology.

The complainant AT submitted a complaint concerning treatment received from the Member on March 1,

2010. In particular, she complained that the Member inappropriately touched her inner thighs between her legs and on her underwear.

In the Member's response to the complaint of AT, he acknowledged that he did massage AT's legs and that he tucked the sheet in her underwear just above the iliac crest, but denied any knowledge of touching her inappropriately. The Member noted that AT did not complain about the treatment at the time that it occurred. He also extended an apology to AT in his letter.

In respect of the allegations in the Notice of Hearing, the Member acknowledged that his draping methods and explanation of his technique to each of AT and LH may have been less than ideal, and that the Member may have inadvertently touched the complainants in a manner that they viewed as inappropriate.

The Member agreed to cooperate with the College in presenting an Agreed Statement of Facts so that the complainants could be spared the aggravation of attending to testify at the hearing.

The Member acknowledged that he contravened the standard of practice of the profession in that he failed to obtain appropriate written consent for the treatment of sensitive areas, including inner thighs, chest wall or breast tissue and that he failed to massage in accordance with the standard of care with respect to technique standard 15 (breast massage).

Accordingly, the Member plead guilty to allegations 3, 4 and 5.

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 three allegations of professional misconduct, allegations 3, 4 and 5.

THE SENTENCING HEARING

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

1. The Member's Certificate of Registration shall be suspended for a period of 6 months, however, such suspension shall be remitted for a period of 2 months if the Member complies with the terms, conditions and limitations imposed on the Certificate of Registration, as detailed below.

2. The following terms, conditions and limitations shall be imposed upon the Member's Certificate of Registration:

- (a) Registration and completion of the College's course in professionalism and the course in standards and regulations, within 6 months of the Committee's decision;
- (b) Providing satisfactory evidence of completion of the coursework within 30 days of completing same; and
- (c) Costs of \$1,800 payable.

3. The Member undertakes not to perform any form of breast massage in his practice in the future and acknowledges that a breach of this undertaking would constitute an act of professional misconduct;

4. Public and recorded reprimand;

5. Publication in the usual course.

EDITORIAL NOTE

In its reasons for accepting the Joint Submission on Penalty, the Panel noted that the penalty was reasonable in the circumstances and saved the complainants from the trauma of testifying. The length of the suspension provided adequate deterrence to the Member and other members of the profession that the

College would not tolerate inappropriate touching. The public is protected during his period of suspension and his re-education efforts through coursework.

The public is also protected by the undertaking that the Member will cease and desist from doing any breast massage. A breach of the undertaking would constitute, in and of itself, an act of professional misconduct.

EXECUTIVE SUMMARY – GORDON McCALLUM, RMT DISCIPLINARY HEARING CONDUCTED MAY 25, 2011

The Member, Gordon McCallum, RMT, was charged with:

1. Sexual abuse of a patient;
2. Contravening the standards of practice of the profession or a published standard of the College, or failing to maintain a standard of practice of the profession;
3. Engaging in conduct or performing an act in relation to practising the profession, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional; and

4. 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 in respect of the allegations of professional misconduct.

THE FACTS

The evidence was presented by way of an Agreed Statement of Facts. Mr. McCallum is a RMT with no prior history with the College of Massage Therapists of Ontario ("College"). At the relevant time, Mr. McCallum owned and operated McCallum Massage Therapy in Newmarket, Ontario.

The College received a complaint from a client of Mr. McCallum, who is also a RMT and colleague of the Member. The complainant submitted a complaint to the College on February 9, 2010 concerning treatment that had been provided by the Member on October 23, 2009. In the complaint, the complainant alleged that Mr. McCallum:

- (a) Inappropriately touched her genital area with his fingers under her underwear;
- (b) Hugged her;
- (c) Kissed her forehead;
- (d) When his phone began to vibrate, and with reference to his cellphone being in his front pants pocket, stated "I keep it near my happy place"; and

The complainant also alleged that when she confronted Mr. McCallum at the moment he inappropriately touched her, and told him that "his hand was a little beyond boundaries", the Member apologized and covered the complainant's leg.

In the Member's response to the complaint, the Member admitted that his fingers "crossed the underwear line and into the gluteal cleft" and that this happened about three times before they spoke to each other and acknowledged that "boundaries had been crossed" and the Member stopped massaging her leg. The Member stated that the complaint had affected his personal and professional life and admitted that

his conduct was unprofessional. The Member denied making any reference to his phone being near his "happy place".

The Member acknowledged that he was guilty of professional misconduct in respect 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.

THE SENTENCING HEARING

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

1. The Member's Certificate of Registration ("Certificate") shall be suspended for a period of 6 months.
2. The following terms, conditions and limitations shall be imposed upon the Member's Certificate:
 - (a) Attendance at counselling for a period of not less than 12 months at a frequency of not less than monthly (unless otherwise directed by his counsellor) at the Member's expense;

- (b) The counsellor shall provide semi-annual reports to the College on the progress of the counselling at the Member's expense;
 - (c) The Member shall provide a report following completion of counselling indicating what he has learned, how his conduct reflects upon himself and the profession and how his conduct relates to the charter on professionalism, which may be published;
 - (d) The Member shall register and complete the following courses approved by the Registrar which will cover each of the following topics:
 - (i) Ethics and boundaries; and
 - (ii) Record-keeping;
3. The Member shall contribute to the counselling and treatment costs incurred by the complainant within six months following receipt of invoices submitted by the complainant to the College providing that the treatment relates to the conduct of the Member and is delivered within 6 months of the hearing to a maximum of \$1,000.00;
 4. The Member shall contribute to the investigation and prosecution costs of the College in the amount of \$1,500.00 to be paid within 60 days of the decision becoming final;
 5. A public and recorded reprimand; and

6. Publication in the usual course.

EDITORIAL NOTE

In its reasons for accepting the penalty, the Panel noted that the Member was cooperative in arriving at joint submissions of facts and penalty, which expedited the process and saved the complainant the trauma of testifying. The Member also apologized to the panel for his behaviour and indicated an intention to make amends and be held accountable for his behaviour.

A six month suspension would provide adequate deterrence to the Member and other members of the profession that this type of behaviour will not be tolerated. The required coursework will ensure that the Member will learn from his mistakes and correct any deficiencies in his practice. The ethic and boundaries coursework will also reinforce what is learned in his personal counselling. Sexual abuse is a serious charge and it is appropriate that the Member bear some of the costs of the complainant's counselling.

The lengthy suspension, and extensive terms, conditions and limitations imposed on the Member's Certificate should convey to the members of the

College and the public that offences of this nature will be prosecuted vigorously.

EXECUTIVE SUMMARY – GLENN MARTIN, RMT DISCIPLINE HEARING HELD ON MAY 27, 2011

THE ALLEGATIONS OF PROFESSIONAL MISCONDUCT

On May 27, 2011, a Discipline Hearing was conducted before a panel of the Discipline Committee of the College. It was alleged that Mr. Martin committed the following acts of professional misconduct:

1. Committing sexual abuse of a client;
2. Contravening a standard practice of the profession or published standard of the College, or failing to maintain the standard of practice of the profession; and,
3. Engaging in disgraceful, dishonourable or unprofessional conduct.

Mr. Martin pleaded guilty to all three allegations.

THE FACTS

The College and Mr. Martin filed an Agreed Statement of Facts in which Mr. Martin

acknowledged that he had committed the acts of professional misconduct as alleged.

From approximately 2005 or 2006 until March 31, 2009, Mr. Martin was the Complainant's massage therapist. The Complainant developed a personal friendship with Mr. Martin and his wife, and would attend the massage clinic located at Mr. Martin's home.

Four to six weeks prior to March 31, 2009, during treatment, Mr. Martin asked the Complainant for permission to massage her upper chest. Mr. Martin told the Complainant that this would relax and release the muscles in her neck, arms, shoulders and upper chest. The Complainant agreed and, thereafter, during her treatments, Mr. Martin would massage the Complainant's upper chest. During those massages, a sheet was used to drape the Complainant's upper chest.

On March 31, 2009, the Complainant attended at Mr. Martin's home for treatment. His wife was not at home at the time.

During the treatment, Mr. Martin lowered the draping to approximately the level of the Complainant's navel. Mr. Martin massaged her sternum and between her breasts, and then moved his hands over her breasts and nipples. This lasted approximately 1 minute.

Mr. Martin then lowered the draping to the Complainant's thighs, exposing her underwear. He pulled down her underwear, and touched her thighs and labia. The Complainant gestured for Mr. Martin to stop and said that she was not comfortable. Mr. Martin replaced the draping and resumed massaging the Complainant's neck and shoulders. The session ended shortly thereafter.

A short time later, the Complainant told her family doctor about the incident with Mr. Martin. The doctor advised her that she could lodge a complaint with the College of Massage Therapists.

On April 24, 2009, Mr. Martin went to the Complainant's home, and told her that he wanted to talk about the incident. Mr. Martin apologized for what had happened, said that he never done such a thing before and that he would not bother her again.

On July 7, 2009, Mr. Martin was advised that the College had received a complaint against him. On September 3, 2009, the College received a handwritten response signed by Mr. Martin, stating "I am guilty of sexual and professional misconduct." The response substantially corroborated the Complainant's allegations.

THE DISCIPLINE HEARING

Although Mr. Martin did not attend at the hearing, the Panel received a signed and witnessed statement

from him acknowledging and agreeing to the Agreed Statement of Facts.

The Panel unanimously found that the facts contained in the Agreed Statement of Facts supported the guilty plea. The Panel therefore found Mr. Martin guilty of the allegations of professional misconduct alleged in the Notice of Hearing.

THE PENALTY AND COSTS HEARING

The parties made a joint submission as to penalty and costs, and the Panel reviewed the Complainant's Victim Impact Statement. The Panel accepted the joint submission and unanimously ordered:

1. that Mr. Martin's Certificate of Registration be revoked; and,
2. that Mr. Martin pay to the College the sum of \$2000.00 toward the cost incurred by the College in investigating, retaining and instructing counsel and conducting the hearing.

As required by the Regulated Health Professions Act, a reprimand was also imposed. Finally, the Panel made an Order that the results of the hearing be included in the public portion of the College's Register.

In its Reasons for Decision, the Panel indicated the College has steadfastly maintained a zero tolerance approach to this kind of sexual abuse, and repeated

that sexual relations between a member and client are absolutely prohibited. Therefore, mandatory revocation was the only option in this case. The Panel indicated that the Victim Impact Statement emphasized the seriousness of the professional misconduct and noted that revocation in these circumstances also served to protect the public.

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:
 - (a) The Member will enrol in and complete at her own expense a Registrar-approved record keeping course within six months;
 - (b) The Member shall enrol in and complete, at her own expense, the Professionalism course offered by the College; and
 - (c) 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.

EXECUTIVE SUMMARY – BOGDAN LISIECKI, RMT DISCIPLINARY HEARING CONDUCTED JUNE 24, 2011

The Member, Bogdan Lisiecki, RMT, was charged with three allegations of professional misconduct:

1. Falsification of records relating to his practice;
2. Failing to keep records as required; and
3. Engaging in conduct or performing an act in relation to practising the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

THE PLEA

The Member entered a guilty plea in relation to the allegations.

THE FACTS

The evidence was presented by way of an Agreed Statement of Facts. Mr. Lisiecki is a RMT and, at the relevant time, he was employed by the Ellesmere Massage Clinic ("Clinic") in Scarborough, Ontario. The allegations of professional misconduct arose out of a complaint received by the owner of the Clinic, who was also a RMT. In her letter of complaint, the Clinic owner alleged that the Member:

- (a) did not complete treatment notes as required;
- (b) removed client files from the Clinic and did not return them; and
- (c) falsified receipts in relation to a client.

In a subsequent investigation by the College, it was confirmed that the Member did not maintain records as required. The Member acknowledged that he was deficient in record keeping.

In relation to the complaint that the Member falsified receipts, the Member acknowledged that he had issued receipts in the name of a client's son from the receipt book of the Clinic, even though the client's son

was not a client of the Clinic. The Member represented that the falsification of receipts was in relation to an "honest book-keeping error".

The Member acknowledged that he was guilty of professional misconduct in respect 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.

THE SENTENCING HEARING

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

1. The Member's Certificate of Registration shall be suspended for a period of 3 months;
2. However, such suspension shall be remitted for a period of 2 months if 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 upon the Member's Certificate of Registration:
 - (a) The Member shall complete the College's Standards and Regulations course and a Registrar approved record keeping course at the Member's expense, within 6 months of the decision of the Panel becoming final;
 - (b) The Member shall provide evidence of the successful completion of the coursework within 30 days of completing the course; and
 - (c) The Member will contribute to the investigation and prosecution costs of the College in the amount of \$1,000.
 4. The Member shall be required to submit to one inspection of his practice at his expense to occur within 1 year after completion of his suspension;
 5. The Member undertakes not to practise during the period of his suspension;

6. The decision of the Panel and the penalty imposed shall be published in the usual course; and
7. Having waived his right of appeal, the Member will receive a public and recorded reprimand.

EDITORIAL NOTE

In its reasons for accepting the penalty, the Committee noted that falsifying records and failing to keep records is a serious charge warranting a suspension. The length of the suspension provided specific deterrence to the Member and other members of the profession that the College will not tolerate this type of behaviour. The public is also protected while he is suspended and re-educated.

The required coursework and inspection of his practice will ensure that the Member will learn from his mistake and reintroduce the Member to the standards of the College with respect to record keeping and issuing receipts.

EXECUTIVE SUMMARY – XUANLIN YE, RMT DISCIPLINARY HEARING CONDUCTED JULY 28, 2011

The Member, Xuanlin Ye, RMT ("Ms. Ye"), was charged with four counts of professional misconduct:

1. Falsifying records relating to the Member's practice;
2. Signing or issuing, in the Member's professional capacity, a document that he knew contained false or misleading statements;
3. Submitting an account or charge for services that he knew was false or misleading; and
4. Engaging in disgraceful, dishonourable or unprofessional conduct.

Allegation 3 was withdrawn by the College at the commencement of the Hearing

THE FACTS

Evidence was presented by way of an Agreed Statement of Facts, establishing the following:

1. Ms. Ye is a Registered Massage Therapist. At the relevant time, she provided massage therapy services at the Hai Tian Health Centre (the "Health Centre") in Scarborough, Ontario.
2. The Executive Committee directed that specified allegations of professional misconduct be referred to the Discipline Committee as set out in the Amended Notice of Hearing. The allegations referred to the Discipline Committee arose following the College's receipt of an email alleging that various spas and clinics, including the Health

- Centre, were “doing illegal things” including asking “health practitioners to sign receipts” despite not actually performing treatment on the patient.
3. In the subsequent investigation commenced by the College, it was confirmed that Ms. Ye kept inadequate and incomplete appointment books and client files, falsified records related to her practice, and signed and issued, in her professional capacity, documents that she knew contained false and misleading statements.
 4. In respect of the client files, Ms. Ye kept all entries in annual appointment books. Ms. Ye made all entries in pencil and omitted client names and appointment times. In an interview with a College Investigator, Ms. Ye admitted that she personally felt that the recording of appointment entries was unnecessary and meaningless.
 5. In respect of the falsified records and the issuance of false and misleading client documents, College Investigators were able to obtain three receipts identifying Ms. Ye as the service provider in circumstances where she was not.
 6. Ms. Ye acknowledged a plea that she had engaged in professional misconduct as follows:
 - a. She falsified records relating to her practice contrary to paragraph 27 of section 26 of O. Reg. 544/94 as amended;

- b. She signed or issued, in her professional capacity, a document that she knew contained a false or misleading statement contrary to paragraph 29 of section 26 of O. Reg. 544/94 as amended;
- c. She submitted an account or charge for services that she knew was false or misleading contrary to paragraph 30 of section 26 of O. Reg. 544/94 as amended; and
- d. She engaged in conduct or performed an act in relation to practicing the profession that, having regard to all circumstances, would reasonably be regarded as disgraceful, dishonourable or unprofessional contrary to paragraph 44 of section 26 of O. Reg. 544/94 as amended.

THE PLEA

The Member entered a guilty plea in relation to Allegations 1, 2 and 4.

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, with the exception of Allegation 3, withdrawn by the College.

THE SENTENCING HEARING

The parties made joint submissions with respect to penalty, but did not agree on the length of suspension. The College proposed the following:

1. Ms. Ye shall waive her right of appeal and attend in person before the panel of the Discipline Committee to receive a recorded reprimand immediately following the conclusion of the Hearing;
2. The panel shall direct the Registrar to suspend Ms. Ye’s Certificate of Registration for a period of 6 months, however, such suspension shall be remitted for 2 months if the Member complies with the terms, conditions, and limitations imposed on her Certificate of Registration as provided below.
3. The following terms, conditions and limitations shall be imposed on Ms. Ye’s Certificate of Registration:
 - a. Within 6 months of the date of the Hearing, Ms. Ye shall enrol in and successfully complete, at her own expense, the College’s Online Record-Keeping Course or a Registrar-approved

record-keeping course (or shall have done so within the past 6 months) and shall provide satisfactory evidence of the same.

- b. Within 6 months of the date of the Hearing, Ms. Ye shall enrol in and successfully complete, at her own expense, the College's Professionalism Workshop (or shall have done so within the past 6 months) and shall provide satisfactory evidence of the same.
 - c. The College is entitled to contact the facilitators of the above-listed courses, and request a report to the Registrar outlining the Member's participation in the courses which, if unsatisfactory, will constitute a breach of paragraphs (a) and (b) above.
4. Ms. Ye shall submit to two inspections of her practice, at her own expense, within approximately 6 months and 1 year of completing Terms (a) and (b) above. The costs of each inspection shall not exceed \$500.
 5. Ms. Ye shall pay costs in the amount of \$2000, which shall be paid within 30 days of the date of the Hearing.
 6. Publication in the usual course.

Ms. Ye sought a shorter suspension, without setting out the particular amount of time sought, and

requested that her suspension be postponed for 1 year. She supported this position by stating that her income was being used to support orphans in China during the coming year.

THE PENALTY

The Panel ultimately imposed the following terms:

1. Ms. Ye's Certificate of Registration will be suspended for a period of 6 months with the ability to remit for 3 months of that suspension if the Member complies with terms, conditions and limitations imposed on her Certificate of Registration, as indicated in term (2) below. The Member's suspension of her Certificate of Registration is to commence as of July 29, 2011.
2. The Panel directs that the following terms, conditions and limitations shall be imposed on Ms. Ye's Certificate of Registration;
 - a. Within 6 months of the date of the Penalty Order, Ms. Ye shall enrol in and successfully complete, at her own expense, the College's Online Record-Keeping Course or a Registrar-approved record-keeping course (or shall have done so within the past 6 months) and shall provide satisfactory evidence of the same.
 - b. Within 6 months of the date of the Hearing, Ms. Ye shall enrol in and successfully

complete, at her own expense, the College's Professionalism Workshop (or shall have done so within the past 6 months) and shall provide satisfactory evidence of the same.

- c. The College is entitled to contact the facilitators of the above-listed courses, and request a report to the Registrar outlining the Member's participation in the courses which, if unsatisfactory, will constitute a breach of paragraphs (a) and (b) above.
3. Ms. Ye shall pay costs in the amount of \$2000 to be paid over 1 year, in monthly instalments of \$222.22 to begin November 1, 2011.
4. Ms. Ye shall submit to two inspections of her practice, at her own expense, within approximately 6 months and 1 year of completing Terms (a) and (b) above. The costs of each inspection shall not exceed \$500.
5. The Member is to receive a public and Recorded Reprimand.

6. The results of these proceedings will be included in the Public Register.

In its reasons for imposing the Penalty, the Panel found that a suspension of 6 months with the ability to remit 3 months was fair and accorded with the case law. The Panel felt that a suspension is meant to be a deterrent and must take place immediately, with the possibility of up to a two week allowance for a member to settle their business matters. However, the Member's proposal for a 1 year postponement of her suspension did not accord with the principle of deterrence.

The Panel also noted that falsifying records and providing signed receipts for treatments not performed by the Member are serious charges, and a finding of guilt warrants suspension. The length of the suspension was deemed to provide an adequate deterrence both to the Member and to other Members of the profession, while also protecting the public.

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

EDITORIAL NOTE

The decision of the Panel of the Discipline Committee underscores the severity of the offences of falsifying records and signing receipts for treatments not performed by the member. The Panel also paid particular attention to the role of deterrence in

sentencing, both in terms of the Member and the profession as a whole. The Panel agreed with the College's submissions that specific and general deterrence is vital in cases involving offences of this nature, to ensure that the particular Member, and members of the profession generally, uphold the requirements of the legislation and the College and take care that their actions do not put any members of the public at risk of harm.

EXECUTIVE SUMMARY – XUEZHENG ZHOU, RMT DISCIPLINARY HEARING CONDUCTED JULY 29, 2011

The Member, Xuezheng Zhou, RMT, was charged with four counts of professional misconduct:

- (a) Falsifying a record relating to his practice;
- (b) Signing or issuing, in his professional capacity, a document he knew contained false or misleading statements;
- (c) Failing to maintain records as required; and
- (d) Engaging in conduct or performing an act in accordance with practicing in the profession that have, in regard to all of the circumstances, would reasonably be regarded by Members as disgraceful, dishonourable or unprofessional.

THE PLEA

The Member entered a guilty plea in respect of all four allegations of professional misconduct.

THE FACTS

The evidence was presented by way of an Agreed Statement of Facts which provided as follows. Mr. Zhou held a General Certificate of Registration since December 4, 2003. Mr. Zhou practiced massage therapy primarily at Sunny Health Care Centre located at 4168 Finch Avenue East, Suite G3 in Toronto, Ontario.

On August 26, 2009 the College received a complaint from Green Shield Canada in respect of Mr. Zhou. Green Shield alleged that Mr. Zhou had failed to respond to a request for information and had provided only partial response to a request for information, that Mr. Zhou's clinical records were below the standard and Mr. Zhou's clinical records revealed circumstances that could not be true, including massage treatments to multiple clients at the same time. Mr. Zhou acknowledged that he was guilty of professional misconduct in respect of the allegations made against him.

FINDING OF GUILT

His 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 all four allegations of professional misconduct.

THE SENTENCING HEARING

The College made submissions with respect to penalty and the Member did not oppose the penalties sought. On these submissions, the Panel ordered as follows:

1. A nine month suspension of the Member's Certificate of Registration commencing July 30, 2011;
2. Within one year of his resumption of practice the Member will submit to an inspection of his practice at his expense;
3. The Member will pay costs in the amount of \$2,000.00 to be paid by October 29, 2011; and

4. The Member will receive a public and recorded reprimand.

In its reasons in respect of penalties, the Panel noted that they felt the penalty was on the lenient side of the range of penalties for the conduct involved.

EXECUTIVE SUMMARY – SANDY CHEN, RMT DISCIPLINARY HEARING CONDUCTED AUGUST 24 AND SEPTEMBER 22, 2011

The Member, Sandy Chen, RMT, was charged with three counts of professional misconduct: signing or issuing, in the Member's professional capacity, a document that she knew contained false or misleading statements; falsifying records relating to the Member's practice; and engaging in disgraceful, dishonourable or unprofessional conduct.

THE PLEA

The Member entered a not guilty plea to all of the allegations of professional misconduct.

THE FACTS

The Panel heard evidence from four witnesses, including the Member. The Member had been a RMT since 2007 and worked at various locations, including the Mona Lisa Spa (the "Spa").

A College investigator testified that he received a massage treatment at the Spa on April 17, 2009 from a woman who identified herself as "Cindy". He requested a receipt and was told to come back another day. Upon return, he was provided with a receipt signed and stamped with the Member's name Sandy Chen and her registration number, although Ms. Chen had not given him the massage. The investigator noted two other blank receipts that were purportedly stamped and signed by Ms. Chen.

A second College investigator testified that she attended the Spa for a massage treatment on January 13, 2010. She completed a health history and consent form. She received the massage from "Cindy", and was provided with a receipt under the Member's name and registration number. Cindy advised that the receipt belonged to and was in the name of the Spa's part-time therapist.

A third College investigator testified as to her interview with the Member on May 28, 2010. In the interview, Ms. Chen reviewed the first receipt provided and confirmed that it contained her signature and that the handwriting on the receipt was hers. The Member also verified that the second receipt also contained her signature. Ms. Chen advised that she was certain she had treated "Ms. Suzanna Oram" (the second investigator), but she did not remember treating the first investigator. Ms. Chen signed a written statement with respect to this information.

The Member advised that she had no client files at the Spa and that she did not have any appointment books. All her client files were located at another practice location, and from that location she delivered a copy of a Suzanna Oram file. This contained a Health History, Treatment Plan and Treatment Notes. The investigator confirmed that this Health History was the same one that she had completed.

The Member subsequently provided to the College a copy of the second receipt, which had been with her accountant. In testimony, the Member confirmed that she had created the treatment notes that accompanied the Oram Health History. She testified that she would never complete these forms without seeing a client. She conceded that the second receipt must have also come from her files.

The Member testified that she did not have an Appointment Book as she is so busy, notwithstanding that this is required by the standards.

FINDING OF GUILT

The Panel found the Member guilty on all allegations. In respect of the first allegation of signing or issuing in her professional capacity a document that she knows contains a false or misleading statement, the Panel considered three questions: did the Member sign or issue the receipt or document; is the receipt or document false; and did the Member know that the receipt or document she signed or issued was false?

The Panel found that Ms. Chen had issued and signed the receipt provided to the first investigator. The receipt was false, as the Member had not treated the investigator. The Member knew that the document was false, because she issued and signed the receipt when she had not treated him.

The Panel also considered the two copies of the receipt pertaining to the second massage treatment. It found that the Member had issued the receipt in question as one copy came from her accountant and the Member acknowledged that it was her signature. The Panel was satisfied that it was a false receipt, and the Member knew this.

The Panel concluded that the Treatment Notes produced by the Member were false as she had not treated the investigator. This was a creation of a false document, which met the requisite intent element. Creation of these notes also contravened the allegation of falsifying a record relating to the Member's practice. The Panel was satisfied that the Member had created the notes after she realized that the College would require Ms. Oram's chart.

Finally, the Panel found that the falsification of the record and issuance of a false or misleading document constituted conduct that Members of the profession would reasonably regard as a serious offence and is disgraceful, dishonourable and unprofessional. The Panel also noted that maintaining accurate records and issuing true receipts were part of an RMT's job.

THE SENTENCING HEARING

A Joint Submission respecting penalty was presented to the Discipline Panel. The Panel accepted the recommendation and imposed the following penalty:

1. The member's Certificate of Registration shall be suspended for a period of six (6) months however, such suspension shall be remitted for a period of two (2) months if the Member complies with the terms, conditions, and limitations imposed on her Certificate of registration below.
2. The following terms, conditions and limitations shall be imposed on Ms. Chen's certificate of registration:
 - (a) Within four (4) months of the date of the Hearing, Ms. Chen shall enroll in and successfully complete, at her own expense, the College's Professionalism workshop and shall provide satisfactory evidence of the same;

(b) Ms. Chen shall submit to one inspection of her practice, at her own expense, within approximately six (6) months of her return to practice following the completion of her suspension. The cost of the inspection shall not exceed \$275;

(c) Ms. Chen shall pay costs in the amount of \$4000 with equal payments over a period of (24) twenty-four months.

3. Ms. Chen is to appear before a panel of the Discipline Committee to receive a public and recorded reprimand; and
4. Publication of the results of the Hearing, in the usual course.

In its reasons for accepting the Joint Submission, the Panel noted that it felt that this was on the light side of the penalty range given the seriousness of the behaviour.

It noted that falsifying records is a very serious charge, for which a suspension is appropriate. The length of

the suspension should provide adequate deterrence to the Member and other Members of the profession that this behaviour will not be tolerated by the College.

The Panel noted that by issuing massage therapy receipts for work that she did not perform, the public's safety was put in jeopardy. The public attends an RMT for a massage and expects a certain standard of training and professionalism. By allowing non RMTs to perform massage on clients who seek treatment from a registered massage therapist, a RMT exposed to such clients and the public to risk of injury. This also damages the reputation of the profession.

The suspension, coursework and future inspection of the Member's practice should convey to the Member and the public that this offence will be treated very seriously. It also demonstrates to the insurance industry that the College will take action against its Members.

EXECUTIVE SUMMARY – LYING TAN, RMT DISCIPLINARY HEARING CONDUCTED SEPTEMBER 29, 2011

The Member, Lying Tan, RMT, was charged with:

1. Falsification of records relating to her practice;

2. Signing or issuing, in her professional capacity, a document that the Member knows to contain a false or misleading statement;
3. Failing to maintain records as required; and
4. Engaging in conduct or performing an act, in relation to practising the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

THE PLEA

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

THE FACTS

The evidence was presented by way of an Agreed Statement of Facts. Ms. Tan is a RMT. At the material time, she was the owner and operator of Body Mind Massage Clinic (the "Clinic") in Scarborough, Ontario. The College commenced a S. 75 Investigation into the Member's practice as a result of an anonymous tip.

In the subsequent College investigation, the investigator attended the Clinic after requesting a massage therapy appointment with a male therapist. The investigator was treated by a male and was provided with a receipt stamped with the Member's name and registration number. The investigator

returned to collect the Member's records. Upon collection of the Member's receipts, appointment books and client health records, a records analysis revealed a number of deficiencies including:

- (a) Entries in the appointment book that appeared to indicate that persons other than the Member should be paid an amount in respect of recorded massage therapy appointments, overlapping appointments and in excess of 12 appointments scheduled in one day;
- (b) Dates out of order in the receipt book;
- (c) All treatment notes identifying the Member as the therapist despite numerous appointments with overlapping times;
- (d) All receipts having the Member's signature on them and stamped with her name and registration number;
- (e) Undated health history;
- (f) Missing treatment records for the dates recorded in the appointment books and vice versa; and
- (g) Missing treatment records.

The Member acknowledged that she was guilty of professional misconduct in respect 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.

THE SENTENCING HEARING

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

1. The Member's Certificate of Registration shall be suspended for a period of 6 months. 3 months of the Member's suspension shall be remitted in the event that the Member complies with the terms, conditions and limitations imposed on the Certificate of Registration, as provided below.
2. The following terms, conditions and limitations shall be imposed upon the Member's Certificate of Registration:

- (a) Within 6 months of the date of the hearing, the Member shall enroll in and successfully complete, at her own expense, the College's online record keeping course or a Registrar approved record keeping course and provide satisfactory evidence of completion of same;

- (b) Within 6 months of the date of the hearing, the Member shall enroll in and successfully complete, at her own expense, the College's professionalism workshop, and provide satisfactory evidence of the completion of same; and
 - (c) The Member agrees that the College is entitled to contact the facilitators of the above listed courses, and request a report to the Registrar outlining the Member's participation in the courses which, if unsatisfactory, will constitute a breach of paragraphs (a) and (b) above.
3. The Member must submit to two inspections of her practice, at her own expense, within approximately 6 months and 1 year of completing terms 2 (a) and (b) above. The cost of each inspection shall not exceed \$500;
 4. The Member will contribute to the investigation and prosecution costs of the College in the amount of \$1,000;

5. A public and recorded reprimand;
6. Publication of the Panel's decision in the usual course.

EDITORIAL NOTE

In its reasons for accepting the Joint Submission, the Panel noted that these were serious charges. Falsification of records and failing to maintain client records is not behaviour that the College will tolerate. The Panel viewed the penalty proposed as reasonable in that the length of the suspension should provide adequate deterrence to the Member and other members of the profession that this type of behaviour will be viewed as a serious breach of professional conduct.

The suspension and future inspection of the Member's practice should convey to the members and the public that the offences of this nature will be prosecuted vigorously.

EXECUTIVE SUMMARY – TERRI TERNOEY, RMT Disciplinary Hearing Conducted OCTOBER 26, 2011

The Member, Terri Ternoey, RMT, was charged with two counts of professional misconduct:

- a. Signing or issuing, in the Member's professional capacity, a document that she knew contained false or misleading statements; and,
- b. Engaging in disgraceful, dishonourable or unprofessional conduct.

THE PLEA

The Member, who was represented by legal counsel, 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 has been a registered massage therapist since November 13, 1995. In January 2010, the College advised the Member that her 2010 renewal forms and fees were incomplete because her credit card had been declined. The Member resubmitted her credit card authorization which was again declined,

and the Member was therefore suspended as of February 23, 2010.

The Member exchanged emails with the College's registration department, in which she stated that her credit card payments had been declined because her credit cards had been "compromised". The Member then submitted two letters purporting to be from Scotiabank and the Bank of Montreal, attesting to this "compromise". She continued to maintain this account in correspondence with the College and when interviewed by a College investigator.

In the Agreed Statement of Facts, the Member admitted that she forged the letters from Scotiabank and the Bank of Montreal, and submitted the forged letters to the College in order to avoid paying the \$600.00 late renewal fee.

As a result of the foregoing, the Member admitted to having committed acts of professional misconduct.

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 signing and issuing, in her professional capacity, a document that she knew contained false or misleading statements and engaging in disgraceful, dishonourable and unprofessional conduct.

THE SENTENCING HEARING

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

1. The Member's Certificate of Registration shall be suspended for a period of six (6) months. However, such suspension shall be remitted for a period of three (3) months if the Member complies with the terms, conditions and limitations imposed on her Certificate of Registration, as detailed below.
2. The following terms, conditions and limitations shall be imposed on the Member's Certificate of Registration:
 - a. The Member shall register for and complete the College's course in Professionalism, within three months of the Committee's decision and shall provide satisfactory evidence of successful completion of the course within 30 days of completing same;
 - b. The Member shall pay costs of \$1,000.00, payable within 60 days of the decision of the Committee becoming final.
3. A public and recorded reprimand; and,

4. Publication in the usual course.

In its Reasons, the panel commented on the Member's apparent lack of integrity and honesty in her dealings with the College

EDITORIAL NOTE

The Ternoey decision affirms the importance of honesty and integrity in a Member's dealings with the College. Public confidence and trust in the profession, and in the College's ability to regulate the profession, must be fostered. Submitting forged documents of the College is a serious breach of a Member's profession obligations.

EXECUTIVE SUMMARY –WINNIE WONG, RMT DISCIPLINARY HEARING CONDUCTED OCTOBER 26, 2011

The Member, Winnie Wong, RMT, was charged with ten counts of professional misconduct:

- (1) falsifying a record relating to the Member's practice;
- (2) signing or issuing, in the Member's professional capacity, a document that she knew contained false or misleading statements;

- (3) failing to keep records as required;
- (4) 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;
- (5) failing to take reasonable steps to ensure that any information provided by or on behalf of the member to the College is accurate;
- (6) submitting an account or charge for services that the member knows is false or misleading;
- (7) falsifying records relating to the Member's practice; and engaging in disgraceful, dishonourable or unprofessional conduct;
- (8) failing to post, in a location within the practice premises that is readily available to members of the public, the fees for professional services provided by the member;
- (9) failing to advise, in advance of services being rendered, of the fees proposed to be charged for the services to be rendered; and

(10) engaging in conduct or performing an act, in the course of practising the profession that, having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

THE PLEA

The Member entered a guilty plea to Allegations No. 1, 2, 3, 5, 6, 7, 8, 9, and 10. The College rescinded Allegation No. 4.

THE FACTS

The facts were established by an Agreed Statement of Facts presented by the College and the Member.

The Member has been an RMT since October 2006. Her principal place of business is Naturopathic Foundations Health Clinic in Markham. The Member was responsible for the maintenance, safeguard and issuance of receipts bearing her name, signature and RMT number.

The Member left pre-signed receipts at clinics at which she was employed, with the intention and knowledge that other employees would complete and issue the receipts to clients. This resulted in clients being issued receipts for treatments by individuals other than the Member with the Member's RMT number and signature.

Some clients had to pay a surcharge for fraudulent receipts that they could submit to their insurer, despite there being no difference in the massage treatment they received. This surcharge was not properly posted or made clear to clients prior to their treatments.

To support the fraudulent receipts, the Member created a fictitious client record and provided it to College Investigators.

The Member allowed persons other than her clients to fill out client forms. She failed to keep records for all clients and failed to complete a significant number of client records contemporaneously with the corresponding treatment.

Finally, despite being advised by a client that she was experiencing problems with her hand and would like treatment in that area, the Member failed to provide such treatment and failed to sufficiently explain her treatment plan to the client and confirm that the treatment plan addressed the client's concern.

FINDING OF GUILT

The Panel unanimously found that the facts supported the guilty plea and therefore found the Member guilty of the allegations of professional misconduct.

THE SENTENCING HEARING

The parties made a partial joint submission with respect to penalty, but submissions were made in relation to the length of suspension to be served by the Member.

The Panel directed that:

1. The member's Certificate of Registration shall be suspended for a period of nine (9) months however, such suspension shall be remitted for a period of two (2) months if the Member complies with the terms, conditions, and limitations imposed on her Certificate of registration below.
2. The following terms, conditions and limitations shall be imposed on the Member's certificate of registration:
 - (a) Within seven (7) months of the date of the Hearing, Ms. Wong shall enroll in and successfully complete, at her own expense, the College's Online Record-Keeping Course or a Registrar-approved record-keeping course and shall provide satisfactory evidence of the same;

- (b) Within seven (7) months of the date of the Hearing, Ms. Wong shall enroll in and successfully complete, at her own expense, the College's Professionalism workshop and shall provide satisfactory evidence of the same;
 - (c) The Member agrees that the College is entitled to contact the facilitators of the above-listed courses, and request a report to the Registrar outlining the Member's participation in the courses, which if unsatisfactory, will constitute a breach of Terms (a) and (b) above;
 - (d) The Member shall submit to one inspection of her practice, at her own expense, within approximately six (6) months of her return to practice following the completion of her suspension. The cost of the inspection shall not exceed \$500;
 - (e) The Member shall pay costs in the amount of \$2,000 with equal payments over a period of (24) twenty-four months.
3. The Member is to appear before a panel of the Discipline Committee to receive a public and recorded reprimand; and
 4. Publication of the results of the Hearing, in the usual course.

In its reasons for penalty, the Panel explained that the decision was aimed at ensuring the public's safety and providing significant retraining for the Member. The Panel found the Member to have been most unprofessional. She recklessly allowed other employees at clinics where she was employed to use her pre-signed receipts despite the fact that they were not RMTs.

The courses will serve to rehabilitate the Member and offer her some professional growth as she works towards re-entering the profession. To ensure that the Member follows the Standards of Practice, her practice will undergo one inspection, which will ensure the public is protected and further emphasize her professional responsibilities.

The Panel noted that the Member's unprofessional treatment is ultimately tied to public and insurer trust. Others were able to use her receipts and thus pose a public danger. The Member also produced false records, which hindered the investigation. By failing to keep accurate records, the Member failed to meet College standards. The frequency of infractions by leaving pre-signed receipts freely available over a period of time is a very serious act.

The Panel finally noted that the Member's actions necessitated an investigation and subsequent Discipline Hearing. These are costly proceedings and it was important that the Member contribute to the costs in the amount of \$2,000.

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

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

1. Contravening a term, condition or limitation imposed on the Member's Certificate of Registration;
2. Receiving any form of benefit from the practice of massage therapy while under suspension unless full disclosure is made to the College and the nature of the benefit to be obtained and prior approval is obtained from the Executive Committee;
3. Failing to permit entry at a reasonable time or to cooperate with an authorized representative of the College conducting an inspection or examination of the Member's office, records, equipment or practice;
4. Signing or issuing, in the Member's professional capacity, a document that the Member knows contains a false or misleading statement;

5. Submitting an account or a charge for service that the Member knows is false or misleading;
6. Contravening the Massage Therapy Act, the Regulated Health Professions Act, 1991, or regulations under either of those Acts; and
7. Engaging in conduct or performing an act, in the course of practising the profession that, having regard to all of the circumstances, would reasonably be regarded by Members as disgraceful, dishonourable or unprofessional.

THE PLEA

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

THE FACTS

The evidence was presented by way of an Agreed Statement of Facts. Mr. Brown is a RMT. Mr. Brown failed to pay his renewal fees as required in 2009,

resulting in a suspension of his Certificate of Registration (“Certificate”) effective April 6, 2009. Mr. Brown was notified of the suspension and was instructed to return his Certificate and photo I.D. to the College.

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

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

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

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

FINDING OF GUILT

On the basis of the Member’s guilty plea and its review of the Agreed Statement of Facts, the Panel of the Discipline Committee found the Member guilty of five allegations of professional misconduct, allegations 2, 4, 5, 6 and 7.

THE SENTENCING HEARING

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

1. The Member shall receive a public and recorded reprimand immediately following the conclusion of the Discipline Hearing;
2. The Member’s Certificate of Registration shall be suspended for a period of 7 months. However, such suspension shall be remitted for up to 4 months, leaving a minimum suspension of 3 months, if the Member, by that earlier date, complies with all the terms, conditions and limitations imposed upon his Certificate as provided below.
3. The following terms, conditions and limitations shall be imposed upon the Member’s Certificate:
 - (a) Within 7 months of the date of the Hearing, the Member shall enroll in, and successfully complete, at his own expense, the College’s

Professionalism Workshop (or shall have done so within the past 7 months) and shall provide satisfactory evidence of same within 30 days of completing the course; and

- (b) The Member agrees that the College is entitled to contact the facilitators of the above-listed course, and request a report to the Registrar outlining the Member's participation in the course, which if unsatisfactory, will constitute a breach of term (a) above.
- 4. Within one year of his resumption of practice, the Member will submit to an inspection of his practice at his expense. The cost of the inspection shall not exceed \$250;
- 5. The Member shall pay costs of \$1,000; and
- 6. Publication of the results of the Hearing in the usual course.

EDITORIAL NOTE

In its reasons for accepting the joint submission, the Panel noted that this was on the light side of the penalty range given the seriousness of the behaviour. It noted that disregarding the governing rules and regulations of the profession is a serious charge, for which a lengthy suspension is appropriate. The length of the suspension sends a strong message to the

profession that practising while under suspension will not be tolerated.

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

EXECUTIVE SUMMARY – KRYSZTOF KOWALEWSKI, RMT DISCIPLINARY HEARING CONDUCTED NOVEMBER 25, 2011

The Member, Krzysztof Kowalewski, RMT, was charged with four counts of professional misconduct:

- (a) Contravening a term, condition or limitation imposed on his Certificate of Registration;
- (b) Receiving any form of benefit from the practise of massage therapy while under suspension unless full disclosure is made to the College and the nature of the benefit to be obtained and prior approval is obtained from the Executive Committee;
- (c) Signing or issuing, in his professional capacity, a document he knew contained false or misleading statements; and

- (d) Engaging in conduct or performing an act in accordance with practising the profession that, having regard to all of the circumstances, would reasonably be regarded by Members as disgraceful, dishonourable or unprofessional.

THE PLEA

The Member entered a guilty plea in respect of all four allegations of professional misconduct.

THE FACTS

The evidence was presented by way of an Agreed Statement of Facts which provided as follows. Mr. Kowalewski is an RMT. During the period in question, he practised massage therapy at Spectrum Physiotherapy, located at 1125 Dundas Street East in Mississauga, Ontario.

The Member's Certificate of Registration was suspended effective April 6, 2009 and was renewed March 12, 2010.

The College received information from Industrial Alliance regarding an invoice issued by Spectrum

Physiotherapy for massage therapy treatments performed between November 11, 2009 and December 21, 2009 in which the treatment provider was listed as Mr. Kowalewski. In the College's subsequent investigation, it was confirmed that while Mr. Kowalewski's Certificate of Registration was suspended he continued to:

- (a) Practise massage therapy;
- (b) Issue receipts for massage therapy identifying himself as a RMT; and
- (c) Display his Certificate of Registration at Spectrum Physiotherapy.

Mr. Kowalewski also originally had some difficulty locating client files, and rescheduled and failed to attend at meetings for the purpose of providing those files to the College Investigator. He ultimately cooperated by providing the financial records.

Mr. Kowalewski acknowledged that he was guilty of professional misconduct in respect of the allegations made against him.

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 all four allegations of professional misconduct.

THE SENTENCING HEARING

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

1. The Member shall receive a public and recorded reprimand immediately following the conclusion of the Discipline Hearing;
2. A six (6) month suspension of the Member's Certificate of Registration. However, such suspension shall be remitted for a period of up to two (2) months if the Member complies with the terms, conditions and limitations imposed upon his Certificate of Registration below.
3. The following terms, conditions and limitations shall be imposed upon the Member's Certificate of Registration:

- (a) Within six (6) months of the date of the Hearing, the Member shall enroll in and successfully complete, at his own expense, the College's Professionalism Workshop (or shall have done so within the past six (6) months);
- (b) The Member agrees that the College is entitled to contact the facilitators of the above-listed course, and request a report to the Registrar outlining the Member's participation in the

course, which if unsatisfactory, will constitute a breach of term (a) above; and

- (c) Within sixty (60) days of completing the Professionalism Workshop, the Member shall make written reflective submissions to the College setting out the lessons learned from the Professionalism Workshop with respect to the issues raised in the Notice of Hearing.
4. Within one year of his resumption of practise the Member will submit to an inspection of his practise at his expense. The cost of the inspection shall not exceed \$500;
 5. The Member shall pay costs of \$1,000, payable within sixty (60) days of the Order; and
 6. Publication of the results of the Hearing, in the usual course.

EDITORIAL NOTE

The Kowalewski Decision emphasizes that practising massage therapy without a valid license will be viewed a serious violation, warranting a lengthy suspension.

Report of the Independent Auditor on the Summary Financial Statements

To the Council of the College of Massage Therapists of Ontario

The accompanying summary financial statements, which comprise the summary statement of financial position as at December 31, 2011, the summary statement of operations and summary statement of changes in net assets for the year then ended, and related note, are derived from the audited financial statements of the College of Massage Therapists of Ontario for the year ended December 31, 2011. We expressed an unmodified audit opinion on those financial statements in our report dated May 28, 2012.

The summary financial statements do not contain all the disclosures required by Canadian generally accepted accounting principles. Reading the summary financial statements, therefore, is not a substitute for reading the audited financial statements of the College of Massage Therapists of Ontario.

Management's Responsibility for the Summary Financial Statements

Management is responsible for the preparation of a summary of the audited financial statements on the basis described in the note to the summary financial statements.

Auditor's Responsibility

Our responsibility is to express an opinion on the summary financial statements based on our procedures, which were conducted in accordance with Canadian Auditing Standard (CAS) 810, "Engagements to Report on Summary Financial Statements".

Opinion

In our opinion, the summary financial statements derived from the audited financial statements of the College of Massage Therapists of Ontario for the year ended December 31, 2011 are a fair summary of those financial statements, on the basis described in the note to the summary financial statements.

Hilborn Ellis Grant LLP

Chartered Accountants
Licensed Public Accountants
Toronto, Ontario
May 28, 2012

Summary Statement of Financial Position

December 31	2011 \$	2010 \$
ASSETS		
Current assets		
• Cash and cash equivalents	8,465,664	6,827,238
• Investments	316,303	235,696
• Prepaid expenses	48,126	-
	8,830,093	7,062,934
Investments	2,460,540	2,369,623
Capital assets	307,399	351,246
	11,598,032	9,783,803
LIABILITIES		
Current liabilities		
• Accounts payable and accrued liabilities	1,009,393	883,482
• Deferred membership fees	5,603,870	5,349,410
	6,613,263	6,232,892
Lease inducements	119,717	120,546
	6,732,980	6,353,438
NET ASSETS		
Invested in capital assets	307,399	351,246
Unrestricted - cumulative excess of revenues over expenses	4,416,545	2,996,760
Unrestricted - cumulative net unrealized gain on available for sale financial assets	141,108	82,359
	4,865,052	3,430,365
	11,598,032	9,783,803

Summary Statement of Operations

Year ended December 31	2011 \$	2010 \$
Revenues		
• Membership fees	6,049,100	5,738,070
• Examination fees	1,294,225	1,158,760
• Investment income	137,713	117,211
	7,481,038	7,014,041
Expenses		
• Council and committees	139,282	182,938
• Complaints and discipline	718,491	707,570
• Communications	188,028	452,407
• Examinations	1,021,604	907,500
• Professional fees	171,267	149,822
• Consulting fees	299,459	461,809
• Quality assurance	182,180	151,817
• Rent and operating costs	301,127	287,453
• Office and general	791,711	597,393
• Amortization	113,580	98,936
• Salaries and benefits	2,178,371	1,873,009
	6,105,100	5,870,654
Excess of revenues over expenses for year	1,375,938	1,143,387

Summary 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 \$	2011 Total \$	2010 Total \$
Balance, beginning of year	351,246	2,996,760	82,359	3,430,365	2,276,816
Excess (deficiency) of revenues over expenses for year	(113,580)	1,489,518	-	1,375,938	1,143,387
Purchase of capital assets	69,733	(69,733)	-	-	-
	307,399	4,416,545	82,359	4,806,303	3,420,203
Accumulated gains included directly in the statement of changes in net assets:					
• Unrealized gains on available for sale financial assets arising during the year	-	-	63,669	63,669	17,120
• Reclassification adjustment for gains included in excess of revenues over expenses	-	-	(4,920)	(4,920)	(6,958)
	-	-	58,749	58,749	10,162
Balance, end of year	307,399	4,416,545	141,108	4,865,052	3,430,365

Note to Summary Financial Statements: Basis of presentation

These summary financial statements have been prepared from the audited financial statements of the College of Massage Therapists of Ontario (the "College") for the year ended December 31, 2011, on a basis that is consistent, in all material respects, with the audited financial statements of the College and reduces cash flow information and information disclosed in the notes to the financial statements. Complete audited financial statements are available upon request from the College.

Summary
Financial Statements

2011 Council

As of Dec 31, 2011



Nancy Engstrom, RMT



Alois Nikodym, RMT



Romilla Gupta



Robert Pletsch



Lesley Hargreaves, RMT



Karen Redgers, RMT



David Janveau, RMT



Chris Semenuk, RMT



James Lee



Karen Sosnowski, RMT



Hedy Miszuk



Lloyd White

2011 Committees

As of Dec 31, 2011

Executive

David Janveau - President
James Lee - Vice President
Robert Pletsch - Executive Member

Appeals

Lloyd White - Chair
Karen Sosnowski
Nancy Engstrom
James Lee
Erin Redden (non-council)

Client Relations

Lloyd White - Chair
James Lee
Lesley Hargreaves
Erin Redden (non-council)

ICRC

James Lee -Chair
Lloyd White – Vice Chair
Alois Nikodym
David Janveau
Romilla Gupta
Professional Member (TBD)
Chantel Therese Missen (non-council)
Joanna Kent (non-council)
Vacant (non-council)

Discipline

Karen Redgers - Chair
Nancy Engstrom
Professional Member (TBD)
Hedy Miszuk
Robert Pletsch
Public Member (TBD)
Nicole Fink (non-council)
Kimberley Westfall-Connor (non-council)
TBD (non-council)

Fitness to Practice

Hedy Miszuk - Chair
Karen Redgers
Nicole Fink (non-council)

Quality Assurance

Nancy Engstrom - Chair
Karen Sosnowski
Romilla Gupta
Lloyd White
Chantel Therese Missen (non-council)

Registration

Hedy Miszuk - Chair
Romilla Gupta
Alois Nikodym
Professional Member (TBD)
Tammy Peterson (non-council)

