



College of Massage Therapists of Ontario

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Discipline Hearing Summary

Victor Mendoza, RMT (Toronto, ON), June 8, 2018

Decision

On June 8, 2018, the Discipline Committee found that Mr. Victor Mendoza, a Registered Massage Therapist (RMT), committed acts of professional misconduct in that he:

1. contravened a Standard of Practice of the profession or a published standard of the College, or failed to maintain the Standard of Practice of the profession;
2. failed to keep records as required;
3. signed or issued, in his professional capacity, a document that he knew contained a false or misleading statement;
4. submitted an account or charge for services that he knew was false or misleading; and
5. engaged in conduct or performed an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by registrants as disgraceful, dishonourable or unprofessional.

Penalty and Cost Award

The Discipline Committee's order included the following:

1. Mr. Mendoza is required to appear before a panel of the Discipline Committee immediately following the hearing of this matter to be reprimanded, with the fact of the reprimand and the text of the reprimand to appear on the public register of the College;
2. The Registrar is directed to suspend Mr. Mendoza's Certificate of Registration for a period of three and one half (3.5) months, effective June 8, 2018.
3. The Registrar is directed to impose the following terms, conditions or limitations on Mr. Mendoza's Certificate of Registration:

- a. Within six (6) months of the date of June 8, 2018, Mr. Mendoza must provide proof, acceptable to the Registrar, of successful completion of the College's Professionalism Workshop, which is to be taken at his own expense; and
 - b. Within six (6) months of June 8, 2018, Mr. Mendoza must provide proof, acceptable to the Registrar, of successful completion of the College's Record Keeping E-Workshop, which is to be taken at his own expense; and
 - c. Within six (6) months of June 8, 2018, Mr. Mendoza must provide proof, acceptable to the Registrar, of successful completion of the College's Standards and Regulations E-Workshop, which is to be taken at his own expense; and
 - d. Within twelve (12) months of June 8, 2018, Mr. Mendoza must participate in a chart audit conducted by a College-appointed auditor, at Mr. Mendoza's own expense, to the satisfaction of the Registrar. The chart audit shall consist of a review of at least ten (10) and no more than twenty (20) charts selected by the auditor relating to clients treated by Mr. Mendoza both in a clinic and home practice setting (unless Mr. Mendoza has not treated any clients in a home practice setting in the previous twelve (12) months, in which case all charts shall be from a clinic practice setting), together with the corresponding appointment records and financial records for those clients. The auditor shall report the results of the audit in writing to the Registrar. The cost of the audit shall not exceed \$275.00.
4. The terms, conditions or limitations in paragraph 3 above shall be removed from the [public] register when, in the opinion of the Registrar, they have been satisfied.
 5. Mr. Mendoza is required to pay to the College costs in the amount of \$1,800.00 within twelve (12) months of the date of June 8, 2018.

Reprimand Delivered to Mr. Mendoza:

The following reprimand was delivered by a panel of the Discipline Committee:

The Panel would first like to thank you for your presence here today and for your participation and co-operation in the disciplinary process.

The Panel finds your conduct unacceptable. Allowing an unregistered person to use your registration number and issuing false receipts is a serious breach of standards that puts the public at risk.

Additionally, your failure to notify the College of your home practice directly impacts the College's ability to regulate the profession. This jeopardizes the College's ability to fulfill the public protection mandate. Actions such as yours undermine the public confidence of this profession and jeopardize the relationship with the insurers.

The Panel wants to remind you that being a Registered Massage Therapist is a privilege and not a right. It is our expectation that you will learn from this experience and from your ordered course work. When you return to practice, you will recommit yourself to upholding the standards of this profession.