



College of Massage Therapists of Ontario

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Discipline Hearing Summary

Jose Alberto Tena Schoelly, RMT (Toronto, ON)

April 16-17, 2018 and February 4, 2019

Decision

On November 12, 2018, the Discipline Committee found that Mr. Jose Alberto Tena Schoelly, a Registered Massage Therapist (RMT), committed acts of professional misconduct in that he:

1. sexually abused a client;
2. committed the following acts of professional misconduct:
 - a. 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;
 - b. physically abused a client;
 - c. 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; and
 - d. engaged in conduct that would reasonably be regarded by registrants as conduct unbecoming a Massage Therapist.

Penalty Order and Cost Award

At the penalty phase of the hearing on February 4, 2019, the Discipline Committee ordered the following penalty:

1. Mr. Schoelly is required to appear before a panel of the Discipline Committee to be reprimanded, with the fact of the reprimand and a summary of the reprimand to appear on the public register of the College;
2. The Registrar is directed to revoke Mr. Schoelly's Certificate of Registration effective immediately;

3. Mr. Schoelly is required to reimburse the College for funding provided to the client under the program required under section 85.7 of the Health Professions Procedural Code being Schedule 2 to the *Regulated Health Professions Act, 1991*;
4. Mr. Schoelly is required to, within thirty (30) days of the date of this order, post security acceptable to the College in the amount of \$3,000.00 to guarantee the payment of any amounts he may be required to reimburse the College under the order in paragraph 3 above; and
5. Mr. Schoelly is required to pay to the College costs in the amount of \$49,745.00 to be paid in twenty-three (23) monthly installments of \$2073.00 per month, and one (1) monthly installment of \$2066.00.

The complete Decisions and Reasons will be available online on the Canadian Legal Information Institute (CanLII) [website](#).