



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 of the Discipline Committee are available online on the Canadian Legal Information Institute (CanLII) [website](#).

Reprimand Delivered to Mr. Schoelly

The following reprimand was delivered by a panel of the Discipline Committee on May 10, 2019:

The panel finds the acts of sexual abuse that you committed are quite simply reprehensible and demonstrate an abysmal lack of professionalism. There is nothing quite so damaging to a client than to be abused by a person in a position of trust. The client will more than likely bear the emotional scars of your actions for the remainder of her life. She will also, likely, have difficulty in establishing trust, especially with health professionals.

The panel is concerned that you still do not fully appreciate the impact your actions have had on your client. Although revocation was mandatory in this case, this Panel would not have been satisfied with any outcome other than the revocation of your Certificate [of Registration] given the serious and disturbing nature of your conduct. Sexual abuse of a client will not be tolerated by the College or by the profession, a position that is reflected in the zero-tolerance policy by the College. The panel is confident that the public is safer in not having you as a regulated health professional.

Appellate Decision

On March 2, 2020, the Superior Court of Justice (Divisional Court) substituted the revocation of Mr. Schoelly's Certificate of Registration with a suspension, which ended on March 2, 2020. The remaining elements of the penalty and costs order of February 4, 2019 were upheld by the court.