

**EXECUTIVE SUMMARY –
ALLISON COCHRAN, RMT
DISCIPLINARY HEARING CONDUCTED
JANUARY 26, 2012**

THE ALLEGATIONS

The Member, Allison Cochran, RMT, was charged with six counts of professional misconduct including:

1. Contravening a standard of practice of the profession or published standard of the College, or failing to maintain a standard of practice of the profession;
2. Contravening the *Regulated Health Professions Act, 1991*;
3. Falsifying documents;
4. Making a claim respecting the utility of a treatment, remedy, device or procedure other than a claim which can be supported as a reasonable professional opinion;
5. Engaging in disgraceful, dishonourable or unprofessional conduct; and,
6. Engaging in conduct unbecoming a Massage Therapist.

THE PLEA

The Member entered a guilty plea in relation to the allegations, with the exception of allegation 3, which was withdrawn by the College.

THE FACTS

The matter proceeded on the basis of an Agreed Statement of Facts in which the Member agreed as follows:

1. The Member is a joint owner of and provides treatment at the “Clinic”.
2. The allegations referred to the Discipline Committee arose from a complaint by another RMT whose client had received a “body wrap” treatment from the Member on March 10, 2010, and who also received an RMT receipt for this treatment.
3. The subsequent investigation conducted by the College revealed that:
 - (a) The Clinic made unsupported claims about the benefits of a body wrap;
 - (b) The Member had lost a number of her client files due to environmental contamination and electronic failure; and
 - (c) The Member provided her body wrap client with a receipt for treatment, which indicated “Massage Therapy/lymphatic drainage techniques” and included the Member’s name and RMT number.
4. On November 12, 2010, while the investigation of the complaint was still pending, the Member informed the College that although she believed that body wraps fell within the scope of Registered Massage Therapy, she voluntarily ceased to provide wraps in her capacity as a RMT and ceased issuing RMT receipts for wraps. She also updated her website to include this information.
5. On January 20, 2011, a number of terms, conditions and limitations were imposed on the Member’s Certificate of Registration (“Certificate”):
 - (a) the Member shall not provide “body wrap” treatments in her capacity as a RMT;
 - (b) the Member shall not provide receipts for “body wrap” treatments that identify the treatment as a Massage Therapy treatment or include her registration number or RMT designation; and

- (c) the Member shall not hold out “body wrap” treatments as being within the scope of her practice as an RMT.
6. The College retained an expert to provide an opinion on whether or not the Member had breached the standards of the College as alleged. The expert concluded that hydro-therapy is a modality of Massage Therapy and is not a substitute for the complete therapeutic intervention of Massage Therapy. Therefore, it should not be billed to an insurance company as Massage Therapy. Further, the expert opined that there are clear standards with respect to the application of hydro-therapy during the course of Massage Therapy treatment. The Member did not follow those standards.
 7. The Member accepted the opinion of the expert and acknowledged that when body wraps are provided as a standalone treatment and not part of a comprehensive treatment plan, she ought not to portray the body wraps as registered Massage Therapy or provide a RMT receipt.
 8. The Member further accepted that, in providing hydro-therapy or any Massage Therapy treatment, she must adhere to the College’s standard of practice and personally attend and monitor the client during the treatment, or ensure that the client is attended by others who are suitably qualified and have the proper training.
 9. The Member further acknowledged that she ought to have taken better care to protect her paper client files from water damage and ensure that she has a proper system in place to back-up her electronic records in the event of computer failure.

FINDING OF GUILT

On the basis of the Member’s guilty plea and its review of the Agreed Statement Facts, the Panel of the Discipline Committee found the Member guilty of the allegations of professional misconduct, with the exception of allegation 3.

THE SENTENCING HEARING

The Member and the College presented a Joint Submission on Penalty to the Discipline Panel, with the exception of the suspension commencement date. On these submissions, the Panel ordered as follows:

1. The Member’s Certificate of Registration shall be suspended for period of 4 months;
2. However, such suspension shall be remitted for a period of 2 months if the Member complies with the terms, conditions and limitation imposed on the Certificate of Registration;
3. The following terms, conditions and limitations shall be imposed on the Members’ Certificate:
 - (a) The Member shall enroll in and successfully complete, at her own expense, the College’s Record-Keeping course or a Registrar approved record-keeping course and shall provide satisfactory evidence of the same; and,
 - (b) The member agrees that the College is entitled to contact the facilitator 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 paragraph (a) above.
4. Within one year of the decision becoming final, the Member must complete course work or self-study in the area of research literacy. The Member may enrol and must successfully complete, at her expense, Centennial College’s “Research Literacy for Complementary and Alternative Health Care Practitioners” course. If the course is not offered within the one-year period, the Member, as an alternative, may complete at her own expense, a self-study/review of the course materials/textbook required for the above-noted course. In the event that those materials are not available, the Member may complete an alternative Registrar approved research literacy course for health professionals and shall provide satisfactory evidence of the completion of any of the courses or self-study options as outlined above within 30 days of completing the same. Within 30 days of providing

evidence of her completion of either the above options, the Member is to provide to the attention of the Registrar a three-page reflective written submission outlining what she has learned in relation to her course work and the issues raised in this matter, and which may be published at the discretion of the Registrar. The Member may consult with the College's Practice Advisor for guidance in completing the written submissions as outlined above;

5. The Member shall be required to submit to one inspection of her practice, at her own expense, to occur within one year of her completing the suspension;
6. The Member shall pay costs to the College in the amount of \$1,000;
7. The Member undertakes not to practise Massage Therapy during the period of her suspension;
8. The decision of the Panel and the penalty imposed shall be published in the usual course; and
9. Having waived her right of appeal, the Member will receive a public and recorded reprimand.

Counsel for the Member requested that the suspension be delayed to start July, 2012 due to a number of difficult personal and financial difficulties facing the Member. The College submitted that members should not be able to pick and choose when they would like their suspension to start. The suspension is meant to be a hardship. To wait five months to start the suspension would erode the public confidence in the discipline process.

In an effort to balance the concerns of both parties and the obligations to the profession and the public, the Panel decided that the Member's suspension should start on April 1, 2012.

CASE COMMENT

In its reasons for accepting the penalty, the Panel noted that hydro-therapy may be part of a Massage Therapy treatment plan, but is never intended to be a stand-alone treatment and called Massage Therapy. This is clearly stated in the standards of practice and the Member clearly breached that standard. The length of this suspension sends a message that the College will not tolerate breaches of the College's standards. The required course work and inspection of practice will ensure that the Member has learned from her mistakes and reintroduce the Member to the standards of the College with respect to record-keeping and complementary and alternative health modalities.

The delay in the suspension date was an extra-ordinary order by the Panel, in recognition of the Member's co-operation throughout the investigative process and her particular personal financial difficulties.