

**EXECUTIVE SUMMARY – CLAUDIA DOLSON, RMT  
DISCIPLINARY HEARING CONDUCTED  
JUNE 7, 2012**

The Member, Claudia Dolson, RMT, was charged with the following counts of professional misconduct:

1. Signing or issuing, in the Member's professional capacity, a document that the Member knows contains a false or misleading statement;
2. Falsifying records relating to the Member's practice; and
3. Engaging in conduct or performing an act relevant to the practice of 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 allegations 1 and 2, and the College withdrew allegation 3.

**THE FACTS**

Evidence was presented by way of an Agreed Statement of Facts.

On April 6, 2009, the Member's registration as a Massage Therapist was suspended for non-payment of fees. On August 10, 2009, the Member paid the necessary fees to renew her registration.

During the period of her suspension, the Member continued to practice Massage Therapy. The Member did not advise her clients or the owners of the clinic where she worked that her registration had been suspended, and she continued to maintain treatment records.

During the College's investigation of this matter, the Member failed to cooperate consistently with the College investigators. She failed to provide client files on request, and provided inconsistent information to a College investigator.

**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 in relation to counts 1 and 3 as outlined above.

**PENALTY**

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

1. A nine (9) month suspension of the Member's Certificate of Registration, with three (3) months of the suspension to be remitted if the Member complies with terms, conditions and limitations imposed on her Certificate of Registration as set out below, within six (6) months;
2. Terms, conditions, and limitations on the Member's Certificate of Registration requiring her to

attend and successfully complete, at her own expense, the College's Professionalism Workshop within one (1) year of the date of the Decision;

3. The Member shall submit to one (1) inspection of her practice, at her own expense;
4. The Member shall pay costs in the amount of \$4,000.00;
5. The Member will receive a public and recorded reprimand; and
6. The Decision shall be published in the usual course.

In its Reasons for Penalty, the Panel noted that it is a very serious offence to practice Massage Therapy without a valid licence, and that the penalty reinforces the seriousness of the offence. The Panel noted that the length of the suspension also takes into account the Member's failure to consistently cooperate with College Investigators. A failure to cooperate goes to the issue of governability, and the Panel noted that the privilege of self-regulation means that the profession is expected to follow the Standards and Regulations of the College and to fully cooperate with the College.

The Panel noted that the suspension sends a strong message to the profession that this type of behaviour will not be tolerated, and protects the public while the Member is being rehabilitated. The required course work will assist in the Member's rehabilitation, and the inspection will further protect the public.

The Panel also made clear that it is not acceptable to provide "relaxation massage" while suspended. The Panel found that the profession needs to be clear that when you are suspended, you cannot "pretend that doing relaxation massage is not part of being an RMT."

#### **CASE COMMENT**

Practicing while a member's Certificate of Registration is suspended is a serious violation of a member's professional obligations. Compounding this violation with a failure to consistently cooperate with the College raises serious issues as to governability. As this case highlights, the College will not tolerate this behaviour, and members found to be engaging in such conduct will be brought before the Discipline Committee where significant periods of suspension will be sought. The Panel also made clear that it is not acceptable to provide "relaxation massage" when suspended.