

Executive Summary – Denise Leonard, RMT September 25, 2013

Summary of the Discipline hearing before a Panel of the Discipline Committee of the College of Massage Therapists of Ontario held on September 25, 2013

Allegations of Professional Misconduct and Plea

Ms. Leonard entered a guilty plea in relation to the following allegations:

- receiving any form of benefit from the practice of massage therapy while under suspension unless full disclosure is made by the member to the College of the nature of the benefit to be obtained and prior approval is obtained from the Executive Committee; and
- engaged in disgraceful, dishonourable or unprofessional conduct.

The Facts

The College and Ms. Leonard submitted an Agreed Statement of facts which set out the following facts.

Ms. Leonard received notice from the College advising her of the deadline to renew her Certificate of Registration for 2011. The College sent a further letter to Ms. Leonard notifying her that her registration fees and that her Certificate of Registration would be suspended if she did not renew her registration by December 31, 2010. In December, 2010, Ms. Leonard moved to a new address and she failed to advise the College of her new address as required by the registration regulations and College Bylaw. Ms. Leonard did not pay the required registration fee and her Certificate of Registration was suspended for non-payment of fees on January 4, 2011.

Despite the suspension of Ms. Leonard's registration she continued to practice and hold herself out as a Registered Massage Therapist while she was suspended between the period of January 4, 2011 and March 9, 2012 and she received payment for the several treatments she provided while suspended Ms. Leonard however did not receive her suspension notice because she failed to provide the College with her new address.

Decision of the Panel and Penalty and Cost Award Imposed

The Discipline Panel accepted the Joint Penalty Submission of the College and Ms. Leonard and imposed the following penalty:

1. The Member shall receive a reprimand;
2. The Member's Certificate of Registration shall be suspended for a period of four (4) months, with the entire period of the suspension to be remitted immediately (as a result of the Member's inability to practice since moving to Newfoundland);
3. The Member shall submit a two-page written reflective submission regarding the College's Charter on Professionalism that may be published at the Registrar's discretion and which is to be received by the College by October 21, 2013;

4. The Member shall contribute to the investigation and prosecution costs of the College in the amount of \$1000.00 to be paid by December 31, 2014; and
5. The decision of the Discipline Committee in this matter shall be published in the usual course.

Panel's Reasons for Decision

The Panel was of the view that it is a very serious offence to practice massage therapy without a valid license. It was noted that Ms. Leonard practised massage therapy while suspended for more than 14 months and while she took some action when she realized her registration was suspension, she ought to have known she had not paid her annual fees. The Panel felt the penalty imposed was appropriate given the serious nature of the conduct involved.

The Panel considered Ms Leonard's unique circumstance in that she could not practice as a massage therapist prior to the hearing as she had moved to another province where massage therapy is regulated and in her circumstance the Panel felt it was appropriate It should be noted that Ms. Leonard's suspension was remitted as she moved out of province to another regulated jurisdiction and since moving she was not able to work as an RMT as she was not in good standing in Ontario. This means she has effectively served her time.