

## **Executive Summary – Domenic Falvo, RMT November 7, 2014**

Summary of the Discipline hearing before a Panel of the Discipline Committee of the College of Massage Therapists of Ontario held on November 7, 2014

### **Allegations of Professional Misconduct and Plea**

Mr. Falvo entered a guilty plea in relation to the following allegations:

- Falsifying a record;
- Failed to maintain records;
- Disgraceful, dishonourable and unprofessional.

### **The Facts and Findings of the Panel**

The facts of the case were established by way of an Agreed Statement of Facts which set out the following:

In October of 2012 a College investigator attended the Member's practice location and received a massage treatment from an Asian Male and was issued a receipt bearing the name and registration number of the Member.

In December of 2012 another College investigator book a massage therapy appointment specifically requesting treatment from the Member. When the investigator attended the Member's practice location the massage treatment was provided by an Asian female and immediately following the treatment she provided the investigator with the receipt bearing the Member's name and registration number.

A College appointed Investigator met with the Member to obtain a sample of client health records and received records relating to the two previous College investigators that had received treatments in October and December. Upon review of those records it was noted that the Member included treatments notes for the treatments he did not provide. Also during the meeting the Member could not provide appointment records and admitted to have appointment records for 2013 appointments only.

The Member admitted to falsifying treatment notes relating to the two College Investigators and failing to maintain records as required. The Member stated that he made an error when he prepared the treatment records relating to the two College investigators and as a result of the investigation he immediately made changes to his practice to avoid future errors.

The Panel found Mr. Falvo engaged in acts of professional misconduct based the facts and the Member's guilty plea as set out in the Agreed Statement of Facts.

### **Decision of the Panel and Penalty and Cost Award Imposed**

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

1. The Member's Certificate of Registration shall be suspended for a period of two (2) months commencing immediately;
2. During his suspension, the Member shall attend and complete the College's Professionalism Workshop and his suspension will continue indefinitely until he does so;
3. The Member shall submit to an inspection of his practice, at his own expense, within approximately six (6) months of resuming practice. The cost of the inspection shall not exceed \$500;
4. A public and recorded reprimand;
5. The publication of the decision in the ordinary course, which includes publication in the Annual Report of the College, an Executive Summary posted on the College's website, as well as a summary of findings, also accessible through the College's website; and
6. The Member shall pay a contribution towards the costs of the investigation and prosecution in the amount of \$1,500, payable within ten (10) months of the decision of the Discipline Committee becoming final.

#### **Panel's Reasons for Decision**

The Panel found this case involved very serious acts of professional misconduct as the falsification of client health records compromises client health and safety. The panel was of the view that the penalty imposed was reasonable, fair and in the public interest consistent with previous College cases (CMTO v. B. Lisiecki, 2011 and CMTO v. T. Griffin (2012)).

The panel noted that the length of the suspension and the required course work will convey to the Member and Members of the profession, the public, and other health professionals that the College will not accept such conduct by its members and will take appropriate action against its members for engaging in such conduct.