

**EXECUTIVE SUMMARY – EDWARD WHITE, RMT  
DISCIPLINARY HEARING CONDUCTED  
AUGUST 15, 2012**

Six allegations were laid against the Member, Edward White, RMT. At the commencement of the hearing, the College withdrew allegations 1, 5 and 6. The remaining allegations (2, 3 and 4) were that the Member committed an act or acts of professional misconduct as provided by subsection 51(1)(c) of the Code of the *Massage Therapy Act, 1991*, S.O. 1991:

1. as defined in s. 26, paragraph 26 of Ont. Reg 544/ 94 as amended, in that in and around 2009 and following he failed to keep records as required of his Massage Therapy practice, including failure to maintain proper client health records relating to client M.C. (“Allegation 2”);
2. as defined in section 26, paragraph 44 of Ont. Reg 544/ 94 as amended, in that, in and around October 2009, he 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 members as disgraceful, dishonourable or unprofessional by completing a signed auto insurance form relating to client M.C. using the name of another registered Massage Therapist (“Allegation 3”); and
3. as defined in section 26, paragraph 27 of Ont. Reg. 544/944 as amended, in that he falsified a record relating to the practice, namely auto insurance forms relating to client M.C. (“Allegation 4”).

**THE PLEA**

The Member entered a guilty plea in relation to Allegation 2, 3 and 4 and, as noted above, the College withdrew Allegation 1, 5 and 6.

**THE FACTS**

The facts were established by an Agreed Statement of Facts which set out that Mr. White has been a Registered Massage Therapist with the College of Massage Therapists since May 22, 2008 and practices at a clinic in Brantford, Ontario.

Mr. White did not maintain treatment notes for all services rendered to clients. The missing treatment notes included:

1. treatment for J.F. on January 31, 2011, February 2, 2011 and February 11, 2011;
2. treatment for L.M. on January 4, 2011;
3. treatment for B.D. on February 16, 2010, March 11, 2010, March 15, 2010, March 17, 2010 and April 1, 2010; and
4. treatment for B.J. on September 14, 2010.

Mr. White did not obtain a health history for client J.F. and completed an OCF-18 for client M.C. signing the name of another member of the College.

On January 16, 2012 the Inquiries, Complaints and Reports Committee directed that specified allegations of professional misconduct be referred to the Discipline Committee based on the foregoing.

**SENTENCING HEARING**

The Member and the College presented joint submissions on penalty to the panel of the Discipline Committee. Based on the submissions the Panel ordered:

1. The Registrar shall suspend the Member's Certificate of Registration for 6 months effective September 1, 2012, 3 months of which may be remitted in the event that the Member completes items 3 and 4 within 3 months of the decision;
2. The Member undertakes not to practice during the period of his suspension;
3. The Registrar shall impose the term on the Member's Certificate of Registration that the Member shall enroll in and successfully complete, within 3 months of the Panel's order becoming final the College's Recordkeeping Course, at his expense and provide satisfactory evidence of a successful completion within thirty days of completing the same;
4. The Member shall contribute to the investigation and prosecution costs of the College in the amount of \$1,500 to be paid within sixty days of the decision becoming final;
5. The Member shall receive a public and recorded reprimand; and
6. Publication in the usual course and the College may publish at the discretion of the Registrar details of the Member's failure to comply with all or part of the terms of the Penalty imposed.

#### **CASE COMMENT**

The White Decision demonstrates that, notwithstanding a guilty plea, a member's dishonourable behavior in falsifying records will attract a serious penalty, including a suspension of several months and costs.