

EXECUTIVE SUMMARY – GEORGE TSIOROS, RMT

DISCIPLINARY HEARING CONDUCTED FEBRUARY 23, 2012

The Member, George Tsioros, RMT, was alleged to have committed the following acts of professional misconduct:

1. Contravening the *Massage Therapy Act*, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts;
2. Contravening a standard of practice of the profession or a published standard of the College, or failing to maintain the standard of practice of the profession; and
3. Engaging in conduct or performing an act, in the course of practising the profession, that, having regard to all of the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

THE PLEA

The Member entered a guilty plea in respect of the allegations 1 and 2. The College withdrew allegation 3.

THE FACTS

The evidence was presented by way of an Agreed Statement of Facts which provided as follows:

In February of 2010, a colleague of Mr. Tsioros and member of the College submitted a mandatory report alleging that the member had performed a breast massage on his client where it was not clinically indicated, without consent and without appropriate draping of massage technique, contrary to technique standard 15, “performing breast massage”.

The Member admitted to performing an upper chest/pectoral massage, but denied performing a breast massage. The Member stated that while providing a treatment, he would describe the areas he would be treating to the client. The Member acknowledged that he failed to record any treatment details in the client’s file.

The client provided a statement to the College. In her statement, she described the massage as largely consistent with the Member’s description of a chest/pectoral massage. The client described the sheet as being pushed down loosely just above the line of her areola/nipple. The client acknowledged that the Member’s hands went under the sheet, but she did not recall to what extent.

The College retained an expert to opine on whether the Member met the standard of care in this case. The expert concluded that, given the consistency between the Member’s and the

client's statement, it was likely that the massage occurred as the client described. Even so, the expert concluded that the Member breached three of the standards of the College:

1. Communication/public health standard no. 14 - client health records. The Member did not record any of the treatment details in the client file;
2. Communication/public health standard no. 12 – draping. The Member failed to secure the sheets in accordance with the standard and allowed his fingers or hands to slide under the sheet; and
3. Communication/public health standard no. 7 – consent and consent for treatment. The Member's consent discussion was inadequate.

The Member acknowledged that his draping method, maintenance of client health records and consent discussion were deficient.

FINDING OF GUILT

The discipline made a finding of guilt on the basis of the Member's guilty plea and its review of the Agreed Statement of Facts.

THE SENTENCING HEARING

The Member and the College presented a Joint Submission on Penalty to the Discipline Panel. On these submissions, the Panel ordered as follows:

1. The Member's Certificate of Registration ("Certificate") shall be suspended for a period of three (3) months, such suspension shall be commenced immediately;
2. However, such suspension shall be remitted for a period of two (2) months if the Member complies with the terms, conditions and limitations imposed on his Certificate of Registration, as detailed below;
3. The following terms, conditions and limitations shall be imposed on the Member's Certificate of Registration:
 - (a) Registration in the College's course in Standards and Regulations, within one (1) month of the Committee's decision becoming final;
 - (b) If the Member fails to comply with item (a) above within the time prescribed, the Member shall register and complete the College's course in Standards and Regulations within twelve (12) months of the Committee's decision becoming final;
 - (c) The Member shall provide satisfactory evidence of registration within seven (7) days of registration in the course; and

- (d) The Member shall provide satisfactory evidence of completion of the course within thirty (30) days of completing same.
4. The Member shall submit to one (1) inspection of his practice, at his own expense, to be completed within one year of his return to practice, with costs not exceeding \$500.00;
 5. The Member shall contribute to the investigation and prosecution costs of the College in the amount of \$1,000.00, with payments commencing within thirty (30) days of the decision becoming final, in five (5) equal instalments of \$200.00 paid over a period of five (5) months;
 6. A public and recorded reprimand; and
 7. Publication in the usual course.

CASE COMMENT

In its reasons for accepting the penalty, the Committee noted that maintaining the standards of practice of the profession is important for public safety. It is appropriate that the Member should be suspended for breaches of the standards of practice. The length of the suspension shall provide adequate deterrence to the Member and other members of the profession and make it clear that the College will not tolerate this type of behaviour.

The coursework will ensure that the Member has learned from his mistakes, assist him in rehabilitation and offer some professional growth as he works towards re-entering the profession. An inspection of the Member's practice will also ensure that the public is protected and that he is following the standards of practice of the College.