

Executive Summary – Kurt Townshend, 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

Kurt Townshend entered a guilty plea in relation to the following allegations:

- Contravened a term, condition or limitation imposed on his Certificate of Registration;
- Received a benefit from the practice of massage therapy while under suspension; and
- Signed or issued in his professional capacity a false document

The Facts and Findings of the Panel

The member was sent a letter by the College in follow up to his failure to submit his 2012 registration renewal form and fee. The letter stated that if he did not submit the required documentation and pay the renewal fees by December 31, 2011 his registration would be suspended.

If the Member were to testify at a hearing, he would state that on December 30 and 31, 2011, he attended at the College building and attempted to hand-deliver his renewal form and required fee. The College was closed on those dates, and no other businesses in the building were open. As a result, the Member was not able to access the building and slip his renewal materials under the door.

On January 3, 2012, the Member hand delivered his renewal application, along with a cheque for his fees, to the College office. The College however had sent another letter to the Member dated January 4, 2012, informing him that his registration had been suspended as he failed to submit his renewal documentation by the deadline. The letter further advised the Member that as a result of this suspension, he was not able to practise massage therapy, and that to do so would constitute an act of professional misconduct.

On January 10, 2012, the College sent another letter to the Member returning the cheque he had submitted on January 3, and informing him that due to the late submission of his renewal form, his membership had been suspended. The letter explained that because of the delay, a \$600 reinstatement fee was required. The Member was aware that his registration had been suspended around the third week of January, 2012.

The Member reinstated his registration on May 15, 2013 when he paid all outstanding fees, including the restatement fee.

On March 28, 2013, the College received a call from a member of the public alleging that she received treatment from the Member in February of 2013.

Following receipt of this information a College investigation was commenced. An Investigator was appointed and met with the Member. During the meeting, the Member admitted that he continued to practise during the time that he was suspended and provided the investigator with copies of his appointment books and receipt books for the relevant time period, which demonstrate that the Member practiced as an RMT consistently during his suspension.

The Member admitted to engaging in the allegations of professional misconduct.

The Panel found that the Member engaged in the act of professional misconduct as alleged based on the facts set out in the Agreed Statement of Facts and the Member's guilty plea.

Decision of the Panel and Penalty and Cost Award Imposed

1. The Registrar shall suspend the Member's Certificate of Registration for three months, two months of which may be remitted in the event that the Member completes item 4 by February 1, 2015.
2. The suspension shall take effect on January 1, 2015.
3. The Member undertakes not to practise during the period of his suspension.
4. The Registrar shall impose the following terms, conditions and limitations on the Member's Certificate of Registration:
 - (a) The Member shall enroll in and successfully complete, within one month of the Panel's order becoming final, a Registrar-approved Professionalism Course, at his expense and provide satisfactory evidence of his successful completion; and
 - (b) The Member shall complete a two-page written paper on the reasons why it is not acceptable to practice massage therapy while your certificate of registration is suspended.
5. The Member shall contribute to the investigation and prosecution costs of the College in the amount of \$1,000. This amount can be paid in five equal instalments of \$200 each. The first payment is to be made within 45 days of the decision becoming final. Each subsequent payment shall be made 30 days thereafter.
6. Publication in the usual course. 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.

Panel's Reasons for Decision