

Executive Summary –Leoni Petrasthuk, RMT March 20, 2014

Summary of the Discipline hearing before a Panel of the Discipline Committee of the College of Massage Therapists of Ontario held on March 20, 2014

Allegations of Professional Misconduct and Plea

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

- contravening standards of practice;
- practising while in a conflict of interest;
- falsifying a record;
- signing or issuing a false document;
- disgraceful, dishonourable or unprofessional; and
- conduct unbecoming a massage therapist

The Facts and Findings of the Panel

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

Ms. Petrasthuk rented practice space from another registrant of the College, Ms. X. Given financial difficulties Ms. Petrasthuk fell into arrears for payment of the rental space and entered into an agreement with Ms. X where in lieu of paying outstanding rents she agreed to issue fictitious receipts for massage therapy treatments purportedly provided to Ms. X and her family. The understanding was that the fictitious receipts would be submitted to Ms. X's insurer for reimbursement. Ms. Petrasthuk issued a number of receipts for a short period time.

Ms. Petrasthuk was then subsequently contacted by an insurance company seeking confirmation of treatments provided to Ms. X and her family. At this time it was discovered that Ms. X continued to bill the insurance company for treatments not provided and used Ms. Petrasthuk's name and registration number. At the same time Ms. Petrasthuk was contacted by Ms. X requesting additional fictitious receipts. Ms. Petrasthuk did not comply with the request and immediately contacted the College and the insurance company reporting her conduct in the circumstance.

The Panel found Ms. Petrasthuk engaged in acts of professional misconduct based the facts and her 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 Ms. Petrasthuk and imposed the following penalty:

1. Public and recorded reprimand;
2. Five (5) month suspension of Ms. Petrasthuk's Certificate of Registration, with the ability to remit two (2) months of the suspension, if Ms. Petrasthuk complies with the terms, conditions and limitations imposed on her Certificate of Registration;

3. Imposition of terms, conditions and limitations on the Registrant's Certificate of Registration to include:
 - (a) At her own expense, successful completion in the Registrar's opinion, the College's Standards and Regulations e-Course and
 - (b) By June 20, 2014, Ms. Petrasthuk must advise the Registrar in writing that she has successfully completed the e-Course.

4. Imposition of terms, conditions and limitations on the Registrant's Certificate of Registration to include:
 - (a) Ms. Petrasthuk must, at her own expense, successfully complete, in the Registrar's opinion, the College's Professionalism Workshop (the "Workshop"); and
 - (b) Ms. Petrasthuk must, within 30 days, advise the Registrar in writing that she has successfully completed the Workshop.

Panel's Reasons for Decision

The Panel was of the opinion that the joint submission on penalty was fair, reasonable and in the public interest. It was noted that the suspension reaffirmed the seriousness of the conduct involved and serve specific deterrence for the registrant as well as general deterrence to the profession. The remediation imposed would provide for an opportunity for reflection on the conduct involved and reinforce the importance of self regulation and appropriate behavior.

The Panel acknowledged significant mitigating factors in this case which included the Registrant's disclosure of her conduct to the College, her extenuating personal situation, as well as her full cooperation throughout the College's investigations and prosecution and for these unique set of factors the Panel did not impose a cost award.