

Executive Summary – Loretta Jackson, RMT October 24, 2014

Summary of the Discipline hearing before a Panel of the Discipline Committee of the College of Massage Therapists of Ontario held on October 24, 2014

Allegations of Professional Misconduct and Plea

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

- falsifying a record;
- Failing to ensure information provided to the College is accurate; and
- Disgraceful, dishonourable or unprofessional.

The Facts and Findings of the Panel

The College received information from an insurance company which suggested Ms. Jackson submitted an account relating to treatments provided to an insured on dates when the insured was out of the country and for a practice location where the insured had never attended. Through the course of an investigation, the insurance company obtained information to suggest the registrant never provided the treatments rendered and the fictitious account was created by Ms. Jackson's co-workers as part of a scheme to submit fraudulent claims and split the proceeds.

The registrant learned of the scheme after the insurance company commenced its investigation and requested supporting documentation for the claims. She in response to the requested made up fake treatments to mirror the accounts submitted.

After the College commenced its investigation following receipt of the information from the insurance company, the registrant initially lied to the investigator suggesting she provided the treatments in question and that the treatment notes were genuine. However, she later acknowledged to the College that she lied.

Ms. Jackson admitted to engaging in the acts of professional misconduct as outlined above.

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

1. A public and recorded reprimand;
2. Suspension of Ms. Jackson's Certificate of Registration for a period of four (5) months with the ability to remit two (2) months of the suspension if Ms. Jackson complies with the following term, condition and limitation imposed on her Certificate of Registration;

3. Imposition of the following terms, conditions and limitations on Ms. Jackson's Certificate of Registration to include:
 - a) Ms. Jackson must, at her own expense, successfully complete, in the Registrar's opinion, the College's Standards and Regulations e-Course (the "e-Course"); and
 - b) Ms. Jackson must, within 30 days of completing the e-Course, and notify the Registrar in writing that she has successfully completed the e-Course.
 - c) Ms. Jackson must, at her own expense, successfully complete, the College's Professionalism Workshop (the "Workshop"); and
 - d) Ms. Jackson must, within 30 days of completing the Workshop, notify the Registrar in writing that she has successfully completed the Workshop.
4. Ms. Jackson shall contribute to the investigation and prosecution costs of the College in the amount of \$1,500, payable in five monthly instalments of \$300, to commence when Ms. Jackson returns to practice.

Panel's Reasons for Decision

The Panel found the penalty submitted by the parties was fair, reasonable and in the public interest. It was noted further noted that the penalty was consistent with a previous College case *Petrasthuk* (2014).

The Panel found Ms. Jackson engaged in dishonest conduct which is a serious offense raising issues of trust for the public who seek care from a Registered Massage Therapist and the insurers that fund this care. In light of those concerns, the Panel imposed the penalty which met the goal for both general and specific deterrence.

Costs were imposed in this case as the Panel noted that given the serious nature of the conduct involved an investigation and subsequent hearing were necessary and in those circumstances a cost award was appropriate.