

# Michael McSayghis

**member:** Michael McSayghis, MT

**Hearing Dates:** April 14, 2003

## Charges of Professional Misconduct

- Failing to keep records as required;
- Contravening a standard of practice of the profession or a published standard or failed to maintain a standard of the profession; and
- Engaging in conduct that in the circumstances, would be considered by members to be disgraceful, dishonourable or unprofessional

## Brief Synopsis of Facts

- The College received a letter of complaint from L.M. regarding the conduct of the member during a Massage Therapy treatment;
- The member provided Massage Therapy treatments to L.M. in October and November 2000.; The member failed to use sheets to drape the complainant and failed to instruct her on the use of the sheets to cover her;
- LM was draped during treatments with an opened back gown and her gluteal cleft was exposed during treatments;
- The member used incorrect and inappropriate massage techniques while moving the treatment from one leg to the other and touched LM inappropriately when it was not clinically necessary;
- The member failed to keep client health records as required, as he did not properly and consistently record L. M.'s medical history and failed to record consent to treatments;
- The member attended L. M.'s home to pick her up for Massage Therapy treatments and persisted in attempting to communicate with her when L.M. made it clear she did not wish to communicate with him; and
- The member pleaded guilty to the charges.

## Decision

The panel accepted the member's plea and therefore found him guilty of the charges of professional misconduct.

## Penalty

- A reprimand;

- Imposition of a condition on the member's Certificate of Registration that the member shall, at his own expense take courses, approved by the Registrar, which cover each of the following topics:
  - i. Ethics and Boundaries;
  - ii. Draping techniques;
  - iii. Positioning techniques; and
  - iv. Transferring techniques
- Suspension of the member's Certificate of Registration for a period of six (6) months, of which three (3) months of the suspension will be remitted if the member takes and successfully completes each of the required courses by a specific date;
- An Inspection of the member's practice will be conducted within six months after the completion of his suspension at the member's expense; and
- Costs of \$1000.00

## **Panel's Reasons for Decision**

The panel was of the opinion that this matter raised serious concerns relating to the trust placed by clients in members and a violation of that trust which the panel viewed to be a serious offence. Additionally, the panel noted that appropriate record keeping is crucial to quality health care and violations of such obligations will not be taken lightly. The panel considered the member's plea and his submissions as to penalty and felt the penalty in this matter was appropriate as it would send a message to the member and the profession that trust placed by clients in members continues to be warranted and respected and violation of record keeping obligations will be dealt with accordingly.