



Discipline Hearing Summary – Muraleedharan Koodanchery C. Kalam, RMT (Greater Toronto Area, ON) May 19, 2016

Decision

On May 19, 2016, the Discipline Committee found that Mr. Kalam, a Registered Massage Therapist (RMT), committed acts of professional misconduct in that he:

1. Contravened a Standard of Practice of the profession or a published Standard of the College, or failed to maintain the Standard of Practice of the profession in that he:
 - a. failed to maintain appropriate boundaries in his treatment of A.S.;
 - b. failed to obtain informed consent for treatment of A.S.;
 - c. draped, or failed to drape A.S.'s body in such a manner that fell below the Standards of Practice;
2. He provided treatment to client A.S. for a therapeutic, preventative, palliative, cosmetic or other health-related purpose in a situation in which a consent is required by law, without such consent in that he:
 - a. failed to obtain informed consent to treatment of A.S.'s lower back down to the area above the gluteal cleft, legs of medial thighs;
3. He engaged in conduct or performed an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, in that while providing Massage Therapy to client A.S. he:
 - a. failed to maintain appropriate boundaries in his treatment of A.S.;
 - b. failed to obtain informed consent to treatment of A.S.; and
 - c. draped or failed to drape A.S.'s body in a manner that fell below the Standards of Practice.

Penalty Order and Cost Award Imposed

The Discipline Committee made the following order:

1. The Registrar is directed to suspend Mr. Kalam's Certificate of Registration for a period of eight (8) months;
2. The suspension will be remitted to five (5) months if Mr. Kalam complies with the following:
 - a. Completes a reflective pieces on the Standard of Practice in the area of draping, maintaining appropriate boundaries and obtaining informed consent for treatment of sensitive areas.

- b. The reflective piece is to include how his actions would affect the client, the public and the profession.
 - c. The reflective piece is to be submitted to the Registrar within thirty (30) days of the hearing date.
3. Mr. Kalam will receive a public and recorded reprimand.
4. Mr. Kalam is required to pay the College costs in the amount of \$2,500.00;
5. The Discipline Committee's decision will be published in the ordinary course.

Appeal

Mr. Kalam has appealed to the Divisional Court aspects of the Penalty Order, and in particular, the order suspending the Mr. Kalam's Certificate of Registration for a period of eight (8) months. Mr. Kalam's suspension was reduced to four (4) weeks by the Divisional Court.

The complete Decision and Reasons is available online on the Canadian Legal Information Institute (CanLII). <https://www.canlii.org/en/on/oncmto/doc/2016/2016canlii105413/2016canlii105413.html>