

Executive Summary – Richard Thompson, RMT- February 27, 2014

Summary of the Discipline hearing before a Panel of the Discipline Committee of the College of Massage Therapists of Ontario held on February 27, 2014

Allegations of Professional Misconduct and Plea

Mr. Thompson entered a guilty plea in relation to the following allegations:

- falsifying a record;
- signing or issuing, a false document;
- Submitting a false account; and
- Disgraceful, dishonourable or unprofessional.

The Facts and findings of the Panel

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

The College received a complaint against Mr. Thompson in November of 2012 alleging that he knowingly submitted false insurance claims consisting of eight (8) forms relating to four (4) clients. The claims were submitted through the Health Claims for Auto Insurance (“HCAI”) process administered by the Financial Services Commission of Ontario (“FSCO”) which listed the name and credentials of a member of the College of Chiropractors of Ontario without the chiropractor’s knowledge or consent.

Mr. Thompson admitted listing the Chiropractor’s name and credentials as the initiating Health Practitioner and submitted the forms through the HCAI process without the Chiropractor’s knowledge, consent or authorization, and knowing that the clients had not been seen or treated by the Chiropractor. He further acknowledged that he knew he was required as part of the HCAI process to have the Chiropractor’s signature prior to submitting the forms for payment.

The Panel found Mr. Thompson engaged in acts of professional misconduct based the facts and his 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 Mr. Thompson and imposed the following penalty:

1. The Member’s Certificate of Registration shall be suspended for a period of four (4) months as of March 14, 2014;
2. Two (2) months of the Member’s suspension shall be remitted if the Member complies with the terms, conditions and limitations imposed on his Certificate of Registration, as set out in paragraph 3 below;
3. The following terms, conditions and limitations will be imposed on the Member’s Certificate of Registration shall continue until he complies with the terms, conditions and limitations:

- a) The Member shall, within two (2) months of the Discipline Committee's Decision, enrol in, at his own expense, the College's Professionalism Workshop and shall provide satisfactory evidence of completing the same within thirty (30) days of completion;
4. A public and recorded reprimand;
5. Costs in the amount of \$1,000 to be paid by June 14, 2015; and
6. The publication of the Discipline Committee's Decision in the usual course, which includes publication in the Annual Report of the College, an Executive Summary posted on the College's website, as well as a summary of findings, also accessible through the College's website. Additionally, the College may publish, at the discretion of the Registrar, details of the Member's failure to comply with any terms of the penalty imposed.

Panel's Reasons for Decision

The Panel viewed falsifying records to be very serious misconduct that warranted a suspension to reinforce the seriousness of the Registrant's actions and to signal to the profession that such misconduct will not be tolerated.

The Panel further noted that the course work imposed will offer to rehabilitate the Registrant by emphasizing his obligations as a regulated health professional.

The Panel concluded that the penalty imposed was appropriate and fair as it addresses the principles of penalty which include public protection, general deterrence and specific deterrence. The Panel noted consideration given to mitigating factors such as the Registrant's remorse for his actions and his cooperation throughout the College's investigation and cooperation in reaching a joint submission.

The Panel determined the imposition of a cost award was appropriate for this case given that the Registrant's conduct warranted an investigation and a hearing.