

## **Executive Summary – Rolland Heider, RMT March 27, 2014**

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

### **Allegations of Professional Misconduct and Plea**

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

- contravening a term, condition or limitation imposed on his Certificate of Registration;
- receiving a benefit from practicing massage therapy while suspended without prior approval; and
- disgraceful, dishonourable or unprofessional conduct.

### **The Facts and Findings of the Panel**

The facts of the case were established by way of an Agreed Statement of facts which is summarized as follows:

Mr. Heider had a history of failing to submit the reporting of Continuing Education Units (CEU) in a timely manner and had previously received Notices of Intent to Suspend his Certificate of Registration for his failure to provide payment of follow up fees and submit the required CEU reporting form, or his Target Level Submission form and Self-Assessment Tool.

In July of 2011 Mr. Heider was required to submit his Target Level Submission form and Self-Assessment Tool to the College. Despite the passage of two additional extended deadlines, he failed to provide the required documentation. A Canada Post confirmation demonstrated that the Notice of Intent to Suspend and the Notice of Suspension of his Certificate of Registration were successfully delivered to his address as registered with the College.

Mr. Heider acknowledged receipt of the correspondence however he stated that by inadvertence the suspension notice did not come to his attention.

Mr. Heider's Certificate of Registration was suspended from September 2011 and was not reinstated until September 2012. During the time of his suspension, Mr. Heider treated over 200 clients and charged fees and issued receipts for professional services when in fact he was not registered with the College.

Mr. Heider was not aware of the suspension of his registration until a client advised him that her benefit insurer had denied coverage for a massage therapy treatment rendered by him due to the suspension of his registration.

After learning of the status of his registration, Mr. Heider contacted the College and reinstated his registration. He also reimbursed certain clients who had been denied insurance cover for the treatments he provided while suspended.

The Panel found the Agreed Statement of Facts and Mr. Heider's guilty plea supported a finding of professional misconduct in relation to each allegation and therefore the Panel found Mr. Heider engaged in acts of professional misconduct as alleged.

### **Decision of the Panel and Penalty and Cost Award Imposed**

The College and Mr. Heider made submissions to the Panel with respect to Penalty.

Mr. Heider did not take issue with the terms sought by the College with the exception of the length of suspension.

The College and Mr. Heider made submissions to support the appropriateness of the length of suspension to be imposed taking into account a number of previous Discipline Committee decisions.

Following the submissions of the parties, the Panel imposed the following penalty:

1. Public and Recorded Reprimand;
2. Six (6) months suspension of Mr. Heider's Certificate of Registration with the ability to remit two (2) months of the suspension, if Mr. Heider complied with the terms, conditions and limitations imposed on his Certificate of Registration and in any event a requirement that the terms must be completed within one year of the Panel's decision;
3. Imposition of the following terms, conditions and limitations
  - a. Mr. Heider shall enroll in and successfully complete, at his own expense, the College's Professionalism Workshop, and provide satisfactory evidence within thirty (30) days of completing same; and
  - b. The Member agrees that the College is entitled to contact the facilitators of the course set out above and request a report to the Registrar outlining the Member's participation in the course which, if unsatisfactory, will constitute a breach of paragraph 3(a) above;
4. Mr. Heider must undergo an inspection of his practice at his expense within 12 months of his return to practice following his suspension;
5. Cost award of \$2000 towards the costs of the College's investigation and hearings expenses payment required prior to the conclusion of Mr. Heider's discipline suspension;
6. Publication of the panel's decision;

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

The Panel's reasons for penalty noted that the suspension and remedial terms of penalty reinforced the seriousness of the conduct involved and protected the public. It was noted that practising while suspended is a serious offense that warrants significant penalty. The Panel considered Mr. Heider's history of failing to comply with his Quality Assurance requirements on a timely basis as an aggravating factor and the penalty imposed was to send a strong message to Mr. Heider and the profession at large there is no tolerance for this conduct. The Panel further noted that the course work will offer an opportunity for professional growth and reflection by the registrant in relation to the responsibilities of a regulated health professional.

The Panel permitted Mr. Heider to divide the time of his suspension to permit him to fulfil a commitment made a year previously with a professional sporting event.