

EXECUTIVE SUMMARY – STAVROS KAMOULAKOS, RMT

The Member was charged with various counts of professional misconduct, including the signing or issuing of a document that he knew contained false statements; receiving a benefit from practicing massage therapy while suspended; and engaging in disgraceful, dishonourable or unprofessional conduct.

THE PLEA

The Member did not attend the hearing, although duly served with the Notice of Hearing. The hearing proceeded *in absentia*.

THE FACTS

The Panel heard evidence from three witnesses on behalf of the College. A College representative testified as to the Member's breach of a suspension order. On October 21, 2009, the Member had been found guilty of disgraceful, dishonourable and unprofessional conduct, and he was suspended from November 4 to December 3, 2009. The Member advised the College on November 9, 2009 that he had stopped practicing massage therapy and no longer made any reference to "RMT". However, the Member's clinic website still referred to him as an RMT.

A College investigator testified that she booked an appointment for massage therapy with the Member for November 27, 2009 and was told that she would be able to obtain a receipt. When she attended the clinic, the Member's treatment room contained the Member's registration and diploma. The Member performed a back and neck massage using standard Swedish techniques. The Member did not reference a different style of massage, nor did he use the word "orthotherapy". On the receipt provided, the Member signed beside his registered number. The investigator took the Member's business card which showed him to be an RMT.

A second College investigator testified as to securing the Member's treatment and appointment book records. She investigated the Member's clinic website and found that it showed the Member to do massage and orthotics. There was no information about orthotherapy. The Member advised the investigator that he was not practicing massage therapy while suspended, he had removed his registration from his treatment room and he told his clients he was doing orthotherapy.

With respect to the difference between orthotherapy and massage therapy, the Member advised that orthotherapy was similar to Swedish massage, but it treated the whole body and does not include myofascial treatment. He acknowledged that most people would not know that there was a difference between orthotherapy and massage therapy. He told his clients he was doing a different style of massage, and he did not make client notes for orthotherapy. The witness testified that the Member was unable to explain any clear differences between orthotherapy and massage therapy.

The Member told the witness that he did not use his registration number on receipts while suspended. When he was shown the receipt issued to the investigator, he said that this was a computer glitch.

FINDING OF GUILT

The Panel found the Member guilty on all allegations.

In respect of the first allegation of contravening the Act, the Panel found that the Member represented himself as a Registered Massage Therapist while suspended. The Member had displayed his certificate of registration in his treatment room and his business cards showed him to be an RMT. The clinic's website showed him to be an RMT and made no mention of orthotherapy.

In respect of the second allegation, receiving a benefit from the practice of massage therapy while suspended, the Panel found that the Member was performing massage therapy on a regular basis. This was evidenced by the Member's Closed Tickets log and the lack of evidence that the massages performed by the Member while under suspension were not massage therapy. Furthermore, the second witness testified that the Member did not tell her that he was performing orthotherapy and that his technique was standard Swedish massage.

In respect of the third allegation, signing or issuing a document in the Member's professional capacity that he knows contains a false statement, the Panel found that the Member did issue a receipt for massage therapy to the College investigator. The receipt issued to the second witness by the Member contained his RMT number and was issued at a time when the Member was suspended. The Member also signed the receipt in the presence of the second witness. Furthermore, the Member knew this was a false receipt because he knew he was suspended.

Practicing massage therapy and issuing receipts while suspended were serious offences that constituted disgraceful, dishonourable and unprofessional.

THE SENTENCING HEARING

The Panel imposed the following penalty:

1. An order directing the Registrar of the College to revoke the Certificate of Registration of the Member;
2. The Member shall pay costs to the College in the amount of \$5000; and
3. Publication in the usual course.

In its reasons for penalty, the Panel relied on a prior decision, *CMTO v. Cook (2008)*, which the Panel noted involved a revocation of registration under similar circumstances. The Panel found that the penalty was severe but appropriate given that the Member demonstrated disrespect towards the College. The Member did not follow the previous order against him, did not attend his hearing and did not respond to the College's attempt at communication. Taken together, the Panel found the Member to be ungovernable.

The Panel intends its decision to send a message to other members of the profession that the type of behaviour exhibited by the Member will not be tolerated. The decision was in the public interest as it revoked the membership of a member who would not follow the standards of the profession.

The inappropriate behaviour of the Member necessitated an investigation and a Discipline hearing, both of which are expensive and justified the imposition of costs against the Member.