

**EXECUTIVE SUMMARY – KRYSZTOF KOWALEWSKI, RMT
DISCIPLINARY HEARING CONDUCTED
NOVEMBER 25, 2011**

The Member, Krzysztof Kowalewski, RMT, was charged with four counts of professional misconduct:

- a. Contravening a term, condition or limitation imposed on his Certificate of Registration;
- b. Receiving any form of benefit from the practise of massage therapy while under suspension unless full disclosure is made to the College and the nature of the benefit to be obtained and prior approval is obtained from the Executive Committee;
- c. Signing or issuing, in his professional capacity, a document he knew contained false or misleading statements; and
- d. Engaging in conduct or performing an act in accordance with practising the profession that, having regard to all of the circumstances, would reasonably be regarded by Members as disgraceful, dishonourable or unprofessional.

THE PLEA

The Member entered a guilty plea in respect of all four allegations of professional misconduct.

THE FACTS

The evidence was presented by way of an Agreed Statement of Facts which provided as follows.

Mr. Kowalewski is an RMT. During the period in question, he practised massage therapy at Spectrum Physiotherapy, located at 1125 Dundas Street East in Mississauga, Ontario.

The Member's Certificate of Registration was suspended effective April 6, 2009 and was renewed March 12, 2010.

The College received information from Industrial Alliance regarding an invoice issued by Spectrum Physiotherapy for massage therapy treatments performed between November 11, 2009 and December 21, 2009 in which the treatment provider was listed as Mr. Kowalewski. In the College's subsequent investigation, it was confirmed that while Mr. Kowalewski's Certificate of Registration was suspended he continued to:

- a. Practise massage therapy;
- b. Issue receipts for massage therapy identifying himself as a RMT; and
- c. Display his Certificate of Registration at Spectrum Physiotherapy.

Mr. Kowalewski also originally had some difficulty locating client files, and rescheduled and failed to attend at meetings for the purpose of providing those files to the College Investigator. He ultimately

cooperated by providing the financial records. Mr. Kowalewski acknowledged that he was guilty of professional misconduct in respect of the allegations made against him.

FINDING OF GUILT

On the basis of the Member's guilty plea and its review of the Agreed Statement of Facts, the Panel of the Discipline Committee found the Member guilty of all four allegations of professional misconduct.

THE SENTENCING HEARING

The Member and the College presented a Joint Submission on Penalty to the Discipline Panel and submissions were made with respect to penalty. On these submissions, the Panel ordered as follows:

1. The Member shall receive a public and recorded reprimand immediately following the conclusion of the Discipline Hearing;
2. A six (6) month suspension of the Member's Certificate of Registration. However, such suspension shall be remitted for a period of up to two (2) months if the Member complies with the terms, conditions and limitations imposed upon his Certificate of Registration below.
3. The following terms, conditions and limitations shall be imposed upon the Member's Certificate of Registration:
 - a. Within six (6) months of the date of the Hearing, the Member shall enroll in and successfully complete, at his own expense, the College's Professionalism Workshop (or shall have done so within the past six (6) months);
 - b. The Member agrees that the College is entitled to contact the facilitators of the above-listed course, and request a report to the Registrar outlining the Member's participation in the course, which if unsatisfactory, will constitute a breach of term (a) above; and
 - c. Within sixty (60) days of completing the Professionalism Workshop, the Member shall make written reflective submissions to the College setting out the lessons learned from the Professionalism Workshop with respect to the issues raised in the Notice of Hearing.
4. Within one year of his resumption of practise the Member will submit to an inspection of his practise at his expense. The cost of the inspection shall not exceed \$500;
5. The Member shall pay costs of \$1,000, payable within sixty (60) days of the Order; and
6. Publication of the results of the Hearing, in the usual course.

EDITORIAL NOTE

The Kowalewski Decision emphasizes that practising massage therapy without a valid license will be viewed a serious violation, warranting a lengthy suspension.