

## **EXECUTIVE SUMMARY – LISA TEIXEIRA**

### **DISCIPLINARY HEARING CONDUCTED JULY 23, 2009**

The Member, Lisa Teixeira, RMT was charged with the following counts of professional misconduct:

- a. Falsifying a record related to a Member's practice;
- b. Signing or issuing in the Member's professional capacity a document that she knew contained a false or misleading statement;
- c. Submitting an account or charge for services that the Member knew was false or misleading;
- d. Contravening a term, condition or limitation imposed on the Member's Certificate of Registration; and
- e. Engaging in conduct that would reasonably be regarded by Members as conduct unbecoming of a massage therapist.

#### **THE PLEA**

The Member entered a guilty plea in relation to allegations (b), (c) and (d), and the College withdrew the other allegations.

#### **THE FACTS**

Evidence was presented by way of an Agreed Statement of Facts.

Between November 22, 2004 and November 20, 2006, the Member's registration was suspended or revoked. In this period, the Member continued to provide massage therapy treatment to clients. As part of providing such treatments, the Member issued and provided receipts to clients which included a representation that she was a registered massage therapist. They included her stamp "Lisa Teixeira, RMT Reg. G002", representing that she was an RMT.

In respect of such receipts, claims were made by the clients to their insurance companies. In November 2006, an insurance company complained to the College with respect to a receipt submitted for massage treatment provided by the Member, where she held herself out as an RMT when her registration was under suspension.

#### **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 in relation to counts (b), (c) and (d) as outlined above.

## **THE SENTENCING HEARING**

Counsel for the College proposed a penalty, in respect of which the Member only took issue with the proposed penalty. The Member argued that extenuating personal circumstances and favourable peer assessments rendered a suspension unnecessary.

Following submissions of counsel for the College and Member, the Panel imposed the following penalty.

1. The Member's Certificate of Registration shall be suspended for a period of nine months;
2. Such suspension shall be remitted to four months if the Member complies with the terms, conditions and limitations imposed on the Certificate of Registration;
  - a. The Member shall complete, at her own expense, the course in Professionalism offered by the College prior to the Member resuming her practice as a Registered Massage Therapist;
  - b. The Member's practice will undergo two inspections, one at the recommencement of her practice, and the other within twelve months of her return to practice, both at her own expense. The fee for each inspection shall be \$250;
  - c. The Member will pay costs in the amount of \$2775 to the College within 60 days of the execution of the hearing of this matter. This is broken down into \$1500 towards the costs of the proceedings and \$1275 for three years of College fees not paid; and
3. The Member shall receive a public and recorded reprimand; and
4. Publication of this decision will be made in the usual course, which includes publication in the Annual Report of the College, and an Executive Summary posted on the College's website, as well as a summary of the findings on the public register, also accessible through the College website;

In its reasons for imposing the penalty, the Panel reduced the total suspension to be served by one month based on the defendant's co-operation and compliance with Quality Assessment since 2007. However, it affirmed the lengthy suspension was warranted to protect the public and send a strong message to the profession that this type of behaviour will not be tolerated. The Member had chosen to disregard the governing rules and regulations of the profession for three years. This conduct also warranted the costs awarded against the Member.