



College of Massage Therapists of Ontario

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Discipline Hearing Summary

Ewa Tekien, RMT (Mississauga, ON)

February 21-23, 2017, June 7 and 9, 2017; and June 25, 2018

Decision

On November 14, 2017, the Discipline Committee found that Ms. Ewa Tekien, a Registered Massage Therapist (RMT), committed acts of professional misconduct in that she:

1. sexually abused a client;
2. practised the profession while in a conflict of interest;
3. failed to take reasonable steps to ensure information provided to the College was accurate;
4. falsified a record relating to her practice;
5. signed or issued, in her professional capacity, a document that she knew contained a false or misleading statement; and
6. engaged in conduct or performed an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by registrants as disgraceful, dishonourable or unprofessional.

Pursuant to subsection 51(4.2)(c) of the *Health Professions Procedural Code*, the Panel made an interim order suspending Ms. Tekien's Certificate of Registration immediately upon making a finding that she had sexually abused a client and the sexual abuse involved sexual intercourse.

Penalty Order and Cost Award

At the penalty phase of the hearing on June 25, 2018, the Discipline Committee ordered the following penalty:

1. Ms. Tekien is required to appear before a panel of the Discipline Committee immediately following the hearing of this matter to be reprimanded, with the fact of the

reprimand and a summary of the reprimand to appear on the public register of the College;

2. The Registrar is directed to revoke Ms. Tekien's Certificate of Registration effective June 25, 2018; and
3. Ms. Tekien is required to pay to the College costs in the amount of \$15,000.00 within five (5) years of June 25, 2018, payable to the College in equal monthly payments of \$250.00.

Reprimand Delivered to Ms. Tekien:

The following reprimand was delivered by a panel of the Discipline Committee:

Ms. Tekien, the Panel finds your behaviour to be unacceptable. That being said, we would like to acknowledge your insight and remorse. As you are aware, the College has a zero tolerance policy concerning the sexual abuse of a patient. This behaviour carries a mandatory and drastic sanction with no exceptions. The zero tolerance policy precludes any inquiry, explanation or excuse for the activity. A [client]'s consent is irrelevant.

The mandatory revocation provisions are concerned with the sexual abuse of [clients] by Regulated Health Professionals. It prohibits sexual activity in an effort to prevent sexual abuse from occurring. They make sexual acts inconsistent with a [client]-therapist relationship. The mandatory revocation provisions illustrate that even consensual sexual relationships are inconsistent with the [client]-therapist relationship. Given the harm such behaviour could cause and how often such behaviour has been trivialized in the past, these provisions deliberately choose to label such misconduct as sexual abuse and impose the most severe consequence.

Your actions demonstrated that you deliberately chose not to take a step back or exercise any professional judgment about what might be best for your [client]. This type of behaviour does not respect the inherent power imbalance that exists between a treating healthcare professional and their [client]. Additionally, you falsified records in relation to your practice and failed to take reasonable steps to ensure information provided to the College was accurate. This behaviour undermines the validity of these important medical records, which in turn can put the public at further risk. As you are aware, actions such as yours undermine the public's confidence in this profession.

The complete Decisions and Reasons are available online on the Canadian Legal Information Institute (CanLII) [website](#).