



College of Massage Therapists of Ontario

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Discipline Hearing Summary

Victoria Gallardo Baker (Hamilton, ON)

March 31, 2020

Decision

On March 31, 2020, the Discipline Committee found that Ms. Victoria Gallardo Baker, a Registered Massage Therapist (RMT), committed acts of professional misconduct in that she:

1. sexually abused a client, by having provided Massage Therapy treatment to her spouse, and therefore engaging in a concurrent treating and sexual relationship;
2. contravened a Standard of Practice of the profession or a published standard of the College or failing to maintain the Standard of Practice of the profession;
3. failed to keep records as required;
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;
6. submitted an account or charge for services that she knew was false or misleading;
7. 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; and
8. engaged in conduct that would reasonably be regarded by registrants as conduct unbecoming a Massage Therapist.

Penalty Order and Cost Award

The Discipline Committee's order included the following:

1. Ms. Baker 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 the text of the reprimand to appear on the public register of the College;
2. the Registrar is directed to revoke Ms. Baker's Certificate of Registration, effective immediately;
3. Ms. Baker is required to reimburse the College for funding [for therapy and counselling] provided [for] the client under the program under section 85.7 of the Code; and
4. Ms. Baker is required to pay the College costs in the amount of \$4,000.00 within twenty-four (24) months of the date of the Discipline Committee's order.

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

Reprimand Delivered to Ms. Baker

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

The Panel recognizes and appreciates your cooperation with the College in coming to an Agreed Statement of Facts and a Joint Submission on Penalty in this matter. Your actions have assisted in the process and lessened the burden of time and resources upon the College and the profession.

However, your actions undermine the public's confidence in the profession. The College of Massage Therapists of Ontario has a zero-tolerance policy for sexual abuse of [clients], which is derived from the *Regulated Health Professions Act*, and is reflected in the mandatory revocation and reprimand that are ordered in this case.

The revocation of the registrant's Certificate of Registration serves the aims of general and specific deterrence, demonstrating to both the public and the registrant that sexual relationships between registrants and clients cannot be tolerated, even in the case where the client is the registrant's spouse and the relationship is considered "consensual."

In addition, you were careless in your record keeping when you destroyed, re-wrote and altered treatment records, and knowingly submitted those altered records to the insurance company. Actions such as this undermine the public's confidence in this profession and jeopardize our relationship with insurers.

This Panel would like to remind you that being a Registered Massage Therapist is a privilege and not a right. It is the hope of the Panel that by our decision in this matter, a clear and unequivocal message is conveyed that at no time, consensual or not, is it ever acceptable for a Massage Therapist to engage in a sexual relationship with a [client].