

# **Ann-Marie Westerterp**

**member:** Ann-Marie Westerterp, MT

**Hearing Dates:** October 22, 2003

## **Charges of Professional Misconduct**

- signing or issuing in the member's professional capacity a document the member knew contained a false or misleading statement;
- submitting an account or charge for services that the member knew was false or misleading;
- falsifying a record relating to the member's practice
- failing to take reasonable steps to ensure that any information provided by her or on her behalf to the College was accurate;
- failing to keep records as required; and
- contravening the Massage Therapy Act, The Regulated Health Professions Act, 1991 or the regulations under either of those acts.

## **Brief Synopsis of Facts**

- The member was registered with the College in 1999 and she commenced practising in her own clinic after working in a group clinic in September of 2001;
- On several occasions between September 2001 to February 2002 the member issued false and misleading receipts in respect of a number of her clients;
- The receipts recorded two half-hour massages when in fact the clients only received a single one-hour treatment;
- The receipts were submitted to an insurer at the request of the member's clients for the purpose of maximizing the clients' available insurance coverage;
- The member falsified her appointment books and clinical notes and records to conceal the false nature of the receipts after she was advised by an insurance investigator that issuing receipts in the manner described above was inappropriate;
- During the course of the College's investigation the member provided altered records to the College's investigator and withheld information;
- The member failed to maintain records as required; and
- The member pleaded guilty to the charges

## **Decision**

The panel accepted the member's guilty plea and therefore found the member guilty of the charges of professional misconduct.

## **Penalty**

- A recorded reprimand;
- Suspension of the member's Certificate of Registration for a period of 6 (six) months, and 3 (three) months of the suspension can be remitted if the member successfully completes at her expense the following:
  - i. College's Ethics and Boundaries Workshop;
  - ii. A record-keeping course; and
  - iii. Standards and Practice Regulations Course.
- Cost of \$750; and
- A term, condition and limitation to be imposed on the member's Certificate of Registration to include:
  - i. The member must take and successfully complete the courses described above and to provide proof of successful completion satisfactory to the Registrar and;
  - ii. The member is required to consent to and cooperate with two inspections of her practice to be conducted at any time within two years following the completion of her suspension at the member's expense and not to exceed \$400.00 in total.

## **Panel's Reasons for Decision**

In the panel's reasons the importance of honesty and integrity in a member's dealings with the public including insurers was emphasized. The panel was of the opinion in the circumstances that the member had learned her lesson from the proceedings, however the principle of general deterrence of the profession at large required the penalty to be more than just nominal. Further to protect the public interest the panel felt obligated to impose the sentence that it did in order to ensure that integrity of the profession is maintained and that members appreciate the importance of conducting themselves in a professional and ethical manner.