

**EXECUTIVE SUMMARY – RAYMOND RAIT, RMT
DISCIPLINARY HEARING CONDUCTED
MAY 24, 2012**

The Member, Raymond Rait, RMT, was charged with the following counts of professional misconduct:

1. Contravening a term, condition or limitation imposed on the Member's Certificate of Registration;
2. Contravening the Act, the *Regulated Health Professions Act, 1991* or the Regulations under either of those Acts;
3. Signing or issuing, in the Member's professional capacity, a document that the Member knows contains a false or misleading statement;
4. Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional (two counts);
5. Sexually abusing a patient; and
6. Contravening a standard of practice of the profession or a published standard of the College or failing to maintain a standard of practice of the profession.

THE PLEA

The Member entered a guilty plea in relation to allegations 2, 3 and one count of 4, and the College withdrew the other allegations.

THE FACTS

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

On April 19, 2010, the Member's registration was suspended for non-payment of fees. Despite the suspension, the Member continued to practice Massage Therapy. As part of his practice, he signed or issued invoices and/or treatment notes for Massage Therapy that suggested that he was a member in good standing with the College.

The Member also submitted a resume when applying for a Massage Therapy job which stated that he had practiced at a facility where he had never in fact practiced.

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 2, 3 and 4 as outlined above.

PENALTY

The College and the Member made a Joint Submission on Penalty. On the basis of these submissions, the Panel ordered as follows:

1. A seven (7) month suspension of the Member's Certificate of Registration commencing on the reinstatement of the Member's Certificate of Registration, with one (1) month of the suspension to be remitted if the Member complies with terms, conditions and limitations imposed on his Certificate

- of Registration as set out below, within six (6) months of his re-instatement;
2. Terms, conditions, and limitations on the Member's Certificate of Registration requiring him to attend and successfully complete the College's Professionalism workshop and Standards and Regulations course within one (1) year of the date of the Decision;
 3. The Member shall submit to two (2) inspections of his practice;
 4. The Member will pay costs in the amount of \$3,000.00;
 5. The Member will receive a public and recorded reprimand; and
 6. The Decision shall be published in the usual course.

In its Reasons for Penalty, the Panel noted that the penalty reflects the fact that it is a serious offence to practice Massage Therapy without a valid licence. The Panel also noted that the suspension takes into account Mr. Rait's falsification of his resume, and that all documents issued by an RMT, including resumes, will be taken into account in determining penalty. The Panel noted that the penalty spoke to the issue of both specific and general deterrence. In addition, the required course work would serve to rehabilitate the Member, and the practice inspections would ensure that the public is protected. The Panel also found that the costs award was appropriate given that the Member's inappropriate behaviour necessitated an investigation and hearing.

CASE COMMENT

Practicing while a member's Certificate of Registration is suspended is a serious violation of a member's professional obligations. As this case highlights, the College will not tolerate this behaviour, and members found to be practicing while suspended will be brought before the Discipline Panel where significant periods of suspension will be sought. The success of the profession is closely tied to the public's trust in its members.