

**EXECUTIVE SUMMARY – CHRISTOPHER ALGER
DISCIPLINARY HEARING CONDUCTED
JUNE 7, 2010**

The Member, Christopher Alger, RMT, was charged with the following counts of professional misconduct:

1. Failing to keep records as required;
2. Failing to cooperate with the Quality Assurance Committee;
3. Engaging in conduct or performing an act in the course of practising the profession that, having regards to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional;
4. Engaging in conduct that would reasonably be regarded by members as conduct unbecoming a massage therapist.

THE PLEA

The College stayed allegation #4, and the Member entered a guilty plea in relation to the other allegations of professional misconduct.

THE FACTS

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

The Member was contacted by a peer assessor assigned to assess his practice. The Member advised that he did not wish to participate in the peer assessment because he had already been assessed twice in his 16 years of practice and no concerns had been identified. A College investigator subsequently tried to arrange a meeting with the Member, and had difficulty doing so. When they finally met, the Member did not bring the appointment book and treatment records he had agreed to bring.

On a number of occasions, the Member provided massage therapy services to clients but did not complete treatment notes for those massage therapy services.

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 the allegations of professional misconduct set out above under numbers 1, 2 and 3.

THE SENTENCING HEARING

The College and the Member disagreed as to an appropriate penalty. The College submissions suggested a suspension for a period of two consecutive months; the imposition of terms, conditions and limitations on the Member's Certificate of Registration, including enrolment in the College's Professionalism Workshop and Record-Keeping Workshop, and a re-inspection of his practice at his own expense; and a public and recorded reprimand. The Member submitted that it would be appropriate to take the Record-Keeping Course, but did not agree with any other conditions.

The panel deliberated and reached the following decision on penalty:

1. The Member's Certificate of Registration shall be suspended for a period of two consecutive months, which shall commence within 90 days from the date of the hearing. The Member may remit 30 days of his suspension if he complies with the Terms, Conditions, and Limitations imposed on his Certificate of Registration.
2. The following Terms, Conditions and Limitations shall be imposed on the Member's Certificate of Registration:
 - a. The Member shall enrol in and successfully complete, at his own expense, the next available College Professionalism Workshop and provide satisfactory evidence of the same;
 - b. The Member shall enrol in and successfully complete, at his own expense, a Registrar-approved Record-Keeping Course within three months of the date of the hearing, and provide satisfactory evidence of the same;
 - c. The Member will write a two-to-three-page report after taking both workshops that reflects on his learning and addresses the importance of the Quality Assurance Programme, to be submitted to the College Registrar;
 - d. The Member must submit to an inspection of his practice, at his own expense, within six months of completing the above-noted course work.
3. The Member shall receive a public and recorded reprimand.
4. Publication of the decision in the usual course.

With respect to costs, the panel ordered the Member to pay the College costs in the amount of \$1,000, to be paid in 24 equal instalments by post-dated cheque.

In its Reasons, the panel noted that the Member made a conscious choice not to comply with the College's original directive and was not professional in his dealings with the College. A member cannot pick and choose which standards he will follow, and a suspension is reasonable when a member chooses to disregard the governing rules and regulations of the profession. The Quality Assurance programme is one of the ways that the College protects the public and the Member

behaved inappropriately by refusing to participate in the process. The Committee further noted that the Member's actions necessitated an investigation and subsequent discipline hearing, which are costly proceedings. The panel took into account that the Member agreed to the facts, which reduced the need for a lengthy trial.