



College of
Massage
Therapists of
Ontario

College of Massage Therapists of Ontario

1867 Yonge Street, Suite 810, Toronto, ON M4S 1Y5 | www.cmta.com | cmta@cmta.com

Phone 416.489.2626 | Toll-free (Ontario) 800.465.1933

Discipline Hearing Summary

Gail-Anne Cumberbatch (Toronto, ON)

January 18, 2022

Decision

On January 18, 2022, the Discipline Committee found that Ms. Cumberbatch committed the following acts of professional misconduct:

1. failed to cooperate with the Quality Assurance Committee or any assessor appointed by that Committee;
2. failed to reply appropriately or within a reasonable time to a written inquiry made by the College that requests a response;
3. failed to attend an oral caution of the Inquiries, Complaints and Reports Committee (the "ICRC");
4. 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
5. 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. Cumberbatch must appear before a panel of the Discipline Committee 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 suspend Ms. Cumberbatch's Certificate of Registration for at least four (4) months, to commence on the date of the order and continuing for four (4) months or until Ms. Cumberbatch complies with the provisions outlined in paragraphs 3(a) and 3(b) below, whichever is longer.

3. The Registrar is directed to impose the following terms, conditions or limitations on Ms. Cumberbatch's Certificate of Registration:
 - a) Ms. Cumberbatch must successfully complete her outstanding 2019 STRiVE requirements, within four (4) months of the date of the order;
 - b) Ms. Cumberbatch must comply with the outstanding requirements as directed by the ICRC of the College in its decision dated May 4, 2018, within four (4) months of the date of the order;
 - c) Ms. Cumberbatch must provide proof, acceptable to the Registrar, of successful completion of an individualized ethics course with a course provider approved by the College regarding the issues raised in this case, which is to be taken at Ms. Cumberbatch's own expense, within six (6) months of the date of the order;
 - d) Ms. Cumberbatch must respond to all College communications within fifteen (15) days; and
 - e) For each calendar year, Ms. Cumberbatch must provide to the College proof of completion of all STRiVE or other Quality Assurance Program requirements by November 30th, or the stipulated deadline for the completion of STRiVE or the Quality Assurance Program, if different.
4. Ms. Cumberbatch must pay to the College costs in the amount of \$3,475.00 within one (1) month of the date of the order.

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

Reprimand Delivered to Ms. Cumberbatch

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

Ms. Cumberbatch, the panel would like to acknowledge your cooperation in arriving at an Agreed Statement of Facts and Joint Submission on Penalty, which assisted in the process and lessened the burden of time and resources upon the College and the profession. We also appreciate your presence here today.

Having said that, the panel finds that your conduct was totally unacceptable for a Registered Massage Therapist and a regulated health professional. Massage Therapists are expected to abide by and maintain a commitment to standards of practice and ethical requirements. It is your professional responsibility to fulfill the requirements of the Quality Assurance Program and to comply with orders of the ICRC. Doing so not only ensures your continued competence as a Registered Massage Therapist, but also serves to protect the public. Further, you are required to maintain communication with your governing body to ensure you are current on all policies and requirements of the CMTO.

The Panel would like to remind you that being a Registered Massage Therapist and a member of this profession is a privilege and not a right. Actions such as yours undermine the public's confidence in this profession, and are not, and will not be tolerated by the CMTO. It is our expectation that you will have learned from this experience and that we will not see you before this Committee in the future.