

Discipline Hearing Summary

James (Young Jae) Kim (Thornhill, ON)

June 3, 2022

Decision

On June 3, 2022, the Discipline Committee found that Mr. Kim:

1. had been found guilty of an offence that was relevant to his suitability to practise, specifically assault, contrary to section 266 of the *Criminal Code of Canada*;
2. contravened a Standard or a published Standard of the profession, or failed to maintain the Standard of Practice of the profession, in particular the Standard for *Maintaining Professional Boundaries and Preventing Sexual Abuse*;
3. abused a client physically; and
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.

Mr. Kim admitted that he massaged a female client's upper groin area without consent during a Massage Therapy treatment in November 2018. In March 2021, he was found guilty of assault in relation to this client and was sentenced to a conditional discharge with twelve (12) months' probation.

Penalty Order and Cost Award

The Discipline Committee's order included the following:

1. Mr. Kim 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 a summary of the reprimand to appear on the College's Public Register.
2. The Registrar is directed to suspend Mr. Kim's Certificate of Registration for four (4) months, to begin on the date of the order.

3. The Registrar is directed to impose the following terms, conditions or limitations on Mr. Kim's Certificate of Registration:
 - a) Mr. Kim must provide proof, acceptable to the Registrar, of successful completion of an individualized course relating to ethics, boundaries, and consent with a course provider pre-approved by the Registrar, which is to be taken at Mr. Kim's own expense, within six (6) months of the date of the order.
4. Mr. Kim must pay the College costs in the amount of \$3,475.00, to be paid in monthly installments beginning one (1) month after the completion of the suspension, with the full costs amount to be paid within seventeen (17) months of the date of the order. The first monthly instalment will be in the amount of \$289.62, and the eleven (11) subsequent instalments will be in the amount of \$289.58.

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

Reprimand Delivered to Mr. Kim

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

Mr. Kim, the panel would like to acknowledge the respect you have shown for the process and for your presence here today. The panel acknowledges your cooperation and feels that you have demonstrated insight in regard to your conduct.

As you are aware, the panel finds that you have failed to adhere to the CMTO Standards regarding maintaining professional boundaries and preventing sexual abuse. The panel finds that your actions constitute a very serious breach of Standards and place the public at risk. Touching a client in an area of their body that they have not consented to be touched is a violation of their privacy.

Your failure to adhere to the College's Standards impacts the public's confidence in this profession and jeopardizes the relationship between all regulated health professionals and the public. The panel would like to remind you that being a Registered Massage Therapist is a privilege and not a right.

The panel is assured that in future practice, as a regulated health professional, you will make sure that your client is in a safe environment where they are fully informed of the body parts that will be treated and the specifics of the treatment to be performed at each treatment. Client safety is the most important aspect of our profession.

The panel is confident that with appropriate course work and remediation, you will be able to remain in the profession while practising safely with the public of Ontario.