



College of Massage Therapists of Ontario

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

Phone 416.489.2626 | Toll-free (Ontario) 800.465.1933

Discipline Hearing Summary

Andrea Smits (Welland, ON)

January 7, 2020

Decision

On January 7, 2020, the Discipline Committee found that Ms. Andrea Smits, a Registered Massage Therapist, committed acts of professional misconduct in that she:

1. sexually abused a client;
2. contravened a Standard of Practice of the profession or a published standard of the College, or failed to maintain the Standard of Practice of the profession;
3. 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
4. engaged in conduct that would reasonably be regarded by registrants as conduct unbecoming a Massage Therapist.

Ms. Smits engaged in a personal relationship with a client whom she had already discharged. This relationship occurred within one year of their last professional interaction. During this one-year period, the law considers that client to be a patient despite having been discharged by the RMT, and any relationship between the RMT and that client is a boundary violation.

Penalty Order and Cost Award

The Discipline Committee's order included the following:

1. Ms. Smits is required to appear before a panel of the Discipline Committee immediately 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 revoke Ms. Smits' Certificate of Registration.
3. Ms. Smits is required to reimburse the College for funding provided [for] the client's [therapy and counselling] under the program required under section 85.7 of the Health

Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991*.

4. Ms. Smits is required to pay to the College costs in the amount of \$2,500.00 within five (5) years of the date of this order, in fifty-nine (59) monthly payments of \$42.00, and a last payment of \$22.00.

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

Reprimand Delivered to Ms. Smits:

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

Ms. Smits, the panel recognizes and appreciates your cooperation with the College in this matter and the College counsel in coming to an Agreed Statement of Facts and a Joint Submission on Penalty in this matter, which assisted in the process and lessened the burden of time and resources upon the College and the profession.

However, your actions undermine the public's confidence in the profession. The College of Massage Therapists of Ontario has a zero-tolerance policy for sexual abuse of [clients], which is derived from the *Regulated Health Professions Act* and is reflected in the mandatory revocation and reprimand that was ordered in this case.

To be a Registered Massage Therapist is a privilege and not a right, and by your actions in participating in a sexual relationship with a [client], as the Panel found, your behaviour was disgraceful, dishonourable and unprofessional. You displayed unacceptable behaviour and a total lack of professional judgment. Furthermore, your conduct in pursuing the sexual relationship rose to the level of engaging in conduct unbecoming a Massage Therapist, which is reserved for the most serious breaches of the professional standards. It is the hope of the Panel that by our decision in this matter, a clear and unequivocal message is conveyed that at no time, consensual or not, is it ever acceptable for a Massage Therapist to engage in a sexual relationship with a [client].