



College of Massage Therapists of Ontario

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Discipline Hearing Summary

James Villani (London, ON)

October 19, 2022

Decision

This was the first of two matters related to Mr. Villani that was heard on October 19, 2022. In this matter, the Discipline Committee found that Mr. Villani engaged in acts of professional misconduct in that he:

1. sexually abused a client, through touching and behaviour of a sexual nature;
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, in particular the:
 - a) Standard for *Maintaining Professional Boundaries and Preventing Sexual Abuse*;
 - b) *Communication/Public Health Standard 14: Client Health Record*;
 - c) *Communication/Public Health Standard 7: Consent*; and
 - d) *Communication/Public Health Standard 11: Pre/Post Treatment Protocol*.
3. did anything to a client for a therapeutic, preventative, palliative, cosmetic or other health-related purpose without a client's consent;
4. verbally and physically abused a client;
5. failed to keep records as required;
6. falsified a record relating to his practice;
7. signed or issued, in his professional capacity, a document that he knew contained a false or misleading statement; and
8. 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.

The findings arose from Mr. Villani's conduct towards a client, which involved discussion of personal matters, hugging, kissing, oral to genital contact and masturbation in the client's presence. Mr. Villani also admitted to treating the client's sensitive areas without obtaining written consent and to breaching several professional standards.

Mr. Villani's misconduct also extended to record keeping and billing practices. He failed to maintain treatment notes for nine (9) months. On two occasions, Mr. Villani issued receipts for Massage Therapy services that he did not provide on the dates indicated on the receipts.

Penalty Order and Cost Award

The Discipline Committee's order included the following:

1. Mr. Villani must 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 Mr. Villani's Certificate of Registration immediately.
3. Mr. Villani must reimburse the College for funding provided [for] the client [for therapy or 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*, up to the maximum allowable amount of \$17,370.00.
4. Mr. Villani must post security acceptable to the College in the amount of \$15,000.00, payable in 24 equal payments of \$625.00, with the first payment being due 30 days from the date of the order.
5. Mr. Villani must pay the College costs in the amount of \$3,475.00, in six (6) monthly payments, with the first payment being due within 30 days of the date of the order. Payments one (1) to five (5) shall be in the amount of \$579.16. Payment six (6) should be in the amount of \$579.20.

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

Reprimand Delivered to Mr. Villani

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

The panel would like to acknowledge your cooperation in arriving at an Agreed Statement of Facts and a Joint Submission on Penalty and Costs, which assisted in the process and lessened the burden of time and resources upon the College and the profession.

That being said, the panel finds your conduct was simply unacceptable for a Registered Massage Therapist and regulated health professional. The panel finds the acts of sexual abuse that you committed are quite simply reprehensible and are particularly heinous when they occur at the hands of a trusted healthcare professional. The damage that you have caused is irreversible. You have shown behaviour that is disgraceful, dishonourable and unprofessional. Public safety and public protection are at the forefront of this College's mandate. Revocation was mandatory in this case, and this panel would not have been satisfied with any outcome other than the revocation of your Certificate of Registration, given the serious and disturbing nature of your conduct.

You have shown a complete disregard for the public, your clients and your College. Rather than give the care you have been privileged to provide to your clients, you have abused them and their trust. The College of Massage Therapists of Ontario has zero tolerance for sexual abuse and knows the public at large is safer without you working as a regulated health professional.

You also knowingly falsified receipts and were negligent in your record keeping processes. This is also unacceptable professional conduct. It is our expectation that you will learn from this experience.