

Discipline Summary

Mingya Kathy Kennedy (Cobourg, ON)

September 25, 2024

Decision

On September 25, 2024, the Discipline Committee found that Ms. Kennedy engaged in professional misconduct after she admitted to:

1. engaging in conduct or performing 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
2. engaging in conduct that would reasonably be regarded by registrants as conduct unbecoming a Massage Therapist.

Ms. Kennedy was a Massage Therapy instructor at a college and offered private tutoring classes to prepare candidates for the College's registration examinations, specifically the Objectively Structured Clinical Examination ("OSCE"). Ms. Kennedy solicited information about OSCE scenarios from students who had recently attempted the exam and then shared that information with students in her tutoring classes who were about to attempt the OSCE, giving them a significant and unfair advantage over other students. Ms. Kennedy agreed that she abused her position of power over the students, who were in a vulnerable position and had paid her significant sums of money for the classes. Ms. Kennedy also agreed that her conduct negatively impacted the students because they had their exam results voided, were considered to have failed the OSCE, and were prohibited from retaking the exam until the following year.

Penalty and Costs Award

The Discipline Committee's order included the following:

1. Ms. Kennedy is required to appear before a panel of the Discipline Committee immediately following the hearing 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 immediately revoke Ms. Kennedy's Certificate of Registration; and

3. Ms. Kennedy must pay the College costs of \$87,519.29, which can be paid in two installments, with the first payment of \$43,759.65 due one month from the date of the order and the second payment of \$43,759.64 due 13 months from the date of the order.

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

Reprimand Delivered to Ms. Kennedy

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

Ms. Kennedy, the panel would like to acknowledge your cooperation in arriving at a resolution with the College, which assisted in the discipline process and lessened the burden of time and resources upon the College and the profession by avoiding a contested hearing. We also appreciate your presence here today.

Having said that, the panel finds that your conduct was unacceptable for a Registered Massage Therapist. There is an expectation of professionalism and ethical behaviour at all times, including when a Massage Therapist acts as an educator. Students must be able to rely on educators to prepare them to enter the profession as competent and ethical practitioners.

Soliciting information about actual exam scenarios and then sharing them with students in your tutorials gave a significant and unfair disadvantage to other test-takers. Those involved were negatively impacted as well, including when their exam results were voided, and they were unable to practice for one year and then had to pay for a second examination. There was also a significant impact on the College's time and resources.

The public relies on you to protect them from harm. If professionals are not properly prepared, the public is put at risk. Your actions undermined public safety and confidence.

In light of this breach of trust and your dishonest behaviour, the panel wishes to send an unequivocal message that such behaviour will not be tolerated. This is reflected in the penalty that you and the College have jointly proposed, and that we so ordered, namely the revocation of your Certificate of Registration.