

Discipline Summary
Jesse Byers (Kanata, ON)
September 12, 2024

Decision

On September 12, 2024, the Discipline Committee found that Mr. Byers engaged in professional misconduct after he admitted to:

1. sexually abusing of a client;
2. contravening a standard of practice of the profession or a published standard of the College, or failing to maintain the standard of practice of the profession, in particular, the Standards for Client-centred Care; Consent; Draping and Physical Privacy; Prevention of Sexual Abuse; and Professional Boundaries;
3. physically abusing a client; and
4. 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.

Mr. Byers engaged in a sexual relationship with a client. He also touched parts of the client's body that are considered "sensitive areas" in Massage Therapy practice in a non-therapeutic manner and kissed the client during a Massage Therapy appointment. Mr. Byers also failed to maintain professional boundaries with a second client by exchanging text messages of a personal and romantic nature with her.

Penalty and Costs Award

The Discipline Committee's order included the following:

1. Mr. Byers 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 immediately revoke Mr. Byer's Certificate of Registration;

3. Mr. Byers must reimburse the College for funding that has been and that may be provided to one of the clients under the program established under section 85.7 of the Health Professions Procedural Code, up to \$17,370;
4. Mr. Byers must post security acceptable to the College in the amount of \$5,000 to guarantee the payment of any amounts he may be required to reimburse the College under paragraph 3 above. He must do so within 30 days of September 12, 2024;
5. Any amount of security provided by Mr. Byers under paragraph 4 that has not been used by July 14, 2028 will be returned to him; and
6. Mr. Byers must pay the College costs of \$5,852 within 30 days of September 12, 2024.

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

Reprimand Delivered to Mr. Byers

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

Mr. Byers, the panel would like to acknowledge your cooperation in arriving at a joint resolution in this matter, which assisted in the process and lessened the burden of time and resources upon the College.

That being said, the panel finds that your conduct was completely unacceptable for a Registered Massage Therapist. Massage Therapists are expected to adhere to the Standards of Practice for the profession, which prohibit any activity of a sexual nature between a Massage Therapist and their client and require Massage Therapists to preserve the trust and respect of the therapeutic relationship by always maintaining professional boundaries with clients.

Your conduct in this case breached these standards and exploited your position of trust towards your clients, showing a complete disregard for your professional obligations and the public. You, and only you, are responsible for your actions. You engaged in behaviour that violated the physical integrity of a client and breached professional boundaries.

Public protection is at the forefront of this Discipline Committee's decision-making process and this type of behaviour will not be tolerated.