

Discipline Summary

Gary Ho (Toronto, ON)

September 9, 2024

Decision

On September 9, 2024, the Discipline Committee found that Mr. Ho engaged in professional misconduct after he admitted to:

1. contravening a standard of practice of the profession or a published standard of the College, in particular the Standard of Practice: Consent; and
2. 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.

During a Massage Therapy treatment in 2023, Mr. Ho massaged and touched a female client's chest wall muscles without obtaining her prior written consent, as required by the College's published standard on consent. Mr. Ho then told the client that he needed her to sign a consent form for treatment of sensitive areas after the treatment session had ended. Mr. Ho did, however, obtain verbal consent before treating the area.

Penalty and Costs Award

The Discipline Committee's order included the following:

1. Mr. Ho 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 suspend Mr. Ho's Certificate of Registration for one month, starting on September 9, 2024;
3. The Registrar is directed to impose the following specified term, condition or limitation on Mr. Ho's Certificate of Registration:
 - a) An unconditional pass of the PROBE ethics course within six months of September 9, 2024.
4. Mr. Ho must pay the College costs of \$5,852 within 30 days of September 9, 2024.

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

Reprimand Delivered to Mr. Ho

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

Mr. Ho, the panel would like to acknowledge your cooperation in arriving at an Agreed Statement of Facts and a Joint Submission on Penalty, which assisted in the process and lessened the burden of time and resources upon the College and the profession. We also appreciate your presence here today.

Having said that, you failed to uphold the standards of practice and in doing so you made your client uncomfortable. Communication and consent are cornerstones of the profession and are critical to ensuring the safety of the public. It is extremely important that members of the profession remain accountable to their regulatory body. The panel encourages you to reflect on this and recommit yourself to upholding your professional responsibilities.

The panel also wishes to remind you that a suspension is an opportunity for you to refocus, learn, and recommit yourself to fulfilling these professional obligations. Actions such as yours undermine the College's ability to regulate in the public interest. It is our expectation that you will have learned from this process and that you will take that into your future practice.