

Donald Martin, Former RMT

Location:

Victoria, BC

Date of Action:

Dec 5, 2014

Action Ended Date:

Aug 7, 2015

Nature of action: Pursuant to section 38(8) of the Health Professions Act (the “Act”), the Discipline Committee made an order (the “Order”) restricting Mr. Martin’s practice subject to certain conditions, including that Mr. Martin be chaperoned during each visit with a female patient. This Order is in effect pending a decision of the Discipline Committee under section 39(2) of the Act.

Reasons: The Inquiry Committee initiated an investigation under section 33(4) of the Act after receiving correspondence from a patient alleging that Mr. Martin touched the patient in a non-therapeutic, sexual manner and lifted the draping sheet to look at the patient’s breasts and body. Pursuant to section 35(1) of the Act, the Inquiry Committee made an order (the “IC Order”) restricting Mr. Martin’s practice during the investigation and pending any hearing of the Discipline Committee (See Public Notice – Extraordinary Action (IC) for more details).

On completion of the investigation, the Registrar issued a citation to Mr. Martin, which provided that a discipline hearing would be conducted in February and March, 2015. The College sought to consolidate the citation with two others. In order to consider this request, the Discipline Committee was required to commence the discipline hearing, which terminated the IC Order. As a result, the Discipline Committee was asked to consider extraordinary action under section 38(8) of the Act before considering the consolidation request.

The Discipline Committee was satisfied that the information available indicated that Mr. Martin represented a real risk to the public and it took immediate interim action it considered necessary to address immediate public protection concerns during the course of the discipline hearing. The Discipline Committee therefore made the Order.

Important note: Limits, conditions and suspensions ordered by the Discipline Committee under section 38(8) of the Act are made to protect the public during a hearing of the Discipline Committee. Measures taken under section 38(8) of the Act pertain to matters which are and remain unproven unless admitted by a registrant or determined by the Discipline Committee.