

Dennis Desrochers, Former RMT

Location:

Enderby, BC

Date of Action:

September 19, 2019

Nature of Action: Dennis Desrochers voluntarily entered into a consent and undertaking agreement with the Inquiry Committee of the College. Mr. Desrochers agreed to the following terms:

1. a formal reprimand;
2. permanent limits on his practice of massage therapy (that he cannot provide breast massage or breast examination services to female patients);
3. undertakings as follows:
 - a. not to repeat the conduct of draping a patient such that a part of a patient's body that is not being treated or assessed is exposed;
 - b. to comply with the College's standard of practice on consent; and
 - c. to comply with section 11 of Schedule "D" to the College's Bylaws (entitled "patient privacy", which states among other things, that an RMT must inform the patient in advance of disrobing and draping options with respect to assessment and treatment and establish agreement, and arrange draping so that only the part of the patient's body that is being assessed or treated is exposed);
4. completion of extensive remedial education including both coursework and one-on-one instruction with an approved RMT;
5. payment of a fine in the amount of \$1,000; and
6. payment of a portion of the costs of the investigation in the amount of \$500.

Mr. Desrochers also agreed that until such time as the extensive remedial education referenced in section 4 is completed, his practice of massage therapy will be subject to a limit that he cannot treat female patients in the chest area, and specifically, the anterior lateral structures inferior to the clavicles superior to the xiphoid, pectoralis major, pectoralis minor, or serratus anterior. In addition, Mr. Desrochers agreed that if the remedial education is not completed by the dates specified by the Inquiry Committee, his

registration with the College will be suspended until such time as he completes the remedial education.

Reasons: The Inquiry Committee received a complaint from a female patient who alleged that during a treatment in 2012, while she was lying face-up on the massage table, Mr. Desrochers folded the draping down to her waist, such that the complainant's entire upper body (including her breasts) was completely exposed to Mr. Desrochers' view. When interviewed during the investigation of the complaint, the complainant stated that Mr. Desrochers did not advise her of alternate draping options and did not request or obtain her consent to undrape her entire upper body during the treatment.

As part of the agreement, Mr. Desrochers admitted to the following facts:

- a. he no longer specifically recollects the complainant or the massage therapy session in question;
- b. while the complainant was face-up on the massage table, he folded down the draping to her waist, such that her entire upper body (including her breasts) was completely exposed to his view;
- c. he did not document in the complainant's health care record that consent was obtained from her in respect of the draping or the treatment provided; and
- d. he did not obtain written consent to the draping or the treatment from the complainant.

Mr. Desrochers acknowledged that by engaging in the conduct described above, he committed professional misconduct by violating section 7(2) of Schedule "D" of the College's Bylaws in force at the applicable time (in 2012), which stated "during treatment, a Registrant shall arrange the draping so that only the part of a patient's body that is being treated is exposed and all other parts are appropriately draped".

The Inquiry Committee considered Mr. Desrochers' conduct to be serious. The Inquiry Committee is satisfied that the undertaking and consent agreement in this matter appropriately reflects the seriousness of Mr. Desrochers' conduct and will protect the public.