

Trevor Scott, RMT

Location:

Prince George, BC

Date of Action:

January 20, 2021

Nature of Action: The registrant, Trevor Scott, RMT, voluntarily entered into a consent and undertaking agreement with the Inquiry Committee of CMTBC. As part of the agreement, Mr. Scott agreed to the following terms:

1. a formal reprimand;
2. a five-day suspension from practice (commencing on February 24, 2021, immediately following his 5-day suspension in another matter);
3. a permanent condition on his practice of massage therapy, namely that he cannot have his cellular phone present in any treatment room during a massage therapy treatment;
4. intensive remedial coursework on professional ethics and boundaries;
5. payment of a fine in the amount of \$750;
6. payment of a portion of the costs of the investigation in the amount of \$1,500;
7. undertakings not to repeat the conduct; and
8. an undertaking to comply with section 11 of the College's practice environment standard of practice (which took effect on January 15, 2021) with respect to his use of electronic recording devices other than his cellular phone (which he is not permitted to have in a treatment room during a treatment, per the condition on his practice).

Reasons: In April 2019, a female patient (Z.Z.) contacted CMTBC to advise of her concerns that during some recent massage therapy treatments, she believed Mr. Scott was handling his cellular phone with one hand while massaging her with the other hand. Z.Z. also advised that in her most recent treatment with Mr. Scott, while lying face down, she looked up quickly and the Registrant immediately moved to hide his cellular phone.

During the investigation, an additional concern arose, namely that while treating a male undercover investigator who posed as a patient, Mr. Scott used his cellular phone with one hand while massaging the undercover investigator

with his other hand (while the undercover investigator was lying face down on the massage table).

As part of the undertaking and consent agreement, Mr. Scott admitted to the following facts:

- a. Mr. Scott provided massage therapy treatments to Z.Z. on numerous occasions during a time period beginning in 2015 and ending in early April 2019.
- b. During a treatment which took place in late March 2019, while Z.Z. was lying prone (face down) on the massage table, Mr. Scott massaged Z.Z. with one hand only for a period of time, while using his other hand to hold and use his cellular phone without her knowledge, to read correspondence from CMTBC. Z.Z. felt the corner of the cellular phone poke her left wrist on two or three occasions during the treatment.
- c. During a treatment in early April 2019, while Z.Z. was lying prone (face down) on the massage table, Mr. Scott massaged Z.Z. with one hand only for a period of time, while using his other hand to hold and use his cellular phone without Z.Z.'s knowledge, to read correspondence from CMTBC. Z.Z. believed that Mr. Scott was using his cellular phone; she lifted her head and turned it to the right to speak with Mr. Scott. Mr. Scott jumped and/or stood up suddenly from being seated on an exercise ball to try to move his cellular phone out of Z.Z.'s vision, holding it up over her. Mr. Scott did not say anything to Z.Z. about his use of the cellular phone.
- d. On May 14, 2019, Mr. Scott provided a 45-minute massage therapy treatment to a College undercover male investigator who posed as a patient. While the investigator was lying face down on the massage table, Mr. Scott massaged the investigator with one hand while using his other hand to hold his cellular telephone, on which he was tapping and swiping. Mr. Scott had his cellular phone in his hand for a total of 15 minutes and 24 seconds of the treatment and was using it to play a game similar to Candy Crush, with a name similar to "Empire".
- e. On multiple occasions in late 2018 and early 2019, Mr. Scott used his cellular phone while a patient was lying prone (face down) on the massage table, originally to communicate with front desk staff at his clinic and then eventually to access and play puzzles or games (including the "Empire" game, a drawing app, Sudoku and Mahjong). His purpose in doing so was to remain alert and awake.

Mr. Scott acknowledged that by engaging in the conduct described above, he committed professional misconduct and violated sections 2 and 4 of the College's Code of Ethics (since amended) and subsections 8(a) and (b) and 9(b) of Schedule "D" to the College's Bylaws.

The evidence gathered during the investigation did not support a conclusion that Mr. Scott had taken photographs or video recordings of any patient while using his cellular phone during treatment.

The Inquiry Committee considered Mr. Scott's admitted conduct to be serious. A patient who sees his or her RMT using a mobile phone while he or she is unclothed during a massage therapy treatment is likely to become distressed and upset. In using his mobile phone during treatments of patients, Mr. Scott was not treating those patients with respect or acting in their best interests, and the effectiveness and safety of his treatments may have been compromised.

The Inquiry Committee is satisfied that the undertaking and consent agreement in this matter appropriately reflects the seriousness of the registrant's admitted conduct and will protect patient safety.