

Name removed

Location:

Vancouver, BC

Date of Action:

February 6, 2020

Date Action Ended:

April 7, 2021

Nature of Action: Pursuant to section 35(1)(a) of the *Health Professions Act* (the "Act"), a panel of the Inquiry Committee made an order to impose a limit on the registrant's practice of massage therapy. The limit was that the registrant was prohibited from treating male patients.

Reasons: The College received a complaint from a male patient alleging that the registrant engaged in sexual misconduct during the provision of massage therapy to him, by engaging in non-therapeutic touching of sensitive areas of the patient's body, inappropriate contact of the registrant's body with the patient, and exposure of sensitive areas of the patient's body.

The Inquiry Committee panel was satisfied that there was a *prima facie* case of sexual misconduct, and that the complaint was not manifestly unfounded, unreliable or exaggerated.

The Inquiry Committee panel found that the allegations were serious and there was a real risk of harm to patients if the registrant were allowed to continue to practice without restriction. The panel balanced the need for an interim order against the consequences for the registrant and was satisfied that the consequences of an interim order would not be disproportionate to the risk from which the panel was seeking to protect the public.

The Inquiry Committee panel considered different interim measures to protect the public, including a condition that the registrant have a chaperone present for treatment of all male patients and a condition that he be restricted from treating any male patients pending a hearing. Having weighed the different options and the circumstances of this case, and having weighed the impact of such conditions on the registrant, the panel concluded that a condition barring the registrant from treating male patients was proportionate and necessary to

protect the public during the investigation or pending a hearing of the Discipline Committee.

The order ceased to be in effect on April 7, 2021.

Important Note: Limits, conditions and suspensions ordered by the Inquiry Committee under section 35(1) of the Act are made to protect the public during an investigation or pending a hearing of the Discipline Committee. Measures taken under section 35(1) of the Act pertain to allegations which are and remain unproven unless admitted by a registrant or determined by the Discipline Committee.