

Kevin An, Former RMT

Location:

New Westminster, BC

Date of Action:

July 5, 2023

Nature of Action: A section 39(2) order by consent under section 37.1 of the *Health Professions Act*, R.S.B.C. 1996, c. 183. Following the issuance of a citation giving notice of a formal discipline hearing, the respondent, Kevin An, made a proposal to enter a consent order with the Inquiry Committee. Mr. An ultimately consented to an order by the Inquiry Committee that:

- his registration with CMTBC be cancelled effective July 5, 2023; and
- he is not eligible to apply for reinstatement of registration with CMTBC for a period of 5 years from the date of the order, that is, until July 5, 2028.

Mr. An will also pay to the College a portion of the costs of the investigation.

Given this resolution, a formal discipline hearing will not proceed.

[Read Mr. An's proposal](#) (PDF).

[Read the Consent Order and Reasons](#) (PDF).

Reasons: Mr. An made the following admissions:

- On May 25, 2021, he provided massage therapy services to a female patient (the "Patient") at the Patient's place of residence. During the treatment, he massaged the Patient's breasts under the draping without her consent.
- On or about September 29, 2021, he was convicted in the British Columbia Provincial Court on the following charge: that on or about May 25, 2021, at or near New Westminster, British Columbia, he did commit the offence of assault, contrary to section 266 of the *Criminal Code*. This conviction related to his conduct toward the Patient. The Registrant was sentenced to, *inter alia*, a conditional discharge and a 12-month probation order.

Mr. An also admitted that the conduct outlined above amounts to separate acts of professional misconduct.

The Inquiry Committee noted that Mr. An agreed to cancel his registration and will not be eligible to apply for reinstatement of registration for a period of 5 years.

The Inquiry Committee noted that if Mr. An applies for registration after 5 years, he will not have an automatic right to registration. Instead, his application will be addressed by the Registration Committee of CMTBC (or any successor entity to the College) in accordance with section 20 of the *Health Professions Act* (or any successor legislation) and the Bylaws of CMTBC, including as they may be amended. In the event of a future application for registration, Mr. An will be required to meet all legislative and bylaw requirements relating to registration, including those relating to good character; and pursuant to section 54(5) of the Bylaws of CMTBC, he will be required to satisfy the Registration Committee that his registration will not pose an undue risk to public health or safety or otherwise be contrary to the public interest.

The Inquiry Committee considered Mr. An's admitted conduct to be extremely serious. The Inquiry Committee is satisfied that the consent order in this matter appropriately reflects the seriousness of the admitted conduct and will protect patient safety through the cancellation of Mr. An's registration, meaning that Mr. An is no longer authorized to practice as a registered massage therapist in B.C.