

Michelle Gaudet, Former RMT

Location:

Prince George, BC

Date of Action:

November 28, 2022; June 28, 2023

Nature of Action and Reasons: On April 12 and 13, 2022, a panel of the Discipline Committee of the College of Massage Therapists of British Columbia (the “College”) convened to hear a formal citation issued to the respondent, Michelle Gaudet. Ms. Gaudet was a registered massage therapist at the time of the events described in the citation but ceased to be a registrant of the College on January 14, 2021, when she resigned her registration.

The citation set out allegations regarding Ms. Gaudet’s failure to attend an interview required by the College as well as her failure to respond in a professional, responsive and timely manner to inquiries, requests and directions from the College in relation to the required interview.

Following the discipline hearing, the Discipline Committee panel issued a [decision and reasons dated November 28, 2022](#) (PDF).

Subsequently, the College and Ms. Gaudet were given the opportunity to provide submissions on penalty and costs to the panel; however, Ms. Gaudet did not provide submissions. After considering submissions from the College on penalty and costs, the panel issued an [order and reasons on penalty and costs dated June 28, 2023](#) (PDF). A summary of the order may be found below under the heading “Panel’s Decision dated June 28, 2023.”

Panel’s Decision dated November 28, 2022

Allegation 1

The panel found that on December 4, 2020, Ms. Gaudet failed to attend an interview with a College inspector as required by the Inquiry Committee of the College as part of its investigation into her conduct. The panel noted that the College had:

- notified Ms. Gaudet of the time and place of the interview;

- reminded Ms. Gaudet of the interview multiple times in the period leading up to the interview; and
- reminded Ms. Gaudet of the consequences of failing to attend the interview.

The panel considered that section 65.1 of the College's Bylaws empowers the Inquiry Committee to require a registrant to attend for an interview. The use of the word "require" is significant and must be read to mean that the attendance is mandatory. The panel found that Ms. Gaudet's failure to attend the interview was a failure to comply with the College's Bylaws for the purposes of section 39(1) of the *Health Professions Act*. Therefore, the panel determined that by failing to attend the interview, Ms. Gaudet committed unprofessional conduct.

Allegation 2

The panel found that Ms. Gaudet failed to respond to inquiries, requests and directions from the College in relation to the required interview in a professional, responsive and timely manner.

Between February 2019 and December 2020, Ms. Gaudet communicated to the College that she would not cooperate with the College's investigative and disciplinary process into her conduct until she retained legal counsel. The College provided Ms. Gaudet with numerous extensions of time in order for her to retain legal counsel; however, she did not do so. On multiple occasions, Ms. Gaudet demanded that College representatives cease communicating with her, and she indicated that she would not respond or that she would block or otherwise ignore the College's emails.

The panel noted that throughout her communications to the College, Ms. Gaudet's demands that the College suspend its investigation showed a lack of professionalism and a lack of respect for the College's role as a regulator. In addition, the panel found that on many occasions, the language that Ms. Gaudet used in her communications to the College was sarcastic and impertinent. The panel considered that a registrant's duty to cooperate with a College investigation is critical to the functioning of a self-regulating body.

The panel determined that Ms. Gaudet's failure to retain legal counsel could not justify her failure to attend the interview or cooperate with the College's requests. To find otherwise would violate the College's public interest mandate

and defeat the very foundation of the self-regulatory system. The panel stated that Ms. Gaudet's flagrant refusal to attend the mandatory interview was serious; therefore, the panel determined that Ms. Gaudet committed unprofessional conduct.

Conclusion

In summary, the panel found that the College had proved both allegations set out in the citation to the requisite standard. The hearing proceeded to a decision on penalty and costs, as outlined below.

Panel's Decision dated June 28, 2023

Following the issuance of the November 28, 2022 decision, the panel, as required by law, requested submissions in writing from the College and Ms. Gaudet regarding the appropriate penalty and costs. The panel determined it had jurisdiction to impose any of the penalties listed in s. 39(2) of the *Health Professions Act* on Ms. Gaudet, and it ordered that she:

- be reprimanded;
- be suspended for four months, to be served to commence the date of her reinstatement if she applies for registration and is successfully reinstated with the College in the future; and
- pay costs to the College in the amount of \$9,426.29 within six months of the date of the order.

The panel stated in its decision that:

- The proven conduct was serious.
- The panel was not provided with evidence of any remedial or rehabilitative efforts undertaken by Ms. Gaudet.
- Ms. Gaudet has not acknowledged her misconduct.

The panel stressed a strong need to send a clear message to Ms. Gaudet and other members of the profession about the importance of cooperating with the College. The requirement to cooperate with the College is critical to the College's ability to regulate the profession and act in the public interest. The public must have confidence that members of the profession will cooperate with their regulators and will be held to account when they fail to do so. The panel found that a serious penalty was necessary to uphold and protect the public interest.