

Stephen Bartlett, Former RMT

Location:

New Westminster, BC

Date of Action:

August 31, 2023; December 1, 2023

Nature of Action and Reasons: Between May 16 and 19, 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, Stephen Bartlett. Mr. Bartlett 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 December 31, 2022, when he resigned his registration.

The citation contained allegations in relation to Mr. Bartlett’s conduct toward two patients and Mr. Bartlett’s advertising.

Following the discipline hearing, the Discipline Committee panel issued a [decision and reasons dated August 31, 2023](#) (PDF).

Subsequently, the College and Mr. Bartlett were given an opportunity to provide submissions on penalty and costs to the panel. Mr. Bartlett 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 December 1, 2023](#) (PDF). A summary of the order may be found below under the heading “Panel’s Decision dated December 1, 2023.”

Panel’s Decision dated August 31, 2023

Findings and Determinations – Patient A.A.

The panel found that in the course of providing massage therapy services to A.A. on or about August 12, 2019, Mr. Bartlett:

- informed A.A. that she had never had a treatment like this before and that he was smarter than all of his colleagues, or words to that effect. The panel determined that, by engaging in this conduct, Mr. Bartlett breached the College’s Boundaries Standard of Practice, section 78.2(2)(c)(i) of the College’s Bylaws and section 29 of the College’s Code of Ethics.

- asked A.A. if she had issues with incontinence while A. A. was lying face down on the massage therapy table.
- asked A.A. if she liked to party and whether she was a “Vancouver Australian” or a “Whistler Australian” and provided the difference between the two. The panel determined that this line of conversation was unprofessional, disrespectful, and contrary to sections 12 and 14 of the College’s Boundaries Standard of Practice.
- asked A.A. if she had a romantic partner or words to that effect. The panel determined that this line of conversation was non-therapeutic, unprofessional and of a personal nature and contrary to section 12 of the College’s Boundaries Standard of Practice.
- asked A.A. if she was happy in her relationship and/or suggested that A.A. and her partner go to the Rocky Mountains as it would be a romantic place to go or words to that effect. The panel determined that this line of conversation was non-therapeutic, unprofessional, and contrary to section 12 of the College’s Boundaries Standard of Practice.
- shared his views on romantic relationships with A.A., including his personal and romantic life struggles. The panel determined that Mr. Bartlett’s disclosures were unsolicited, unwelcome, unprofessional, not relevant to patient-centred care, and contrary to sections 12 and 13 of the College’s Boundaries Standard of Practice.
- manipulated A.A.’s neck without adequate or any consent after A.A. had instructed him not to do so. The panel determined that Mr. Bartlett committed professional misconduct and that he contravened sections 1 and 3 of the College’s Consent Standard of Practice.
- touched between A.A.’s breasts and near her right breast and did not tell A.A. that the treatment would be at or near her breasts. The panel determined that Mr. Bartlett committed professional misconduct and that he contravened section 19 of the College’s Boundaries Standard of Practice and section 4 of the College’s Consent Standard of Practice.
- did not seek or obtain consent to treat at or near A.A.’s breasts. The panel determined that Mr. Bartlett committed professional misconduct and contravened section 3 of the College’s Consent Standard of Practice.
- failed to adequately adjust treatment and communicate with A.A. after A.A. expressed that she was experiencing pain while he was treating at or near A.A.’s breasts. The panel determined that Mr. Bartlett committed professional misconduct and contravened section 8 of the Colleges Consent Standard of Practice.

Findings and Determinations – Patient B.B.

The panel found that in the course of providing massage therapy services to B.B. on or about September 21, 2020, Mr. Bartlett:

- touched B.B.'s back and low back, down to the tailbone, and had his thumb in B.B.'s gluteal cleft during his assessment of B.B. without obtaining B.B.'s consent for this assessment. The panel determined that Mr. Bartlett committed professional misconduct and contravened sections 1 and 3 of the College's Consent Standard of Practice and section 19 of the College's Boundaries Standard of Practice.

Findings and Determinations – Mr. Bartlett's Advertising

The panel found that from or about November 7, 2019, and thereafter, Mr. Bartlett stated online that he:

- specialized in spinal and pelvic alignment. The panel noted that Mr. Bartlett does not hold a specialization in spinal and pelvic alignment because no such specialization exists. Therefore, the panel determined that Mr. Bartlett contravened section 78.2 of the College Bylaws.
- was an "Osteopath" and was an "Arthrokinetic therapist." The panel noted that these titles are not listed in the *Massage Therapists Regulation*, B.C. Reg. 280/2008, and have not been approved by the College Board. Therefore, the panel determined that Mr. Bartlett contravened sections 78.2 and 78.7 of the College's Bylaws.

Conclusion

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

Panel's Decision dated December 1, 2023

Following the issuance of the August 31, 2023 decision, the panel, as required by law, requested submissions in writing from the College and Mr. Bartlett 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 Mr. Bartlett, and it ordered that he:

- Be reprimanded.
- Pay costs to the College in the amount of \$28,152.18 within six months of the date of the order.
- Be suspended for six months, to be served commencing the date of his reinstatement in the event that he applies for registration with the College and is successfully reinstated in the future.

The panel stated in its decision that:

- The consequences of Mr. Bartlett's conduct are significant.
- Bartlett's past disciplinary record weighed in favour of the imposition of a more serious penalty.
- Bartlett has not acknowledged his misconduct.

The panel stressed a strong need to send a clear message to Mr. Bartlett and other members of the profession about the importance of communicating professionally, obtaining informed consent, and not misleading the public with respect to qualifications and training. These requirements are central to the College's ability to regulate the profession and act in the public interest, and failure to abide by those requirements risks undermining public confidence in the College's ability to regulate the profession.

The complainants are referred to in the decision by generic initials, and the witnesses are referred to by numbers in order to avoid identifying them.