

Robert Morgan, Former RMT

Location:

Kelowna, BC

Date of Action:

October 26, 2021

Nature of Action and Reasons: On December 14 and 15, 2020, a panel of the Discipline Committee convened to hear a formal citation issued to Robert Morgan. The citation contained charges relating to Mr. Morgan's conduct in relation to three female patients. Mr. Morgan was a registered massage therapist at the time of the events described in the citation, but ceased to be a registrant of CMTBC on January 31, 2019, when his registration was cancelled due to his failure to renew his registration.

The Discipline Committee panel issued a decision and reasons dated June 8, 2021.

The panel found that on September 18, 2015, in the course of providing massage therapy services to Patient 1, Mr. Morgan:

- massaged Patient 1's breasts for a non-therapeutic purpose; and
- failed to provide appropriate draping, by lifting the drape and exposing Patient 1's breasts as she turned from a prone to an upward facing position.

The panel determined that by engaging in this conduct, Mr. Morgan breached section 75 of CMTBC's Bylaws and breached a standard imposed under the *Health Professions Act* by failing to comply with section 2(a) of the Code of Ethical Conduct and section 11 of the Standards of Practice in effect at the applicable time. The panel also determined in relation to these findings that Mr. Morgan committed professional misconduct.

The panel found that on April 20, 2017, in the course of providing massage therapy services to Patient 2, Mr. Morgan:

- failed, in his communications with Patient 2 prior to treatment, to describe appropriate disrobing and/or draping options and stated words

to the effect that “it is a full body massage so clothes will get in the way”;

- massaged or otherwise touched Patient 2’s buttocks for a non-therapeutic purpose;
- massaged or otherwise touched Patient 2’s breasts for a non-therapeutic purpose;
- touched Patient 2’s nipples; and
- failed to provide appropriate draping, by leaving Patient 2’s breasts and buttocks exposed when he was not treating that area of her body.

The panel determined that by engaging in this conduct, Mr. Morgan breached section 75 of CMTBC’s Bylaws and breached a standard imposed under the *Health Professions Act* by failing to comply with section 21 of the Code of Ethics and section 11 of the Standards of Practice in effect at the applicable time. The panel also determined in relation to these findings that Mr. Morgan committed professional misconduct.

The panel found that on February 3, 2017, in the course of providing massage therapy services to Patient 3, Mr. Morgan:

- told Patient 3 that it was necessary to expose her breast to provide treatment, when this was untrue;
- massaged or otherwise touched Patient 3’s breast for a non-therapeutic purpose; and
- failed to provide appropriate draping, by exposing Patient 3’s breast when there was no therapeutic reason to do so.

The panel determined that by engaging in this conduct, Mr. Morgan breached section 75 of CMTBC’s Bylaws and breached a standard imposed under the *Health Professions Act* by failing to comply with section 21 of the Code of Ethics and section 11 of the Standards of Practice in effect at the applicable time. The panel also determined in relation to these findings that Mr. Morgan committed professional misconduct.

[Read the full Reasons for Decision \(PDF\).](#)

Following the issuance of the June 8, 2021 decision on verdict, the panel requested written submissions from the College and Mr. Morgan with respect to penalty and costs. The College made a submission; Mr. Morgan did not.

On October 26, 2021, the Discipline Committee panel issued an order and reasons on penalty and costs. Specifically, the panel ordered that:

- Mr. Morgan's registration with CMTBC be cancelled as of October 26, 2021;
- he be prohibited from applying for reinstatement of his registration with CMTBC for five years, that is until October 26, 2026;
- he be prohibited from applying for reinstatement of his registration with CMTBC until he has completed a remedial education course (the Professional, Problem-Based Ethics (PROBE) course);
- he pay a fine in the amount of \$5,000; and
- he pay costs to CMTBC in the amount of \$20,000.

The Discipline Committee panel determined that it had jurisdiction to impose any order under section 39 of the *Health Professions Act* against a former registrant, including cancellation (the maximum penalty available to it).

The Discipline Committee panel stated in its decision that Mr. Morgan's misconduct is at the most serious end of the spectrum because it was sexual (involving sexual touching), there were multiple instances of the conduct over a prolonged period of time, Mr. Morgan abused his position of power, authority and trust, and Mr. Morgan misled his patients. The panel stated that a strong message must be sent to both the profession and the public that this conduct will not be tolerated in the massage therapy profession. The panel found that Mr. Morgan's conduct warranted cancellation as the maximum penalty available to the panel, together with both a five-year prohibition on Mr. Morgan's ability to apply for reinstatement, and a requirement for remedial education should Mr. Morgan apply for reinstatement of registration in the future. The panel specifically noted, in its order and reasons, that the Registration Committee of CMTBC ultimately has the power to determine whether or not Mr. Morgan may be reinstated after October 26, 2026, and if so, any other requirements that may be appropriate and necessary.

[Read the full Reasons for Decision on Penalty and Costs \(PDF\).](#)