

Steven Anderson, Former RMT

Location:

Burnaby, BC

Date of Action:

May 18, 2022; October 20, 2022

Nature of Action and Reasons: On June 14 to 17, and 25, 2021, a panel of the Discipline Committee convened to hear a formal citation issued to Steven Anderson. The citation set out allegations regarding Mr. Anderson's conduct in relation to five female patients and one male patient. Mr. Anderson was a registered massage therapist at the time of the events described in the citation but ceased to be a registrant of the College of Massage Therapists of British Columbia ("CMTBC") on February 1, 2019, when his registration was automatically cancelled due to his non-renewal of his registration. Prior to February 1, 2019, Mr. Anderson's registration was suspended pending the completion of the investigation or a discipline hearing, whichever should come later.

Following the discipline hearing, the Discipline Committee panel issued a [decision and reasons dated May 18, 2022](#) (PDF) in which the panel made several determinations of professional misconduct and unprofessional conduct in relation to the allegations made in the citation. These findings are summarized below.

Subsequently, after considering submissions from Mr. Anderson and from the College on penalty and costs, the panel issued an [order and reasons on penalty and costs dated October 20, 2022](#) (PDF). A summary of the order may be found below under the heading "Panel's Decision dated October 20, 2022."

Panel's Decision dated May 18, 2022

Patient 1 (A.A.)

The panel found that in 2014, while providing massage therapy and having provided massage therapy to Patient 1, Mr. Anderson:

- inserted a finger or hand beyond Patient 1's labia majora and massaged the interior walls of Patient 1's vagina without ensuring that Patient 1

was fully informed regarding assessment and treatment and provided consent;

- engaged in sexual touching of the Patient 1's vagina;
- failed to generate and maintain a record of Patient 1's health history and a treatment plan including objectives, treatments provided, instructions given, periodic reassessment findings and treatment revisions.

The panel found that in 2019, during the investigation into Patient 1's complaint, Mr. Anderson:

- provided misleading information to the CMTBC Investigator regarding the clinical medical records that he had produced in relation to his treatment of Patient 1.

The panel determined that by engaging in this conduct, Mr. Anderson breached sections 1(1)(c) and 2(a) of Schedule C of the CMTBC Bylaws then in effect, sections 3(a) and 9(d) of Schedule D of the CMTBC Bylaws then in effect, and section 4(a)(iv) and (v) of Schedule E of the CMTBC Bylaws then in effect. The panel also determined in relation to these findings that Mr. Anderson failed to comply with a standard or a limit imposed under the *Health Professions Act* (the "Act") and that he committed professional misconduct and unprofessional conduct.

Patient 2 (B.B.)

The panel found that in 2014, while providing massage therapy and having provided massage therapy to Patient 2, Mr. Anderson:

- massaged the area in the vicinity of Patient 2's vulva without ensuring the patient was fully informed regarding assessment and treatment and provided consent;
- engaged in sexual touching of the area in the vicinity of Patient 2's vulva;
- failed to generate and maintain a record of Patient 2's health history and a treatment plan including objectives, treatments provided, instructions given, periodic reassessment findings and treatment revisions.

The panel found that in 2019, during the investigation into Patient 2's complaint, Mr. Anderson:

- provided misleading information to the CMTBC Investigator regarding the clinical medical records that he had produced in relation to his treatment of Patient

The panel determined that by engaging in this conduct, Mr. Anderson breached section 2(a) of Schedule C of the CMTBC's Bylaws then in effect, section 3(a) of Schedule D of the CMTBC's Bylaws then in effect, and section 4(a)(iv) and (v) of Schedule E of the CMTBC Bylaws then in effect. The panel also determined in relation to these findings that Mr. Anderson committed professional misconduct.

Patient 3 (C.C.)

The panel found that in 2014, while providing massage therapy and having provided massage therapy to Patient 3, Mr. Anderson:

- massaged and engaged in sexual touching of the following parts of Patient 3's body without ensuring that Patient 3 was fully informed regarding assessment and treatment and provided consent:
 - Patient 3's labia and around the external opening of Patient 3's vagina; and
 - Patient 3's ischiocavernosus muscle;
- failed to generate and maintain a record of Patient 3's health history and a treatment plan including objectives, treatments provided, instructions given, periodic reassessment findings and treatment revisions;
- removed blackheads from Patient 3's back by picking her skin with his thumbs.

The panel found that in 2019, during the investigation into Patient 3's complaint, Mr. Anderson:

- provided misleading information to the CMTBC Investigator regarding the clinical medical records that he had produced in relation to his treatment of Patient 3.

The panel determined that by engaging in this conduct, Mr. Anderson breached section 2(a) of Schedule C of the CMTBC Bylaws then in effect, sections 3(a) and 9(d) of Schedule D of the CMTBC Bylaws then in effect, and section 4 (a)(iv) and (v) of Schedule E of the CMTBC Bylaws then in effect. The

panel also determined in relation to these findings that Mr. Anderson committed unprofessional conduct.

Patient 4 (D.D.)

The panel found that in 2014, while providing massage therapy and having provided massage therapy to Patient 4, Mr. Anderson:

- diagnosed Patient 4 with a medical condition, avascular necrosis, when making medical diagnoses is outside the scope of practice of massage therapy in British Columbia;
- inserted one finger of his hand beyond Patient 4's anal verge and massaged the interior wall of the rectum; and
- failed to generate and maintain a record of Patient 4's health history and a treatment plan including objectives, treatments provided, instructions given, periodic reassessment findings and treatment revisions.

The panel found that in 2019, during the investigation into Patient 4's complaint, Mr. Anderson:

- provided misleading information to the CMTBC Investigator regarding the clinical medical records that he had produced in relation to his treatment of Patient

The panel determined that by engaging in this conduct, Mr. Anderson breached section 1 (1)(c) of Schedule C of the CMTBC Bylaws then in effect, and section 9 (d) of Schedule D of the CMTBC Bylaws then in effect. The panel also determined in relation to these findings that Mr. Anderson breached a standard imposed under the Act, and that he committed unprofessional conduct.

Patient 5 (E.E.)

The panel found that in 2016, while providing massage therapy services to Patient 5, Mr. Anderson:

- failed to keep a clinical Health Care Record for Patient 5 containing sufficient information to explain why Patient 5 came to see him, and what he learned from both Patient 5's current medical history and the assessment of Patient 5;

- failed to keep a clear record of the specifics of any treatment plan or treatment that he provided for Patient 5; and
- failed to ensure that the information contained in Patient 5's Health Care Record was current, accurate, and complete.

The panel found that in 2018, during the investigation into Patient 5's complaint, Mr. Anderson:

- provided misleading information to the CMTBC Investigator regarding the clinical medical records that he had produced in relation to his treatment of Patient

The panel determined that by engaging in this conduct, Mr. Anderson breached sections 3(1)(a)(vii) and (viii), and 3(2) of Schedule E of the CMTBC Bylaws then in effect. The panel also determined that in relation to these findings Mr. Anderson committed professional misconduct.

Patient 6 (F.F.)

The panel found that in 2017 and 2018, during the investigation into Patient 6's complaint, Mr. Anderson:

- provided misleading information to the CMTBC Investigator regarding the clinical medical records that he had produced in relation to his treatment of Patient

The panel determined that by engaging in this conduct, Mr. Anderson committed professional misconduct.

In summary, the panel accepted the evidence of each of the complainants and found that the College had proved each of the allegations set out in the citation. The hearing will now proceed to a decision on penalty and costs, as outlined below.

The panel found that in certain instances Mr. Anderson obstructed a College Investigator in the lawful exercise of her powers of investigation, contrary to s. 31(1) of the Act, and that he failed to respond to inquiries, requests, and directions from the College in a professional and responsive manner, contrary to section 28 of the Code of Ethics, then in effect.

Panel's Decision dated October 20, 2022

The panel determined that it had jurisdiction to impose any of the penalties listed in s. 39(2) of the Act on a former registrant, ordered that Mr. Anderson's registration with CMTBC be cancelled as of October 20, 2022, and further ordered that he:

- be prohibited from applying for reinstatement of his registration with CMTBC for 15 years, that is until October 20, 2037;
- pay a fine in the amount of \$10,000; and
- pay costs to CMTBC in the amount of \$54,946.67.

The panel stated in its decision that:

- This is one of the most serious cases to ever come before it due to the nature and gravity of multiple instances of misconduct involving many different patients extending over a period of years.
- Sexual misconduct is a particularly serious form of misconduct because it involves breach of trust and abuse of patients, and that Mr. Anderson's misconduct was at the most serious end of the spectrum because of the areas involved and the manner of touch.
- Mr. Anderson had engaged in other forms of misconduct, including
 - practicing outside of his scope of practice by performing internal massage work;
 - making a medical diagnosis;
 - misleading the College by withholding his original records and creating new typewritten records which were materially different from his original document;
 - obstructing the College's investigator contrary to the Act and failing to respond to inquiries and directions from the College in a professional and responsive way.

The panel noted that, should Mr. Anderson apply for reinstatement on or after October 20, 2037, the Registration Committee of CMTBC ultimately has the power to determine whether or not to grant reinstatement, and if does so, to determine whether he must fulfil any other requirements and conditions at that time. The panel further noted that in order to maintain public confidence in the profession and provide a sufficient deterrent, it was necessary and appropriate, in this case, to impose a fine in addition to the cancellation of Mr. Anderson's registration.

The panel stressed that there is a strong need to express to Mr. Anderson and to other members of the profession that this type of conduct is unacceptable. 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.