

Leonard Krekic, Former RMT

Location:

Surrey and Penticton, BC

Date of Action:

August 5, 2022; December 21, 2022

Nature of Action and Reasons: A panel of the Discipline Committee convened on the following dates in 2021 for the hearing of a citation issued to Leonard Krekic: March 9 to 12, 15 to 19, and 22 to 23; April 26 to 30; September 29; and October 1, 28, and 19. Mr. Krekic 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” or the “College”) on October 26, 2020, following his resignation of registration with the College.

The citation set out allegations regarding Mr. Krekic’s conduct in relation to six female patients, and the Discipline Committee hearing panel issued **Reasons for Decision dated August 5, 2022** (PDF) in which the panel made several determinations of professional misconduct and unprofessional conduct in relation to the allegations made in the citation. On August 12, 2022, the hearing panel issued a corrected decision to correct minor errors. The hearing panel issued a second corrected decision on August 18, 2022.

The panel’s findings are summarized below.

Subsequently, after considering submissions from Mr. Krekic and from the College on penalty and costs, the panel issued an **order and reasons on penalty and costs dated December 21, 2022** (PDF). A summary of the order may be found below under the heading “Panel’s Decision dated December 21, 2022.”

Panel’s Decision dated August 5, 2022

Allegation 1: Patient 1

The panel found that in 2012, while providing massage therapy to Patient 1, Mr. Krekic:

- engaged in inappropriate and unprofessional conduct by hugging Patient 1;
- made statements and/or inquiries of an unprofessional, inappropriate and/or personal nature including asking Patient 1 if he could pray for Patient 1 in Patient 1's presence;
- placed his hand(s) under Patient 1's undergarment or otherwise moved Patient 1's undergarment without Patient 1's consent;
- massaged or otherwise touched Patient 1's mons pubis and/or labia for a non-therapeutic and/or sexual purpose; and
- inserted his finger(s) into Patient 1's anus for a non-therapeutic and/or sexual purpose.

The panel determined that by engaging in this conduct, Mr. Krekic breached the Code of Ethical Conduct then in effect and that he committed unprofessional conduct and professional misconduct.

Allegation 2: Patient 2

The panel found that in March 2014, while providing massage therapy to Patient 2, Mr. Krekic:

- made comments and/or statements of an unprofessional, inappropriate and personal nature to Patient 2 by sharing overly personal details about his life, including that his eldest daughter had "daddy issues", that God works through him to heal people and that "God works in mysterious ways";
- placed his hand(s) under Patient 2's undergarment or otherwise moved Patient 2's undergarment without Patient 2's consent;
- massaged or otherwise touched Patient 2's mons pubis and labia for a non-therapeutic or sexual purpose; and
- for a non-therapeutic or sexual purpose, he;
 - directed Patient 2 to the edge of the massage table and to spread her legs open and when Patient 2 did so;
 - placed himself between Patient 2's legs and had Patient 2 straddle him. He faced Patient 2 and while he was seated; and in this position, he pressed his groin into Patient 2's groin.

The panel determined that by engaging in this conduct, Mr. Krekic breached section 2(a) of the Code of Ethical Conduct then in effect and that he committed unprofessional conduct and professional misconduct.

Allegation 3: Patient 3

The panel found that between 2009 and 2014, while providing massage therapy to Patient 3, Mr. Krekic massaged or otherwise touched Patient 3's mons pubis for a non-therapeutic or sexual purpose.

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

The panel also found that on or about November 10, 2016, while providing massage therapy to Patient 3, Mr. Krekic pressed his groin against Patient 3's hand.

The panel determined that by engaging in this conduct, Mr. Krekic had not complied with the Code of Ethics in effect at the time, and that he committed professional misconduct.

Allegation 4: Patient 4

The panel found that in February 2019, while providing massage to Patient 4, Mr. Krekic:

- failed to provide appropriate disrobing options and/or appropriately drape Patient 4 and caused Patient 4 to sign a consent form while Patient 4 was undressed and prone, which exposed Patient 4's breasts;
- failed to appropriately drape Patient 4 and exposed Patient 4's buttocks without Patient 4's consent; and
- massaged or otherwise touched Patient 4's groin area without Patient 4's consent.

The panel determined that by engaging in this conduct, Mr. Krekic breached sections 1, 3(a), 4(b)(i), 4 (b) (v), and 4(b)(iv) of the Consent Standard of Practice and that he committed professional misconduct.

Allegation 5: Patient 5

The panel found that in February and March 2019, while providing massage therapy services to Patient 5, Mr. Krekic:

- pressed his groin against Patient 5's hand for a non-therapeutic or sexual purpose; and

- placed his hands underneath Patient 5's undergarment and massaged Patient 5's breasts for a non-therapeutic or sexual purpose.

The panel determined that by engaging in this conduct, Mr. Krekic breached section 21 of the Code of Ethics then in effect, section 4 of the Boundaries Standard of Practice, and that he committed professional misconduct.

Allegations 6 and 7: Patient 6

The panel found that in 2019, while providing massage therapy services to Patient 6, Mr. Krekic:

- massaged or otherwise touched Patient 6's mons pubis and/or labia for a non-therapeutic and/or sexual purpose;
- massaged or otherwise touched Patient 6's groin area for a non-therapeutic and/or sexual purpose;
- made statements and inquiries of an unprofessional, inappropriate and personal nature including initiating faith-based conversations, asking Patient 6 if he could pray for her, and/or prayed for Patient 6 in her presence;
- engaged in inappropriate and unprofessional conduct by hugging Patient 6;
- made statements of an unprofessional and inappropriate and/or personal nature by praying for a chaperone during Patient 6's treatment;
- for a non-therapeutic and/or sexual purpose, he:
 - directed Patient 6 to the edge of the massage table and to spread her legs open causing their bodies to come into contact;
 - massaged or otherwise touched Patient 6's gluteal cleft and/or perineum for a non-therapeutic and/or sexual purpose; and
- pressed his groin against Patient 6's hand for a non-therapeutic or sexual purpose.

The panel determined that by engaging in this conduct, Mr. Krekic breached sections 1(c), 1(d), 2(a), 2(b), 4, 13, 17, 18, and 21 of the Boundaries Standard of Practice, and sections 2 and 21 of the Code of Ethics which were in effect at the time, and that he committed unprofessional conduct and professional misconduct.

The panel also found that from August 2019 through November 21, 2019, Mr. Krekic entered into a close personal relationship with Patient 6 and engaged in inappropriate and unprofessional communications with Patient 6.

The panel determined that by engaging in this conduct, Mr. Krekic breached sections 1, 5, 11, and 18 of the Boundaries Standard of Practice and that he committed professional misconduct.

Particulars of the relationship between Mr. Krekic and Patient 6 may be found at page five of the decision.

Allegation 8

On April 5, 2019, CMTBC's Inquiry Committee made an Order pursuant to section 35 of the *Health Professions Act* in relation to its investigation into Allegation 6. The panel found that Mr. Krekic breached the Order by:

- failing to inform CMTBC immediately of any new locations where he was providing massage therapy services;
- during July and August 2019, failing to provide reports each week to CMTBC with each patient he consulted, assessed, examined, or treated and the name of the person who acted as a chaperone for each of those patients;
- during an appointment in late July or early August, 2019, failing to have a chaperone present at all times during the consultation, assessment, examination, or treatment of female patients; and
- failing to ensure that at the completion of any consultation, assessment, examination, or treatment of a patient that the chaperone records their full name, signature, and date in the corresponding patient chart entry.

The panel determined that by engaging in this behaviour, Mr. Krekic breached sections 25, 27, and 28 of the Code of Ethics then in effect and that he committed professional misconduct.

Allegation 9

On June 14, 2019, CMTBC requested that Mr. Krekic provide CMTBC with the treatment records for three female patients. The panel found that Mr. Krekic failed to provide these treatment records to CMTBC within a reasonable time.

The panel determined that by engaging in this conduct, Mr. Krekic breached section 28 of the Code of Ethics then in effect and that he committed unprofessional conduct.

Allegation 10

The panel found that Mr. Krekic practiced massage therapy without liability insurance between November 1 and 16, 2019.

The panel determined that by engaging in this conduct, Mr. Krekic breached section 61 of the CMTBC Bylaws and that he committed professional misconduct.

Preliminary and interim decisions

Prior to and during the hearing, the panel issued one preliminary and two interim decisions:

- [Read preliminary decision dated March 4, 2021 \(PDF\)](#).
- [Read interim decision dated April 14, 2021 \(PDF\)](#).
- [Read interim decision dated June 18, 2021 \(PDF\)](#).

Conclusion

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 to the requisite standard, with the exception of the allegations at paragraphs 4(a)(ii), 4(b)(iv), and 6(b)(ii) ii. The College did not pursue the allegations set out in sections 4(b)(iii) and 6 (a)(i) of the citation. The hearing proceeded to a decision on penalty and costs, as outlined below.

Panel's Decision dated December 21, 2022

Following the issuance of the August 5, 2022 decision, the panel, as required by law, requested submissions in writing from CMTBC and Mr. Krekic regarding the appropriate penalty and costs. 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. Krekic's registration with CMTBC be cancelled as of December 21, 2022, and further ordered that he:

- Be prohibited from applying for reinstatement of his registration with CMTBC for 25 years, that is until January 1, 2048;
- Pay a fine in the amount of \$10,000; and
- Pay costs and disbursements to CMTBC in the amount of \$95,952.51.

The panel stated in its decision that:

- This is one of the most serious cases to ever come before the Discipline Committee 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 a breach of trust and abuse of patients. The duration and frequency of Mr. Krekic's conduct was serious, and its impact on the complainants was profound.
- Mr. Krekic had engaged in other forms of misconduct, including
 - hugging two patients whom he also touched sexually;
 - making inappropriate personal disclosures and having inappropriate faith-based conversations with three patients whom he also touched sexually;
 - entering into a close personal relationship with a much younger patient for his personal and financial gain;
 - breaching a section 35 order of the Inquiry Committee of the College;
 - failing to promptly provide records to the College when requested thereby delaying and frustrating the College's investigation; and
 - knowingly practicing as an RMT without professional liability insurance, and therefore, exposing his patients to harm.

The panel noted that, should Mr. Krekic apply for reinstatement on or after January 1, 2048, the Registration Committee of CMTBC ultimately has the power to determine whether or not to grant reinstatement, and if it 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. Krekic's registration.

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

Specifically, sexual touching of patients will not be tolerated, and where this occurs, registrants of CMTBC will be met with the most serious penalties available. The panel also stated that a strong message must be sent to the profession in respect of Mr. Krekic's other misconduct including; engaging in a close personal relationship with a patient for personal and financial gain; disregarding a section 35 order of the Inquiry Committee of the College; and practicing massage therapy without professional liability insurance. The public must have confidence in the integrity of the profession and in the College's ability to regulate the profession in the public interest.