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IN THE MATTER OF THE *HEALTH PROFESSIONS ACT*, R.S.B.C. 1996, c. 183
(the "HPA")

AND IN THE MATTER OF
THE COLLEGE OF MASSAGE THERAPISTS
OF BRITISH COLUMBIA ("CMTBC")

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AND
DENNIS DESROCHERS
(the "Registrant")
CONSENT ORDER PROPOSAL
(the "Proposal")

BACKGROUND

1. This Proposal is made by the Registrant to the Inquiry Committee of CMTBC (the "Committee") under section 37.1 of the HPA.
2. On September 16, 2002, CMTBC issued the Registrant a certificate of Active Registration under No. RMT-004627.
3. On September 19, 2019, the Registrant entered into a consent and undertaking agreement with the Committee pursuant to which the Registrant agreed, *inter alia*, to the following limits on his practice of massage therapy:
 - a. on a permanent basis, he could not provide breast massage or breast examination services to female patients; and
 - b. until such time as he had completed extensive remedial education, he could not treat female patients in the chest area, and specifically, the anterior lateral structures inferior to the clavicles superior to the xiphoid, pectoralis major, pectoralis minor, or serratus anterior
(the "2019 Consent Order").

The Registrant completed remedial education, comprising course work on professional standards and 16 hours of mentorship, within 4 months of entering the 2019 Consent Order.

4. Between September 2019 and January 2020, CMTBC received reports and complaints with respect to the Registrant's treatment of seven female patients. CMTBC opened the following complaint files with respect to the complaints and reports:
 - a. In relation to female patient [REDACTED] concerning treatments which occurred on or between April 2, 2012 and November 30, 2016, the Inquiry Committee opened two investigations with the file numbers INQ-2019-00054 and INQ-2019-00055 on October 4, 2019.
 - b. In relation to female patient [REDACTED] concerning treatments which occurred on or between May 12, 2011 and August 22, 2018, the Inquiry Committee opened an investigation with the file number INQ-2019-00060 on October 25, 2019.

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- c. In relation to female patient [REDACTED] concerning a treatment which occurred on or about January 12, 2018, the Inquiry Committee opened an investigation with file number INQ-2019-00061 on October 28, 2019.
 - d. In relation to female patient [REDACTED], concerning a treatment which occurred on or about October 26, 2012, the Inquiry Committee opened an investigation with file number INQ-2019-00063 on November 1, 2019.
 - e. In relation to female patient [REDACTED], concerning a treatment which occurred on or about August 7, 2015, the Inquiry Committee opened an investigation with file number INQ-2019-00064 on November 1, 2019.
 - f. In relation to female patient [REDACTED] concerning a treatment which occurred on or about May 27, 2016, the Inquiry Committee opened an investigation with file number INQ-2019-00077 on December 16, 2019.
 - g. In relation to female patient [REDACTED] concerning a treatment which occurred on or about April 20, 2011, the Inquiry Committee opened an investigation with file number INQ-2020-00005 on January 27, 2020.
5. On March 24, 2021, the Committee directed the issuance of a citation in these matters.
6. On October 20, 2021, a citation was issued against the Registrant.

ADMISSIONS

7. The Registrant makes the following admissions:
- a. [REDACTED]
 - i. On five or more occasions between April 2, 2012 and November 30, 2016, in the course of providing massage therapy to [REDACTED], Mr. Desrochers committed professional misconduct by undraping the patient to her waist and exposing her breasts without informing the patient in advance of disrobing and draping options, which is a requirement for obtaining the patient's full informed consent to undraping.
 - b. [REDACTED]
 - i. On five or more occasions between May 12, 2011 and August 22, 2018, in the course of providing massage therapy to [REDACTED], Mr. Desrochers committed professional misconduct by undraping the patient to her waist and exposing her breasts without informing the patient in advance of disrobing and draping options, which is a requirement for obtaining the patient's full informed consent to undraping.
 - ii. In the course of providing massage therapy to [REDACTED], Mr. Desrochers committed unprofessional conduct by engaging in an unprofessional communication with the patient relating to her bra and breast size.

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- c. [REDACTED]
 - i. On or around January 12, 2018, in the course of providing massage therapy to [REDACTED] Mr. Desrochers committed professional misconduct by touching the patient's breasts without ensuring that the patient was fully informed regarding assessment and treatment and that the patient provided informed consent to the treatment.
 - ii. On or around January 12, 2018, in the course of providing massage therapy to [REDACTED] Mr. Desrochers committed professional misconduct by undraping the patient to her waist and exposing her breasts when this was unnecessary.

- d. [REDACTED]
 - i. On or around October 26, 2012, in the course of providing massage therapy to [REDACTED], Mr. Desrochers committed professional misconduct by undraping the patient to her waist and exposing her breasts without informing the patient in advance of disrobing and draping options, which is a requirement for obtaining the patient's full informed consent to undraping.

- e. [REDACTED]
 - i. On or around August 7, 2015, in the course of providing massage therapy to [REDACTED] Mr. Desrochers committed professional misconduct by undraping the patient to her waist and exposing her breasts without informing the patient in advance of disrobing and draping options, which is a requirement for obtaining the patient's full informed consent to undraping.
 - ii. On or around August 7, 2015, in the course of providing massage therapy to [REDACTED] Mr. Desrochers committed professional misconduct by massaging the patient's chest without ensuring that the patient was fully informed regarding treatment, which is a requirement for obtaining the patient's full informed consent to treatment.
 - iii. In the course of providing massage therapy to [REDACTED] Mr. Desrochers committed unprofessional conduct by engaging in unprofessional communications with the patient relating to her breast size.

- f. [REDACTED]
 - i. On or around May 27, 2016, in the course of providing massage therapy to [REDACTED] Mr. Desrochers committed professional misconduct by undraping the patient to her waist and exposing her breasts without informing the patient in advance of disrobing and draping options, which is a requirement for obtaining the patient's full informed consent to undraping.
 - ii. On or around May 27, 2016, in the course of providing massage therapy to [REDACTED] Mr. Desrochers committed professional misconduct by massaging the patient's chest without ensuring that the patient was fully informed regarding treatment, which is a requirement for

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- obtaining the patient's full informed consent to treatment.
- iii. On or around May 27, 2016, in the course of providing massage therapy to [REDACTED], Mr. Desrochers committed professional misconduct by engaging in an unprofessional communication with the patient relating to his own experience receiving massage.
- g. [REDACTED]
 - i. On or around April 20, 2011, in the course of providing massage therapy to [REDACTED], Mr. Desrochers committed professional misconduct by undraping the patient to her waist and exposing her breasts without informing the patient in advance of disrobing and draping options, which is a requirement for obtaining the patient's full informed consent to undraping.
 - ii. On or around April 20, 2011, in the course of providing massage therapy to [REDACTED], Mr. Desrochers committed professional misconduct by massaging the patient's breasts without ensuring that the patient was fully informed regarding assessment and treatment and that the patient provided informed consent to the treatment.
 - iii. On or around April 20, 2011, in the course of providing massage therapy to [REDACTED], Mr. Desrochers committed professional misconduct by engaging in an unprofessional communication with the patient relating to his own experience receiving massage.
- 8. On two occasions between 2011 and 2018, Mr. Desrochers committed professional misconduct by using his hands to examine a patient's breasts for indications of cancer when doing so was outside the scope of practice of massage therapy in British Columbia.
- 9. The Registrant makes these admissions for the purpose of the CMTBC's proceedings against him only. These admissions are not for any other purpose and are not given for use against Mr. Desrochers in any non-CMTBC proceeding.

CONSENT TO ORDER

- 10. The Registrant proposes resolution of this matter on the following terms:
 - a. that, pursuant to section 39(2)(e) of the HPA, the Registrant's registration with CMTBC is cancelled effective June 15, 2022;
 - b. that, pursuant to section 39(8)(b)(i) of the HPA, the Committee order that the Registrant not be eligible to apply for reinstatement of registration for a period of 5 years from the Committee's approval of this Proposal;
 - c. that, pursuant to section 39(8)(c) of the HPA, the Committee order that if the Registrant's registration is reinstated, the limits on the Registrant's practice imposed pursuant to the 2019 Consent Order will continue to apply so long as the Registrant is a registrant; and
 - d. the Registrant shall pay costs in the amount of \$4,000 to CMTBC with respect to its investigation and discipline of the Registrant in this matter.

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ACKNOWLEDGEMENTS

- 11. The Registrant acknowledges that, if this Proposal is accepted by the Committee, it will issue a Consent Order consistent with this Proposal that is considered to be an order of the Discipline Committee made under section 39 of the HPA. If the Proposal is rejected, the hearing will proceed as though the Proposal had not been made and without consideration of its contents.
- 12. The Registrant acknowledges that, if this Proposal is accepted by the Committee, publication of this Proposal and the Consent Order issued will be made in accordance with section 39.3 of the HPA.
- 13. The Registrant acknowledges that in the event a Consent Order is issued in accordance with this Proposal, and he applies for registration after 5 years, his application will be addressed by the Registration Committee in accordance with section 20 of the HPA and the Bylaws of CMTBC, including as they may be amended. He will not have an automatic right to registration and will be required to meet all legislative and bylaw requirements relating to registration, including those relating to good character; and pursuant to section 54(5) of the CMTBC Bylaws will be required to satisfy the Registration Committee that his registration will not pose an undue risk to public health or safety or otherwise be contrary to the public interest.
- 14. The Registrant acknowledges that he has had an opportunity to obtain legal advice and representation throughout the CMTBC processes and before making this Proposal, that he has received such advice and representation, and that he fully understands and agrees to the terms and conditions set out herein.

SIGNED in Vernon, B.C. the 3 day of May, 2022.

Dennis Desrochers
Dennis Desrochers, Registrant

Signature of Dennis Desrochers witnessed on above date by:

KAREN SIX K. Six K6
Witness Name (Please Print) and Signature