

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”)

AND

DAN DAKIN  
(the “Former Registrant”)

**CONSENT ORDER AND REASONS**

Under s. 37.1 of the *Health Professions Act*

The Inquiry Committee of the CMTBC considered the Consent Order Proposal (the “**Proposal**”) signed by the Former Registrant on December 4, 2023, concerning two investigations by the Inquiry Committee, one initiated in response to a complaint made to the CMTBC, and the other started on the Inquiry Committee’s own motion. A copy of the Proposal is attached to this Order.

The Inquiry Committee noted the Former Registrant’s admissions as set out in the Proposal that:

- A. in relation to the patient [REDACTED]:
- i. On February 25, 2020, in the course of providing massage therapy to [REDACTED], the Former Registrant committed professional misconduct by not immediately re-draping the patient’s vaginal area when the draping slipped and her vagina became exposed, in circumstances where the patient did not consent to this manner of undraping.
  - ii. On February 25, 2020, in the course of providing massage therapy to [REDACTED], the Former Registrant committed professional misconduct by engaging in sexual touching of the patient. In particular, the Former Registrant massaged the patient’s muscles connected to her pubic bone, including her inner thighs, and brushed his fingers several times over the patient’s pubic bone.
  - iii. On February 25, 2020, in the course of providing massage therapy to [REDACTED], the Former Registrant committed professional misconduct by massaging the patient’s muscles connected to her pubic bone, including her inner thighs, and brushing his fingers several times over the patient’s pubic bone without ensuring the patient was fully informed regarding assessment and treatment and provided her consent.
  - iv. On February 25, 2020, in the course of providing massage therapy to [REDACTED], the Former Registrant committed professional misconduct by massaging the patient’s muscles connected to her pubic bone, including her inner thighs, and

brushing his fingers several times over the patient's pubic bone when he had no reasonable expectation that such conduct would be of benefit to the patient who was not seeking treatment for any issues related to her pubic area or inner thighs.

- v. On February 25, 2020, in the course of providing massage therapy to [REDACTED], the Former Registrant committed professional misconduct by engaging in sexual touching of the patient's breasts.
- vi. On February 25, 2020, in the course of providing massage therapy to [REDACTED], the Former Registrant committed professional misconduct by massaging the patient's breasts without ensuring the patient was fully informed regarding assessment and treatment and provided consent.
- vii. On February 25, 2020, in the course of providing massage therapy to [REDACTED], the Former Registrant committed professional misconduct by massaging the patient's breasts when he had no reasonable expectation that doing so would be of benefit to the patient who was not seeking treatment for any issues related to her breasts.
- viii. On or around July 20, 2021, the Former Registrant failed to comply with s. 77 of the Bylaws then in effect, and committed professional misconduct by not immediately reporting to the Registrar that he had been criminally charged with sexual assault of [REDACTED] and not providing the Registrar with written notice specifying the particulars of the charge.
- ix. From around September 19, 2019 until February 22, 2020, the Former Registrant engaged in unprofessional conduct by:
  - a) not keeping a clinical Health Care Record containing sufficient information to explain why the patient [REDACTED] came to see him and what he learned from both the patient's current medical history and assessment;
  - b) not keeping a clinical Health Care Record containing a clear record of the specifics of any treatment plan, treatment provided and the patient's response, any follow-up plan, and any recommendations or instructions for patient self-care; and
  - c) by failing to maintain a clinical record for the patient documenting all dates of attendance with sufficient information to clearly explain why the patient came to see him and by failing to maintain a record with respect to the patient containing the date of the services rendered, type of service, the charge made for the service and record of payment.

B. in relation to the patient [REDACTED]

- i. From around December 12, 2020, until the first appointment with the patient, [REDACTED], on January 5, 2021, the Former Registrant committed unprofessional conduct by engaging in text message conversations that failed to establish a professional rapport with the patient and by disclosing personal information that was unrelated to the provision of patient-centred care. This conduct also failed to set and maintain appropriate professional boundaries with the patient.
- ii. On or around January 5, 2021, in the course of providing massage therapy to [REDACTED], the Former Registrant committed professional misconduct by sexualizing the treatment environment and the therapeutic relationship through words, touch, and implicit and explicit sexual conduct and also allowed the patient to do so.
- iii. On or around January 5, 2021, following [REDACTED]'s first appointment, the Former Registrant committed professional misconduct by embarking on a close personal relationship with the patient before the therapeutic relationship had terminated. This conduct also failed to set and maintain appropriate professional boundaries with the patient.
- iv. On or around January 6, 2021, in the course of providing massage therapy to [REDACTED], the Former Registrant committed professional misconduct by engaging in touching of a sexual nature. This conduct also sexualized the treatment environment and the therapeutic relationship through words, touch, and explicit and implicit sexual conduct.
- v. On or around January 14, 2021, the Former Registrant committed professional misconduct by attending [REDACTED]'s home and massaging her while wearing only his boxer shorts. Such conduct failed to set and maintain appropriate professional boundaries with the patient and sexualized the treatment environment and the therapeutic relationship through words, touch, and explicit and implicit sexual conduct.
- vi. On or around January 21, 2021, the Former Registrant committed professional misconduct by having wine and cheese with [REDACTED] in his treatment room and massaging her wearing only his boxer shorts. Such conduct failed to maintain appropriate professional boundaries with the patient and it sexualized the treatment environment and the therapeutic relationship through words, touch, and explicit and implicit sexual conduct.
- vii. On or around January 21, 2021, the Former Registrant committed professional misconduct by making comments to [REDACTED] which directly revealed confidential and identifying information about a different patient of his.

- viii. On or around February 5, 2021, the Former Registrant committed professional misconduct by engaging in sexual intercourse with [REDACTED] with whom he was still in a therapeutic relationship.
- ix. On or around January 6, 14, and 21, 2021, the Former Registrant engaged in unprofessional conduct by:
  - a) not keeping a clinical Health Care Record containing sufficient information to explain why the patient came to see him and what he learned from both the patient’s current medical history and assessment; and
  - b) not keeping a clinical Health Care Record containing a clear record of the specifics of any treatment plan, treatment provided and the patient’s response, any follow-up plan, and any recommendations or instructions for patient self-care.

The Inquiry Committee noted that the Former Registrant agrees to a cancellation of his registration and that he will not be eligible to apply for reinstatement of registration for a period of 15 years.

The Inquiry Committee noted that if the Former Registrant applies for registration after 15 years, his application will be addressed by the Registration Committee in accordance with section 20 of the HPA (or the applicable provision of successor legislation) and the Bylaws of CMTBC or its successor regulatory body, 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, in effect at the time.

Having reviewed the Proposal and based upon the considerations set out above, the Inquiry Committee makes the following orders pursuant to s. 37.1 and s. 39 of the HPA:

- 1. the Former Registrant’s registration with CMTBC is cancelled effective December 20, 2023; and**
- 2. the Former Registrant is not eligible to apply for reinstatement of registration with CMTBC for a period of fifteen years from the date of this Order, that is, until December 20, 2038.**

This Consent Order is made this 20<sup>th</sup> day of December, 2023 by the Inquiry Committee:

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Teresa Budd, Chair

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Signature

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Pamela Nonis, Vice Chair

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Signature

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Sheila Cessford

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Signature

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Jana Konkin

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Signature

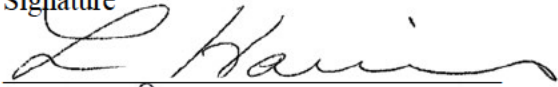


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Lynne Harris

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Signature

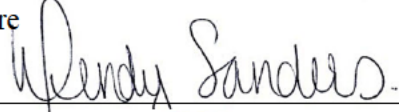


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Wendy Sanders

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Signature



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Robin Perry

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Signature



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Cary Cowan

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Signature



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Barbara Martin

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Signature

