

**IN THE MATTER OF THE *HEALTH PROFESSIONS ACT* RSBC 1996 c. 183**

**AND IN THE MATTER OF**

**THE COLLEGE OF MASSAGE THERAPISTS  
OF BRITISH COLUMBIA (“CMTBC”)**

**AND**

**KEVIN AN  
(the “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”) submitted by the Registrant on June 23, 2023, concerning a complaint made to CMTBC. A copy of the Proposal is attached to this Order.

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

13. ...

- a. On May 25, 2021, he provided massage therapy services to the Patient at the Patient’s place of residence. During the treatment, he massaged the Patient’s breasts under the draping without her consent.
- b. On or about September 29, 2021, he was convicted in the British Columbia Provincial Court on the following charge: that on or about May 25, 2021, at or near New Westminster, British Columbia, he did commit an offence of assault, contrary to section 266 of the *Criminal Code*. This conviction related to the Registrant’s conduct as set out in paragraph 13(a), above.

The Registrant admitted that the conduct set out in paragraphs 13(a) and (b) above amounts to separate acts of professional misconduct.

The Inquiry Committee noted that the Registrant agrees to cancel his registration and will not be eligible to apply for reinstatement of registration for a period of 5 years.

The Inquiry Committee noted that if the Registrant applies for registration after 5 years, his application will be addressed by the Registration Committee in accordance with section 20 of the *Health Professions Act* (or the applicable provision of successor legislation) 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, in effect at that 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 *Health Professions Act*:

1. **the Registrant's registration with CMTBC is cancelled effective July 5, 2023;**
2. **the Registrant is not eligible to apply for reinstatement of registration with CMTBC for a period of 5 years from the date of this Order, that is, until July 5, 2028; and**
3. **the Registrant shall pay costs of \$2,500 to CMTBC with respect to its investigation of the Registrant in this matter.**

This Consent Order is made this 5<sup>th</sup> day of July, 2023 by the Inquiry Committee:



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Signature of Teresa Budd, Chair



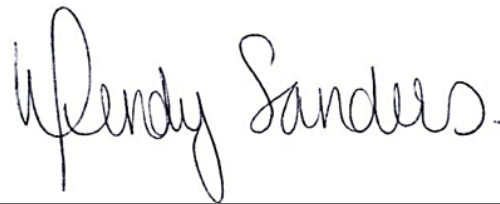
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Signature of Sheila Cessford



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Signature of Cary Cowan, RMT



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Signature of Wendy Saunders, RMT



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Signature of Jana Konkin, RMT



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Signature of Barbara Martin



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Signature of Robin Perry, RMT