

# Brian Zink, RMT

**Location:**

Yukon

**Date of Action:**

September 2, 2021

**Nature of Action:** Pursuant to section 35(1)(b) of the *Health Professions Act* (the “Act”), a panel of the Inquiry Committee made an order to impose a suspension on Brian Zink’s registration with CMTBC in order to protect the public.

**Reasons:** CMTBC received a complaint from a female patient regarding Mr. Zink’s conduct during a massage therapy treatment.

The Inquiry Committee panel considered the applicable legal test and, without deciding the merits of the allegations, was satisfied that there was a *prima facie* case of sexual misconduct and lack of informed consent to treatment.

The Inquiry Committee concluded that there would be a real risk of harm to patients if Mr. Zink were allowed to continue to practice without restriction. Therefore, the panel determined that the public must be protected by an interim order during the investigation and pending any discipline hearing.

The panel considered whether measures short of a suspension could protect against the risk of harm to patients. The panel was not satisfied that a condition or limit would be appropriate in the circumstances. The panel concluded that the only measure adequate to sufficiently protect the public in the circumstances of this case is a suspension. The panel found this interim measure to be proportionate.

Therefore, the panel ordered that Mr. Zink be suspended during the investigation of the complaint, until it is concluded with a disposition under section 33(6)(a), (b) or (c), or pending a hearing of the Discipline Committee.

**Important Note:** Limits, conditions and suspensions ordered by the Inquiry Committee under section 35(1) of the Act are made to protect the public during an investigation or pending a hearing of the Discipline Committee. Measures taken under section 35(1) of the Act pertain to allegations which are

and remain unproven unless admitted by a registrant or determined by the Discipline Committee.