

D.J. Kent Smith, Former RMT

Location:

Vancouver, BC

Date of Action:

July 3, 2018

Nature of Action: The registrant, D.J. Kent Smith, RMT (who goes by the name Kent Smith), voluntarily entered into a consent and undertaking agreement with the Inquiry Committee of the College, to remediate practice concerns identified by the Committee.

Mr. Smith agreed to the following terms:

1. a formal reprimand;
2. a one-month suspension, commencing on July 17, 2018;
3. extensive remedial coursework on the topics of informed consent, communications, and ethics and professionalism;
4. a professional undertaking not to repeat the conduct;
5. payment of a portion of the costs of the investigation in the amount of \$1,000; and
6. payment of a fine in the amount of \$1,000.

Mr. Smith has agreed that his practice will be subject to the following limits/conditions (until they are removed in accordance with the agreement):

1. He will not manipulate, massage, touch, or otherwise come into contact with the breast tissue of any female patient at any time in his practice of massage therapy.
2. If he is unable to effectively treat a patient because of this, he will refer the patient to another registered massage therapist or licensed health care practitioner.

Reasons: The practice concerns identified by the Inquiry Committee relate to a failure to meet standards of practice during a massage therapy session with a female patient which occurred in December 2015. The patient subsequently made a complaint to the College in October 2017.

Specifically, during that massage therapy session, Mr. Smith performed a technique that involved reaching under the draping covering the patient and

lifting the patient's breast. He failed to obtain the patient's informed consent to put his hands underneath the draping or to that technique.

As part of the investigation of the complaint, Mr. Smith described his clinical reasoning for performing the breast lift on the patient, which involved opening up drainage through the patient's right upper torso. However, his rationale for performing the breast lift technique on the patient was considered to be incorrect by the Inquiry Committee.

Mr. Smith accepted the conclusion of the Inquiry Committee that the breast lift technique was not therapeutically indicated for the patient's presenting condition.

There has been no finding or admission that Mr. Smith's actions were motivated by a sexual or non-therapeutic intent.

The Inquiry Committee considered Mr. Smith's failure to meet standards of practice relating to treatment and consent to be a serious matter. The Inquiry Committee is satisfied that the agreement is sufficient to protect the public.