

Hyeokcheon (HC) Kwon, RMT

Location:

Vancouver, BC

Date of Action:

July 28, 2023

Nature of Action: The registrant, Hyeokcheon Kwon, voluntarily entered into an undertaking and consent agreement with the Inquiry Committee of the College.

As part of the agreement, the registrant agreed to the following terms:

1. a reprimand;
2. a one-week suspension;
3. undertakings not to repeat the conduct;
4. completion of extensive remedial education, including coursework on boundaries and consent and one-on-one instruction with a College Practice Advisor (who is also an RMT);
5. his practice of massage therapy will be subject to the following conditions until he has completed the requirements in paragraph 4 above: 1. when treating female patients, he may not treat or otherwise touch the area located on the front side of the body between the clavicles (collarbones) and the 9th ribs; and 2. he must post in a prominent place in any treatment room where he provides massage therapy treatment a notice regarding this restriction.
6. payment of a portion of the costs of the investigation.

Reasons: The undertaking and consent agreement relates to a complaint made by a female patient (the "Patient") on October 16, 2022.

- a. As part of the undertaking and consent agreement, Mr. Kwon admitted that during a treatment of the Patient on October 13, 2022 (the "Appointment"):
 - i. he did not discuss massaging the Patient's whole chest during the initial interview portion of the Appointment, and whole chest massage was not included in the proposed treatment plan;

- ii. he massaged the Patient's breast tissue under the draping without asking whether the Patient consented to skin-on-skin massage under the draping; and
 - iii. while the Patient was lying face up on the massage table, the draping slipped entirely off the Patient's body for approximately 5-10 seconds, exposing the Patient's breasts to his view. He continued massaging the Patient's chest while her breasts were exposed, after which he re-draped the Patient and continued the massage. He did not apologize for the draping slip, check in with the Patient or ask whether the Patient wanted to end the massage therapy session.
- b. Mr. Kwon also admitted, in relation to his clinical record keeping for the Appointment, that he:
 - i. did not have the Patient fill out a written consent form;
 - ii. did not record any verbal consent to treatment that he obtained from the Patient;
 - iii. did not document the draping slip and the exposure of the Patient's breasts in his clinical record; and
 - iv. amended the clinical record after the Appointment but did not record the reason for amending the clinical record.

Mr. Kwon admitted that by engaging in the conduct described above that he contravened: section 11 of the College's Code of Ethics; sections 16, 19, and 22 of the College's Standard of Practice on Boundaries; subsections 1(a), 3(a), (b), and (c), 4(a)ii, and iv, and 4(b)i, ii, and iii of the College's Standard of Practice on Consent; subsection 11(b) of Schedule "D" of the College's Bylaws; and subsection 3(1) ix of Schedule "E" of the College's Bylaws.

Mr. Kwon also admitted that by engaging in the conduct described in subparagraphs a(i), (ii), and (iii) above, he committed professional misconduct.

The Inquiry Committee is satisfied that the terms of the undertaking and consent agreement will protect the public interest.