

Nicola (Nick) Nicola, RMT

Location:

Chilliwack, BC

Date of Action:

November 1, 2021

Nature of Action: The registrant, Nicola (Nick) Nicola, RMT, voluntarily entered into an undertaking and consent agreement with the Inquiry Committee of CMTBC.

As part of the agreement, Mr. Nicola agreed to the following terms:

1. a four-month suspension;
2. a formal reprimand;
3. a condition on his practice of massage therapy, namely a one-year period of supervised practice under terms specified by CMTBC (following his suspension);
4. review of CMTBC's Bylaws, standards of practice, and Code of Ethics;
5. completion of intensive remedial coursework on record-keeping and professional ethics;
6. undertakings not to repeat the conduct;
7. random audits for a period of two years; and
8. payment of a portion of the costs of the investigation in the amount of \$1,000.

Reasons: The undertaking and consent agreement relates to an investigation initiated by the Inquiry Committee on its own motion regarding Mr. Nicola's record-keeping and billing practices.

As part of the undertaking and consent agreement, Mr. Nicola admitted to numerous breaches of the record-keeping requirements set out in Schedule "E" to CMTBC's Bylaws, including failure to document multiple treatments for a number of patients.

Mr. Nicola admitted to failing to comply with CMTBC's Interim Guidelines for Return to Practice (COVID-19) by failing to conduct and/or document pre-screening for symptoms of COVID-19 with four patients treated between June 4, 2020 and November 27, 2020 upon their arrival for treatment at some or all

of their appointments. He also admitted to failing to obtain and/or retain signed consent forms for several patients, contrary to sections 5 and 6 of CMTBC's standard of practice on consent.

Mr. Nicola also admitted that he violated section 21 of the College's Code of Ethics in effect at the applicable time by providing massage therapy treatment to his spouse on ten occasions over an approximately 1.5-year period. He failed to document these treatments in a health care record.

Additionally, Mr. Nicola admitted that on multiple occasions between January 2018 and March 2020, he submitted one or more insurance claims for services rendered to a patient's third-party insurer via direct billing when in fact no services were rendered and the patient had missed the appointment.

Mr. Nicola acknowledged that by engaging in the conduct described above, he committed professional misconduct and violated sections 5 and 6 of CMTBC's standard of practice on consent; section 21 of the College's Code of Ethics in effect at the applicable time (since amended); and subsections 3(1)(a), (c) and (d) and 3(2) of Schedule "E" to CMTBC's Bylaws.

The Inquiry Committee considered Mr. Nicola's admitted conduct to be serious, involving numerous breaches of professional requirements, and noted that he fell below minimum standards of practice with respect to record-keeping in multiple ways and on numerous occasions. Additionally, his failure to conduct required pre-screenings may have placed patients at risk given the possibility of transmission of COVID-19.

The Inquiry Committee is satisfied that the undertaking and consent agreement in this matter appropriately reflects the seriousness of the registrant's admitted conduct and will protect patient safety.