

**IN THE MATTER OF THE *HEALTH PROFESSIONS ACT*, R.S.B.C. 1996, c. 183
(the “HPA”)**

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

**AND
GLENN KUKKEE
(the “Registrant”)**

**CONSENT ORDER PROPOSAL
(the “Proposal”)**

BACKGROUND

1. This Proposal is made by the Registrant to the Inquiry Committee of CMTBC (the “Committee”) under section 37.1 of the HPA.
2. On October 15, 2004, CMTBC registered the Registrant under No. 4922.
3. On July 18, 2018, the Committee initiated an investigation on its own motion under section 33(4) of the HPA with respect to an allegation that the Registrant entered into a personal and/or romantic and/or sexual relationship with a patient, [REDACTED] during the therapeutic relationship or shortly after the therapeutic relationship ended. This investigation file was opened under File No. INQ-2018-00027.
4. Also on July 18, 2018, the Committee initiated an investigation on its own motion under section 33(4) of the HPA with respect to allegations that the Registrant engaged in inappropriate communications with a patient, [REDACTED]. This investigation file was opened under File No. INQ-2018-00028.
5. On July 31, 2018, [REDACTED] submitted a complaint to CMTBC alleging that the Registrant: engaged in sexual misconduct during several massage therapy sessions occurring in 2013 and 2014 and entered into a romantic and sexual relationship with her while she was his patient. This complaint file was opened under File No. INQ-2018-00033.
6. On October 3, 2018, a panel of the Committee issued an order imposing conditions on the Registrant’s practice of massage therapy pursuant to section 35(1) of the HPA, including that the Registrant was required to have a chaperone approved by CMTBC present at all times during the consultation, assessment, examination or treatment of a female patient.

7. The Registrant has not held professional liability insurance since November 1, 2019, when his previous professional liability insurance coverage expired and he was unable to obtain new liability insurance coverage meeting the requirements of section 61 of CMTBC's Bylaws.
8. The Registrant has not practiced massage therapy since November 1, 2019. Since January 1, 2020, the Registrant has held non-practising registration status with CMTBC.
9. On May 20, 2020, the Committee directed the issuance of a citation in respect of each of the three files: INQ-2018-00027, INQ-2018-00028, and INQ-2018-00033. Also on May 20, 2020, the Committee directed that these three matters be heard together, pursuant to section 67(1) of CMTBC's Bylaws.
10. The Registrant has a conduct history within the meaning of section 39.2 of the HPA, as follows:
 - a. File No. INQ-2014-00037: An undertaking and consent agreement dated July 24, 2015, in which Mr. Kukkee, *inter alia*:
 - i. acknowledged contravening the Bylaws (subsections 1(1)(a) and 1(2) of Schedule "C" and subsections 9(b) and 10(a) of Schedule "D") by:
 1. speaking to the patient [REDACTED] about: heart chakras; his recent relationship separation; wanting to be touched again; the importance he attributed to a previous conversation he had with the patient outside of the treatment environment about a relationship he was in at the time; and his current emotional state, all while providing her with massage therapy;
 2. complimenting [REDACTED] appearance and asking her to go to a movie, while providing her with massage therapy;
 3. speaking to [REDACTED] about having attended a "BDSM party", after providing her with massage therapy; and
 4. sending [REDACTED] an inappropriate and unprofessional email acknowledging his inappropriate behaviour and containing a plea not to disclose it to the College;
 - ii. acknowledged failing to comply with subsection 75(b) of the Bylaws, subsection 3(a) of Schedule "D" of the Bylaws, subsection 75(c) of the Bylaws, and subsections 4(e), 5(a) and 5(b) of Schedule "E" of the Bylaws; and
 - iii. agreed to complete two courses, to pay \$1,000 in costs, and to pay a fine in the amount of \$250.
 - b. File No. INQ-2014-00038: An undertaking and consent agreement dated July 24, 2015, in which Mr. Kukkee, *inter alia*:
 - i. acknowledged contravening the Bylaws (subsections 1(1)(a) and 1(2) of Schedule "C" and subsections 9(b) and 10(a) of Schedule "D") by: speaking to the patient [REDACTED] about his recent relationship separation; being "touch starved"; and asking her about her relationship status, all while providing her

- with massage therapy, as well as by sending [REDACTED] multiple emails acknowledging his inappropriate behaviour after the massage therapy session;
- ii. acknowledged failing to comply with subsection 75(c) of the Bylaws and subsections 4(e), 5(a) and 5(b) of Schedule “E” of the Bylaws; and
 - iii. agreed to complete two courses, to pay \$1,000 in costs, and to pay a fine in the amount of \$250.
- c. File No. INQ-2015-00001: An undertaking and consent agreement dated December 31, 2015, in which Mr. Kukkee, *inter alia*, agreed and undertook to monitor his social media accounts and agreed and undertook not to contravene sections 78.2, 78.3, 78.9 and 78.91 of the College’s Bylaws.
- d. File No. INQ-2017-00019: A letter of expectation was sent to Mr. Kukkee by the Inquiry Committee on August 14, 2018 about, *inter alia*, maintaining appropriate professional boundaries.

ADMISSIONS

11. The Registrant admits that:

- a. In or about May 2014, the Registrant entered into a romantic and sexual relationship with patient [REDACTED] during the therapeutic relationship.
- b. In or about July 2016, he entered into a romantic and sexual relationship with patient [REDACTED]. either during the therapeutic relationship or shortly after the therapeutic relationship ended, without allowing a sufficient “cooling off” period to elapse.
- c. On or about February 25, 2017, during a treatment of patient [REDACTED], the Registrant sexualized the treatment environment by engaging in inappropriate communications and/or failed to maintain appropriate patient-therapist boundaries, by flirting with the patient and asking her once in the treatment room and once by text within about 24 hours for a massage trade when the Registrant knew that [REDACTED]. performed erotic massages.
- d. In or about May or June 2019, the Registrant created patient record entries relating to patient [REDACTED] in response to a request from CMTBC. These entries were not created contemporaneously with the dates indicated.
- e. In or about January or February 2020, the Registrant re-created entries from his records for [REDACTED] in order to provide them in response to a request from CMTBC. The Registrant misrepresented to CMTBC in writing that these record entries had been created within 48 hours of the sessions in question (the Registrant had dated the entries January 4, 2016 through May 10, 2018).

12. The Registrant admits that the conduct set out in each of paragraphs 11(a) to (e), above, amount to separate acts of professional misconduct and/or sexual misconduct.

CONSENT TO ORDER

13. The Registrant proposes resolution of this matter on the following terms:

- a. that, pursuant to sections 39(2) and (8) of the HPA, his registration with CMTBC is suspended until:
 - i. a period of seventeen months has passed from the date of November 1, 2019; and
 - ii. he has undergone a psychological evaluation by a psychologist or psychiatrist selected by CMTBC, at CMTBC's cost, which has identified that the Registrant is fit to return to massage therapy practice and that the return to massage therapy practice by the Registrant would not pose an ongoing risk to female patients;
- b. that, pursuant to section 39(2) of the HPA, his registration with CMTBC is subject to the following limits and/or conditions:
 - i. the Registrant must successfully complete the PROBE: Ethics and Boundaries Program – Canada, offered through CPEP, within 12 months of the date on which the Inquiry Committee approves this proposal;
 - ii. the Registrant must successfully complete the course entitled Professional Boundaries and Ethics, offered through PBI Education, within 12 months of the date on which the Inquiry Committee approves this proposal;
 - iii. the Registrant must successfully recomplete CMTBC's online course on health care records, within 12 months of the date on which the Inquiry Committee approves this proposal; and
 - iv. the Registrant must immediately provide CMTBC with his undertaking in writing to comply with sections 1 through 7 of the CMTBC standard of practice on boundaries; and
- c. the Registrant shall not pay any costs of CMTBC with respect to its investigation or discipline of the Registrant in this matter.

ACKNOWLEDGEMENTS

- 14. The Respondent acknowledges that, if this Proposal is accepted by the Committee, it will issue a Consent Order consistent with this Proposal that is considered to be an order of the discipline committee made under section 39 of the HPA. If the Proposal is rejected, the hearing will proceed as though the Proposal had not been made and without consideration of its contents.
- 15. The Registrant acknowledges that, if this Proposal is accepted by the Committee, publication of this Proposal and the Consent Order issued will be made in accordance with section 39.3 of the HPA.

16. The Registrant acknowledges that he has had an opportunity to obtain legal advice and representation throughout CMTBC processes and before making this Proposal and that he fully understands and agrees to the terms and conditions set out herein.

SIGNED in Vancouver, B.C. the 4 day of October, 2020.



Glenn Kukkee, Registrant

Signature of Glenn Kukkee witnessed on above date by:



Witness Name (Please Print) and Signature