

# Manitoba Association of Osteopathic Manual Therapists

## Summary of Complaint - Member Davis Bricker

### COMPLAINT RECORD

MAOMT is an association, as Osteopathic Manual Therapists are currently not a regulated health profession in Manitoba.

The Association endeavours to illustrate for members of the MAOMT and members of the public that:

- MAOMT has developed standards designed to hold members to high standards of professionalism in their practice and ensure that clients receive safe and effective care provided in an ethical manner, including the Code of Ethics, Standards of Practice, and By-laws,
- MAOMT members are expected to consistently adhere to these standards in their osteopathic practice, and must complete an annual Quality Assurance Declaration, committing to adhering to these guiding documents, and
- MAOMT takes any complaint against a member seriously and will exercise all due diligence to investigate a complaint and identify a resolution that is the best interest of the public and complies with the requirements of the Association's By-laws.

### BACKGROUND

MAOMT received a complaint from Client A on July 18, 2022, regarding Davis Bricker, a practicing member of MAOMT.

The MAOMT Ethics Committee hired a third-party legal firm to conduct a detailed investigation independent of MAOMT, including interviews and a review of all applicable laws and policies. The Ethics Committee reviewed all the information, including the following considerations:

- a. the nature and gravity of the violation,
- b. the absence of any previous complaints or convictions since the member joined MAOMT in 2017,
- c. the impact of the incident on the Complainant,
- d. the protection of the public, and
- e. the integrity of the MAOMT and its members.

The investigation report determined that at one point during a scheduled osteopathy treatment on January 21, 2022, Mr. Bricker initiated a conversation with the Complainant that constituted a probable breach of the Code of Ethics and the Standards of Practice.

### CONSEQUENCES

The initial decision made by the Ethics Committee was appealed by the Complainant. All the evidence that was before the Ethics Committee was provided to a separate Appeals Committee made up of members of the Board of Directors. To ensure a fair and objective

process, the two Committees conducted independent reviews. The consequences below represent the final decision.

The Member must:

1. Undergo a 45 day suspension from MAOMT (May 30 – July 9, 2023, inclusive). The member voluntarily stopped practicing beginning May 19, 2023, and it was decided that some of these days would be included in the suspension period. The member was not a practicing member of MAOMT for a total of 52 days.
2. At his own cost, successfully complete a specified Professional Boundaries Course.
3. Pay a fee to MAOMT to help offset the legal costs incurred to investigate the complaint.
4. Reapply for MAOMT membership, demonstrating a renewed commitment to the membership quality assurance declarations.
5. Agree to having a caveat posted beside his name indicating his suspension for the suspension period identified.
6. Agree to having a record of the complaint and consequences posted on an MAOMT web page for six months.

## **PURPOSE OF A PUBLIC COMPLAINT RECORD**

This record:

- is a type of official reprimand that can be applied when resolving complaints/reports of misconduct,
- serves as a deterrent for future misconduct,
- demonstrates that misconduct will result in sanctions, and
- is considered an adequate measure, in concert with other consequences, to protect the public.

## **REASON FOR PUBLISHING COMPLAINT RECORDS**

1. To demonstrate the open and transparent nature of MAOMT'S complaint review process.
2. To educate our members on the types of actions, behaviours and conduct that results in consequences and public records. We believe this information can help our members avoid similar situations and conduct themselves in an ethical manner at all times.

## **SUMMARY**

The Member's suspension was concluded on July 9, 2023, as all the terms of the Agreement were satisfied, including a positive report from the Professional Boundaries Course.

The Appeals Committee has therefore determined that all the fulfilled terms of the agreement, including this public record, will adequately protect the public interest.

## **NOTE**

*Details associated with this complaint record have been removed to ensure confidentiality.*