

RESTRAINING ORDER

Served by e-mail to info@instituteoftraditionalmedicine.com, and courier

March 2, 2010

Institute of Traditional Medicine Inc.
o/a Institute of Traditional Medicine
553 Queen St. W. 2nd Floor
Toronto, ON, M5V 2B6

Attention: Ramona Bolton, Director

This is a **Restraining Order** issued under the authority of section 46 of the Private Career Colleges Act, 2005 (PCCA, 2005). As the Superintendent of Private Career Colleges, I HEREBY ORDER Institute of Traditional Medicine Inc. (Institute of Traditional Medicine) TO STOP OPERATING IN CONTRAVENTION OF THE PRIVATE CAREER COLLEGES ACT, 2005 (PCCA, 2005).

The detailed reasons supporting my order are set out in Schedule A, attached. In brief, Institute of Traditional Medicine is:

- advertising an unregistered private career college and advertising unapproved vocational programs, contrary to sections 11(1) and (2) of the PCCA, 2005, respectively,

Institute of Traditional Medicine must provide written confirmation signed by a person with authority to bind the school, together with all available supporting evidence, that the steps outlined below have been taken. This written confirmation must be delivered **immediately** by registered mail or courier to my attention and confirm that Institute of Traditional Medicine:

- has stopped advertising an unregistered Private Career College and unapproved vocational programs that require approval.

If Institute of Traditional Medicine is currently providing unapproved vocational programs as an unregistered Private Career College, these actions would be contrary to sections 7 and 8 of the PCCA, 2005 respectively. Institute of Traditional Medicine would then be required to **immediately** take the steps outlined below in this order to comply with the PCCA, 2005.

Specifically, Institute of Traditional Medicine:

- must stop operating an unregistered Private Career College;
- must stop providing unapproved vocational programs that require approval;

- must stop enrolling students into unapproved vocational programs that require approval;
- must provide the ministry with a list including the names and addresses of all current and former students;
- must provide refunds to students who were enrolled in unapproved vocational programs that require approval;
- must not hold, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs that require approval;
- must hold student files to be available for the Superintendent's staff to review; and
- must not reopen as a Private Career College until such time, if any, as it has been registered.

Consequences of Failure to Comply with this Order

Failure to comply with this order may result in any or all of the following actions by the Superintendent:

1. Application for a court order from the Superior Court of Justice to Institute of Traditional Medicine to comply;
2. The issuance of further Administrative Monetary Penalties.
3. Prosecution for the offence of failure to comply. Upon conviction by a court of that offence, a corporation is subject to a fine of up to \$100,000; an individual, including an officer or director of a corporation who concurs in the commission of the offence, is subject to a fine of up to \$25,000, a prison term of up to one year, or both.

Obtaining a Copy of the PCCA, 2005

As noted above, the applicable legislation is the *Private Career Colleges Act, 2005* and the regulations made thereunder. The legislation and regulations are available at www.e-laws.on.ca. If you are unable to access any relevant information on e-laws, you may contact our offices at (416) 314-0500 to request that a copy of the legislation and regulations be sent to you.

Sincerely,

ORIGINAL SIGNED BY

Allan Scott
Superintendent
Private Career Colleges

Attachments: Schedule A – Detailed Reasons for Decision

Schedule A – Detailed Reasons for Decision

OPERATION "HANDS ON"

Shiatsu therapy involves the systematic application of manual pressure to the body in order to assess and treat a variety of conditions. Literally translated, the Japanese word shiatsu means "finger pressure." The College of Massage Therapists of Ontario considers Shiatsu Massage to be one of the modalities within the scope of practice as defined by section 3 of the Massage Therapy Act, 1991 reads as follows:

Scope of practice

3. The practice of massage therapy is the assessment of the soft tissue and joints of the body and the treatment and prevention of physical dysfunction and pain of the soft tissues and joints by manipulation to develop, maintain, rehabilitate or augment physical function, or relieve pain.

The necessity for program approval for shiatsu massage programs is specifically addressed in section 7 (3) of Ontario Regulation 415/06 made under the Private Career Colleges Act, 2005 which provides as follows:

"Despite item 2 in the Table to subsection (2), a vocational program in the vocation of shiatsu massage is prescribed as a vocational program for the purposes of the Act and the regulations."

In response to a concern about unapproved shiatsu massage programs, and their potential impact on public safety, Operation "Hands On" was launched. Its purpose was to identify unregistered shiatsu massage schools offering unapproved vocational programs that require approval under the Private Career Colleges Act, 2005 and to take the necessary enforcement action against them. This institution was identified as part of this operation.

Contravention of section 11 of the PCCA, 2005 – Advertising Unregistered Private Career College and Unapproved Programs

On February 10, 2010, the website belonging to Institute of Traditional Medicine, <http://instituteoftraditionalmedicine.com/index2.html>, was reviewed by Ministry staff who found it advertising a 540 hour practitioner diploma program, and an 1125 hour Therapist diploma program. The website did not list the cost of either program.

On February 18, 2010, Ministry staff sent an e-mail to Institute of Traditional Medicine at info@instituteoftraditionalmedicine.com. On February 20, Ministry staff received two e-mails from Institute of Traditional Medicine, one of which contained a catalogue which outlined the Shiatsu diploma programs. Page 5 of the catalogue stated that the 540 hour practitioner diploma costs \$4500 plus GST, and the 1125 hour therapist program costs \$9375 plus GST.

These courses correspond to National Occupational Classification (NOC) code 3232 – Midwives and Practitioners of Natural Healing. The vocation of shiatsu massage is specifically referenced in law as being a non-exempt program that requires approval. O.Reg. 415/06, s. 7(3) provides as follows: "Despite item 2 in the Table to subsection (2), a vocational program in the vocation of shiatsu massage is prescribed as a vocational program for the purposes of the Act and the regulations."

The website bears the school's name, states that two Shiatsu diploma programs are being offered by the school, and provides an address, 553 Queen St. W. 2nd Floor Toronto, ON, M5V 2B6, phone number, and e-mail address for the school.

Since this college is not registered, and this program is not approved, advertising of them is prohibited in accordance with section 11 as noted above.

SHIATSU-DO
the way of shiatsu

bringing sacred touch
to the art of massage

IIM's SHIATSU-DO Training Sessions not only focus on the technical aspects of bodywork, but emphasize the more subtle, yet essential aspects of working with another human being in this capacity: the sacred, intuitive, intentional, and spiritual aspects of therapeutic massage.

SATURDAYS November 7,14,21,28, 10am - 3pm,
\$200 *Spaces are limited, please call for reservations.

***Inquire about our 540 hour Practitioner & 1125 hour Therapist diploma programs**

These intensive sessions introduce you to the principles of Shiatsu-Do, and will provide you with practical skills in this therapeutic & extremely effective massage. You will learn how to give a basic Shiatsu-Do treatment, while gaining practical & essential techniques & skills for cultivating deeper, more effective & mindful connections with others, clients, and oneself. This is an ideal course for those who currently work with clients using an integrative approach to wellness, and also for those who would like an opportunity to explore bodywork.

Through a variety of Shiatsu-Do techniques & exercises participants learn both the 'inner' and practical skills for establishing safe, sacred & nourishing environments & treatments for others. These sessions can be applied as credit to the Shiatsu-Do Diploma Program. *Call to Reserve.

Director: Ann Mackinnon, Shiatsu Therapist, has been working in the fields of traditional medicine & social justice for over 25 years. In her private practice as well as teaching, she acknowledges and incorporates the understanding that health, personal well being and the well being of others are integrated.

*INTERNAL HEALING ARTS

BACKGROUND

Previous Warning Issued

On August 25, 2009, Ministry staff sent a letter to Mona Bolton of Institute of Traditional Medicine advising that the Shiatsu Therapy Program required registration. Institute of Traditional Medicine has not yet submitted an application to register the college or for program approval.

Legal and Operating Entities

On February 23, 2010, Ministry staff conducted an ONBIS search and found that Institute of Traditional Medicine Inc. was incorporated on June 30, 2005.