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DES THÉRAPEUTES
DU SPORT

JUDICIAL SUB-COMMITTEE OF THE CANADIAN ATHLETIC THERAPIST ASSOCIATION

Sentence Imposed on Member Christopher Lillies

Respondent: Christopher Lillies

Complainant: Public Individual

Case Number: #27102008

Date: January 6, 2010

These are the reasons of the Judicial Sub-Committee (the “JC”) of the Canadian Athletic Therapists Association (“CATA”) with respect to its sentencing of Christopher Lillies (“Lillies”). There were two sets of charges considered by the JC with respect to Lillies.

A letter of complaint was received by the Manitoba Athletic Therapists Association (the “MATA”) in October, 2009 from Complainant #1 alleging that Lillies engaged in inappropriate acts during the course of treatment (“Case #1). The complaint was referred to the Ethics Chairperson of the CATA. Following due process as outlined by the CATA Code of Conduct, a full investigation ensued. The investigation resulted in a judicial hearing on the matter which took place in Winnipeg on April 2, 2009. At the conclusion of the hearing, based on the evidence presented, the JC found Lillies guilty of violating the Sections 3 (b) ii, xxi, xxii, and xxiii of the CATA Code of Conduct. On May 28th Lillies served a Notice of Appeal on the Association, appealing the decision of the Judicial Committee. That Notice of Appeal was subsequently withdrawn.

During the course of the CATA's investigation into Case #1, a second letter of complaint against Lillies from Complainant #2 was received by the MATA in January of 2009 ("Case #2"). It alleged similar inappropriate actions by Lillies during the course of treatment. This complaint was referred to the Ethics Chairperson of the CATA. Prior to a hearing before a judicial committee, Lillies entered a guilty plea to the allegations and in particular plead guilty to having breached Sections 3 (b) ii, ix, xvii, xxi, and xxiii of the CATA Code of Conduct.

It has been agreed and accepted among the CATA, the JC and Lillies that the JC which rendered the decision in Case #1 is entitled to accept the guilty plea in Case #2 and render decisions on sentencing in consideration of both cases.

The JC carefully reviewed the facts, matters and evidence resulting in the conviction on Case # 1 and the facts, matters, and guilty plea with respect to Case #2.

In considering the penalties for Case #1 and Case #2 the JC considered, among other things, the following:

- The nature and gravity of the offences;
- The presence or absence of any previous complaints or convictions;
- The number of times that the offences were proven to have occurred;
- The role of the member and his actions in acknowledging that the offence had occurred;
- Whether the member had already suffered other serious financial or other penalties as a result of the allegations;
- The impact of the incident(s) on the victims;
- The protection of the public;
- The CATA Code of Conduct and Code of Ethics; and
- The integrity of the CATA and its members.

Therefore, it is the decision of the JC that the following sanctions shall be imposed against Lillies:

1. Termination of his CATA membership: Lillies may apply for reinstatement after 3 (three) years have elapsed from the effective date of termination of his membership. If the application for reinstatement is unsuccessful he would be eligible to reapply after the expiry of 1 (one) year following rejection of his application.

Upon application for reinstatement by Lillies, it is the Judicial Committee's strong recommendation that the following criteria must be strictly fulfilled and/or completed before reinstatement is allowed:

- i Acceptance by the CATA Board of Directors of Lillie's application for reinstatement. Acceptance cannot take place until Lillies has complied with all of the sanctions imposed herein;
 - ii Following payment of applicable membership dues to rejoin the CATA, Lillies will be required to complete 900 hours of internship work (300 field hours and 600 clinical hours) under direct supervision of a Supervisory Athletic Therapist;
 - iii Successful completion of any academic courses that are obligatory for certification candidates at the time of his reinstatement and that Lillies has not completed in his previous studies;
 - iv Successful completion of the written and practical portions of the CATA Certification Exam in effect at the time of his proposed reinstatement; and
 - v Following successful completion of the CATA Certification exam, Lillies will be required to work for the first six months of employment under direct supervision of a Certified Athletic Therapist who has a minimum 5 years of work experience following certification.
2. Lillies must successfully complete a recognized course in professional ethics.
 3. Lillies must successfully complete a recognized course in sexual misconduct/deviancy.
 4. Lillies must pay a fine to the CATA in the total amount of Fifteen Thousand Dollars (\$15,000).

The actions of Lillies with respect to Cases #1 and #2 warrant serious actions. Lillies was in a position of power and trust with both of the complainants and took advantage of circumstances when they were in vulnerable positions; alone with him in his clinic lying on a table receiving treatment, thinking he was helping them with their injuries, as he had previously helped them when they were injured.

The victim impact statements in both cases demonstrate that even months later the effects of the incidents are strong. In both cases, Lillies is still in their thoughts regularly and because of the respective incidents their lives and actions have been altered. In some cases they have ceased to participate in community events that used to be special events in their lives.

The actions giving rise to Case #2 took place when he knew he was under investigation for the charges Case #1. This indicates a lack of understanding of the gravity of his first transgression and demonstrated a lack of professional ethics.

While Lillies originally appealed the findings of guilt in Case #1, he admitted his guilt in the second case and subsequently withdrew his appeal in the first case. This could be a two-sided factor for consideration. On the one hand, it might be said that his appeal on Case #1 and the subsequent withdrawal of the appeal after he pled guilty to Case #2 suggests that he had little or no remorse with respect to his actions. Alternatively, it might be argued that he had seen the error of his ways so to speak and decided to assist the process in coming to a just resolution. Ultimately, this factor mostly balances out, with some favour being given to Lillies' cooperation with the process.

The JC is aware that termination of Lillies' CATA membership will have a serious and negative impact on his financial status and ability to earn a living. Nonetheless, the fine imposed is designed to deter a third repeat occurrence by Lillies by demonstrating that there are serious consequences that follow a significant breach of the CATA Codes of Conduct and Ethics.

The JC believes that the sanctions and subsequent requirements for possible reinstatement are necessary for several significant reasons. When these kinds of wrongful acts are perpetrated by a health care professional, the public must be protected and the integrity of the association must be re-established and maintained.

By attending and successfully completing a professional ethics course and a sexual misconduct course before applying for reinstatement, Lillies is given a baseline understanding of the standards expected of a health care professional.

His further educational training, both academic and practical, will give Lillies current and updated skills specific to what is required for an Athletic Therapist at the time of his re-entry into the professional world of Athletic Therapy.

The integrity of the Canadian Athletic Therapists Association will remain only if all of its members maintain an exceptional level of professional skills and combine that with an equally high level of moral and ethical standards. The requirements for reinstatement in this case are the minimum that Lillies must meet and are absolutely necessary for the CATA to consider Lillies as a certified member in the future.

Respectfully submitted,

CATA Judicial Committee