

## **Executive Summary – Cecilia Chang, RMT January 15, 2013**

Summary of the Discipline hearing before a Panel of the Discipline Committee of the College of Massage Therapists of Ontario held on January 15, 2013

### **Allegations of Professional Misconduct and Plea**

Ms. Chang entered a guilty plea in relation to the following allegations:

- contravened the standards of practice;
- failed to take reasonable steps to ensure that information she provided to the College was accurate;
- failed to keep records;
- falsified records;
- signed or issued, in her professional capacity, a document that she knew was false or misleading; and
- engaged in disgraceful, dishonourable or unprofessional conduct.

### **The Facts**

The College and Ms. Chang entered into an Agreed Statement of Facts which established the following facts.

While an applicant of the College Ms. Chang received a massage from a Massage Therapist. She then took the name and credentials of the therapist and used them as her own when she provided massage therapy treatments to two clients. The therapist did not know that Ms. Chang had stolen her identity. When Ms. Chang became a member of the College, she started using her real credentials with the same clients and those clients came forward with concerns to the College.

The College investigation included an investigator that received a number of treatments from Ms. Chang and during those treatments Ms. Chang breached a number of College standards. For example:

- she did not take a proper health history;
- she entered the room without first checking to see whether the investigator was ready;
- she ignored the investigator's complaint that Ms. Chang was using excessive force; and
- she did not provide the investigator with any follow up advice or other information regarding her care.

Additionally, it was noted that massage therapy receipts containing Ms. Chang's registration number were signed by the receptionist. Also noted was Ms. Chang informed the College's investigator that, if she wanted an additional spa service, she would add the cost to the massage therapy receipt and offered her to purchase a gift certificate for any spa service, and Ms. Chang would issue the a massage therapy receipt for the full amount. On another occasion the Investigator received a 30- minute pedicure and the receptionist with Ms Chang's permission issued a receipt bearing her credentials for a 1hour and 15 minute massage.

The College investigation also included obtaining and reviewing 25 of Ms. Chang's client charts to review. The records contained a number of deficiencies including the failure to maintain an appointment record for any clients.

### **Decision of the Panel and Penalty and Cost Award Imposed**

The Panel accepted Ms. Chang's plea and found her guilty of professional misconduct in relation to each allegation.

The Discipline Panel accepted the Joint Penalty Submission of the College and Ms. Chang and imposed the following penalty:

1. Public and reprimanded to be received by Ms. Chang;
2. Her certificate of registration will be suspended for 11 consecutive months. The suspension would continue indefinitely until Ms. Chang successfully completed, at her own expense, a Registrar-approved course in record-keeping and the College's Professionalism Workshop. If Ms. Chang completed the coursework, her suspension could be reduced to seven months;
3. Once Ms. Chang served her suspension, she would be subject, at her cost, of up to two unannounced practice inspections for two years.
4. Ms. Chang had to contribute \$1,000 towards the College's costs.

### **Panel's Reasons for Decision**

The Panel felt that a suspension of nearly a year was appropriate given the seriousness of the allegations, and the fact that Ms. Chang's misconduct began at the very beginning of her career. It stated:

The length of the suspension should provide adequate deterrence to Ms. Chang and other Members of the profession and make it clear that the College will not tolerate this type of behavior. The public is also protected while she is suspended.

The Panel believed, however, that Ms. Chang should be given some incentive to try and better herself and learn from this experience. It felt that, if Ms. Chang took courses in record-keeping and professionalism, she could practise again after seven months. Education about professional obligations and demonstrating ethical behavior are crucial to being a massage therapist. Therefore, the Panel also ordered that, if Ms. Chang never took advantage of the opportunity, she will never be allowed to practise as a massage therapist again.