

Executive Summary – Lo Chi Hu, RMT- July 31, 2013

Summary of the Discipline hearing before a Panel of the Discipline Committee of the College of Massage Therapists of Ontario held on July 31, 2013

Allegations of Professional Misconduct and Plea

Mr. Hu entered a guilty plea in relation to the following allegations:

- engaged in disgraceful, dishonourable or unprofessional conduct

The Facts

The College and Mr. Hu entered an Agreed Statement of Facts which set out the following facts.

The College received a complaint from Green Shield Canada setting out concerns with invoices submitted by their insured for chiropractic treatments performed at a clinic in which Mr. Lawrence Hu Lo Chi Hu was the corporation's sole director. The invoices included the registration number of a chiropractor that denied providing the treatments in question. Additionally, through Green Shield's claims verification process treatment notes were provided for the treatments in question and the chiropractor also denied preparing the treatment notes that were provided to Green Shield to validate the claims submitted.

Mr. Lo Chi Hu did not practice at this location however his brother, Mr. Lawrence Hu, also a registered massage therapist, maintained his primary practice location at this clinic. Mr. Hu acknowledged that, despite his position as the sole director of the clinic, he did not take steps to oversee, or ensure the regulatory compliance of, the registered massage therapy treatments provided at the clinic.

Mr. Lawrence Hu and Mr. Lo Chi Hu admitted that the chiropractor did not authorize the provision of chiropractic treatment under their name nor did the chiropractor authorize the completion of chiropractic treatment notes. Mr. Lo Chi Hu's evidence would have been that he had no involvement in the falsification of invoices.

Decision of the Panel and Penalty Imposed

The Panel accepted Mr. Hu's plea and found him guilty of professional misconduct.

The Panel accepted a Joint Penalty Submission from the College and Mr. Hu and imposed the following penalty:

1. The Member's Certificate of Registration be suspended for a period of 1 month;
2. The following terms, conditions and limitations be imposed on the Member's Certificate of Registration:
 - a. The Member shall, within 3 months of the Discipline Committee's Decision, enroll in, at his own expense, the College's Professionalism Workshop and shall provide satisfactory evidence within 30 days of completing the same;

- b. The Member shall complete the courses referred to above within one year of the date of the Discipline Committee's Decision;
3. The Member receive a public and recorded reprimand;
4. The Member pay costs in the amount of \$1,000; and
5. The publication of the decision in the usual course.

Panel's Reasons for Decision

In its reasons the Panel stated that the penalty jointly proposed was fair, reasonable and in the public interest. It was noted that the terms will convey to Mr. Hu, members of the College, as well as to the public, that this is a serious offence which discredits the profession and places the public at risk.

The Panel further stated that allowing false receipts to be submitted to an insurance Company is unprofessional conduct for a regulated health profession. As sole director of the clinic, the Panel stated that Mr. Hu had the responsibility to ensure the operations at his clinic included appropriate business procedures and that he had a responsibility to have some oversight of activities at the clinic.