

**EXECUTIVE SUMMARY – VU LE, RMT
DISCIPLINARY HEARING CONDUCTED
OCTOBER 18, 2012
THE CHARGES**

The Member, Vu Le, RMT, was charged with five counts of professional misconduct, namely that he:

1. Failed to keep records as required;
2. Falsified a record relating to the Member's practice;
3. Signed or issued, in the Member's professional capacity, documents that the Member knew to contain a false or misleading statement;
4. Contravened the *Massage Therapy Act, 1991*, the *Regulated Health Professions Act, 1991*, or the Regulations under either of those Acts; and
5. Engaged in conduct or performed an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

THE PLEA

Mr. Le entered a plea of guilty to the allegations of failing to keep records as required (count 1), falsifying a record relating to his practice (count 2), signing or issuing a document that he knew to contain a false or misleading statement (count 3), and disgraceful and dishonourable conduct (count 5). Following the plea, the charge of contravening the *Massage Therapy Act, 1991*, the *Regulated Health Professions Act, 1991*, or the Regulations under either of those Acts (count 4) was withdrawn. The Member was not represented by legal counsel.

THE FACTS

Evidence was presented by way of an Agreed Statement of Facts.

The evidence disclosed that Mr. Le has been a registered Massage Therapist since 2004, and that he provided Massage Therapy at the "Facility" from at least 2008 through 2010.

In late 2009, the College commenced an investigation of the Facility due to concerns that Massage Therapy receipts were being issued for non-Massage Therapy services. A College Investigator ("C.R.") attended at the Facility for a facial on January 22, 2010. Afterward, C.R. received a receipt with the name "Le, Vu – RMT – CMTO Registration # K481". The receptionist initialled the receipt "VML". The Member's full name is Vu Minh-Nguyen Le.

On March 1, 2010, C.R. obtained a massage at the Facility. On March 5, 2010, C.R. obtained a manicure and pedicure at the Facility. Neither service was provided by the Member, but in both cases the receptionist provided the Investigator with receipts bearing the Member's name and RMT number, then signed "VML" on the receipts.

On July 10, 2010, a second College Investigator ("G.K.") attended at the Facility and met with the Member, explaining that she was there to collect client records. The Member refused to provide client records, and G.K. left without obtaining any records.

Over the next four days, the Member reviewed his files. Where his printed schedule identified a treatment provided by the Member, but the corresponding client file did not include treatment notes for that visit, the Member filled in treatment notes as if they had been made contemporaneously.

On July 14, 2010, G.K. returned to the Facility to attempt to obtain records, including the records for C.R., the alias of the first College Investigator. The client file for C.R. included the receipts for non-Massage Therapy services, bearing the Member's information, which C.R. had obtained on January 22, March 1, and March 5, 2010. Those receipts were accompanied by falsified treatment notes completed by the Member after G.K.'s visit to the Facility on July 10, 2010. G.K. also collected a computer printout of the Member's appointment schedule, which included the appointments for C.R., who the Member never treated.

In an examination on March 21, 2011, the Member admitted to falsifying C.R.'s treatment records, as well as treatment records for as many as 10 additional patients. He indicated that he panicked after G.K.'s attendance at the Facility.

At the examination, the Member admitted that he had not been maintaining records as required by his professional obligations. The Member admitted to completing records for clients whom he had no recollection of treating.

THE FINDING OF GUILT

On the basis of Mr. Le's guilty plea and its review of the Agreed Statement of Facts, the panel of the Discipline Committee found the Member guilty of four counts of professional misconduct.

THE SENTENCING HEARING

Immediately following the acceptance of the plea, a sentencing hearing was conducted by the panel of the Discipline Committee. The Member and the College presented a Joint Submission Respecting Penalty and Costs to the panel. Upon consideration of the Joint Submission and upon hearing the submissions of counsel for the College, as well as the Member, the panel accepted the Joint Submission and imposed the following penalty:

1. a nine (9) month suspension of the Member's Certificate of Registration;
2. a three (3) month remittance of the Member's suspension if the Member complies with the terms, conditions and limitations imposed on his Certificate of Registration, as set out in paragraphs 3 and 4;
3. terms, conditions and limitations on the Member's Certificate of Registration. namely:
 - (a) The Member shall, within 4 months of the Discipline Committee's Decision, enroll in, at his own expense, the College's Standards and Regulations Course and shall provide satisfactory evidence within 30 days of completing the same;
 - (b) The Member shall, within 4 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;
4. the Member shall complete the courses referred to in paragraph 3, above, within one year of the date of the Discipline Committee's Decision;
5. a public and recorded reprimand;

6. costs of the hearing in the amount of \$2,000; and
7. the publication of the Discipline Committee's Decision in the usual course, as well as the publication, at the discretion of the Registrar, details of the Member's failure to comply with any terms of the penalty imposed.

CASE COMMENT

The Le proceeding, like others that have come before it, dealt with the significant issue of falsifying records in the context of an ongoing College investigation. The College has a Zero Tolerance Policy with respect to these offences, which is reflected in the lengthy suspension received by the Member in this case. In addition, the panel noted that Mr. Le failed to adequately protect his RMT credentials from being misused, and that it is every RMT's responsibility to take action if he or she has any hint that such misuse is occurring. The College will continue to seek significant periods of suspension for members found guilty of these kinds of offenses.