



College of
Massage
Therapists of
Ontario

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Discipline Hearing Summary – Xuezheng Zhou, RMT (Toronto, ON) September 10, 2015

The Discipline hearing before a Panel of the Discipline Committee of the College of Massage Therapists of Ontario (CMTO) was held on September 10, 2015.

Allegations of Professional Misconduct

Mr. Xuezheng (George) Zhou, a Registered Massage Therapist (RMT), was found to have engaged in the following acts of professional misconduct:

- Signing or issuing a false document;
- Falsifying a record;
- Failing to keep required records; and
- Engaging disgraceful, dishonourable or unprofessional conduct

The Facts

The facts in this case were established by an Agreed Statement of Facts, which set out the following:

By way of background information, Mr. Zhou had a prior disciplinary history with the College. On September 15, 2011, a Panel of the Discipline Committee found Mr. Zhou to have committed several acts of professional misconduct. These acts of misconduct were identical to those contained in the allegations brought against Mr. Zhou in this hearing. Additionally, the practice inspection conducted in accordance with the September, 2011 Penalty Order Committee found that Mr. Zhou was non-compliant with his record-keeping obligations.

Added to Mr. Zhou's prior conduct history, his Certificate of Registration was also suspended on January 1, 2015 due to non-payment of his annual registration renewal fees.

Mr. Zhou is the owner of a clinic located Scarborough, Ontario. The College received information regarding this practice location to suggest that RMT receipts were issued for treatments not provided by the Registered Massage Therapist. Following receipt of this information, a College investigator attended Mr. Zhou's clinic posing as a client and requesting Massage Therapy treatments. On each occasion, the investigator received treatment from an individual other than Mr. Zhou, but was provided with a receipt for the sessions bearing Mr. Zhou's name and RMT number. When the investigator requested to receive treatment from Mr. Zhou himself, he was told that was not possible.

As a result of the informal inquiries made at Mr. Zhou's clinic, on January 20, 2014, the College commenced an investigation by appointing an investigator. During the investigation, Mr. Zhou told the

investigator, inaccurately, that he never allowed Massage Therapy receipts to be issued in his name after another service was performed. Mr. Zhou admitted that he estimated he did not keep treatment notes for approximately 50% of his clients. The investigation also revealed that Mr. Zhou frequently provided the clinic with blank receipts and insurance claim forms bearing his signature, name and RMT number.

Mr. Zhou acknowledged and admitted to each of the allegations of professional misconduct.

Finding of the Panel, Penalty Order and Cost Award Imposed

Based on the Agreed Statement of Facts and Mr. Zhou's admissions, the Panel unanimously found Mr. Zhou engaged in the acts of professional misconduct as alleged.

After considering submissions made by both the College and Mr. Zhou, the Panel imposed the following Penalty Order:

1. Revocation of Mr. Zhou's Certificate of Registration;
2. A public and recorded reprimand that Mr. Zhou will attend in person; and
3. The Discipline Committee's decision will be published in the usual course, including publication in CMTO's *Annual Report*, a Discipline Hearing Summary posted on CMTO's website, and a summary of findings and penalty order on CMTO's public register.

Cost Award

Mr. Zhou must contribute \$7,500 to CMTO's investigation and prosecution costs.

Reasons for Decision

The Panel was satisfied that this current penalty is in the public interest and that it will achieve specific deterrence to the profession given the severity of the penalty imposed. By revoking Mr. Zhou's Certificate of Registration, the Panel wishes to send a strong message that this behaviour is not tolerated.

The Panel noted that allowing others to provide treatments to clients raises serious concerns for public safety.

The Panel noted a significant aggravating factor as they consider this decision was Mr. Zhou's prior discipline history given that it related to similar, if not identical misconduct.

The Panel stated this case was appropriate to impose a cost award so that Mr. Zhou must contribute \$7500 towards the College's hearing and investigation expenses incurred.