

**EXECUTIVE SUMMARY – FELIX SUN, RMT
DISCIPLINARY HEARING CONDUCTED
APRIL 27, 2011**

- a. The Member, Felix Sun, RMT, was charged with five counts of professional misconduct:
- b. Falsifying records relating to the Member's practice;
- c. Signing or issuing, in the Member's professional capacity, a document that he knew contained false or misleading statements;
- d. Submitting an account or charge for services that he knew was false or misleading;
- e. Failing to permit entry at a reasonable time or cooperate with authorized representative of the College conducting an inspection or examination of the Member's office, records, equipment or practice; and
- f. Engaging in disgraceful, dishonourable or unprofessional conduct.

THE PLEA

The Member entered a guilty plea to the allegations of professional misconduct.

THE FACTS

Evidence was presented by way of an Agreed Statement of Facts. The Member was a registered massage therapist practising at the Woodbine-Steeles Rehab Clinic (the "WSRC") at the relevant time.

The College received information from Standard Life Canada concerning receipts issued in the Member's name by WSRC during a period in which the Member claimed not to be employed at WSRC.

Subsequent investigations of the College demonstrated the following:

- a. The Member knowingly authorized the use of his registration number by another person;
- b. The Member accepted cash funds in exchange for the use of his registration number by another person;
- c. The Member falsified records related to his practice; and
- d. The Member signed and issued in his professional capacity documents that he knew contained false and misleading statements.

The Member also originally refused to cooperate with the College Investigator in this matter.

The Member admitted that his registration number had been improperly used by the owner of WSRC, and that he was offered payment in return for such use. The Member created fictitious progress notes to sustain the improper use of his registration number by WSRC's owner.

Following his admission of having committed serious breaches of professional misconduct, the Member cooperated with the College's investigation and prosecution of the allegations.

FINDING OF GUILT

On the basis of the Member's guilty plea and its review of the Agreed Statement of Facts, the panel of the Discipline Committee found the Member guilty of the allegations of professional misconduct set out in the Notice of Hearing.

THE SENTENCING HEARING

1. The parties made joint submissions with respect to penalty to include the following:
2. A six month suspension of the Member's Certificate of Registration;
3. A period of two months of the suspension shall be remitted in the event that the Member complies with the terms, conditions and limitations imposed on the Certificate of Registration;
4. The following terms, conditions and limitations shall be imposed on the Member's Certificate of Registration:
 - a. The Member will complete the professionalism workshop and the record-keeping course, at the Member's own expense, within six months from the date of the decision of the panel;
 - b. The Member will submit to two inspections of his practice, at his own expense, within six months and one year of completing the professionalism workshop and the recordkeeping course. The costs of each inspection will not exceed \$500; and
 - c. The Member will contribute to the investigation and prosecution costs of the College in the amount of \$1,500, which will be paid in instalments of \$100 per month over a period of 15 months.
5. Public and recorded reprimand; and
6. Publication in the usual course.

In its reasons for accepting the joint submission on penalty, the panel affirmed the seriousness of the allegations, the need to protect the public from such conduct, and the panel's concern for the erosion of the profile of the profession in the minds of insurance providers.

Immediately following the hearing, the Member waived his right of appeal and the panel administered a public reprimand at that time.

EDITORIAL NOTE

The Sun decision emphasizes the importance of maintaining professional behaviour to protect the integrity of the profession in the minds of the public, other health professionals and insurance providers.

The provision of false receipts for insurance purposes is a serious offence. The severity of the offence is compounded by the creation of fictitious progress notes to support the improper conduct and the acceptance of a fee for the use of one's registration number by another individual. It is important that professional massage therapists earn and maintain the trust of insurers and the public. Such trust cannot be earned and maintained in these circumstances.

Allowing another individual to use one's registration number, accepting money in exchange for such use, permitting the issuance of false receipts and creating false documentation to support these activities are serious violations for which a suspension and the further education requirement are warranted.