

## **EXECUTIVE SUMMARY – LISA CHONG, RMT**

### **DISCIPLINARY HEARING CONDUCTED MARCH 31, 2011**

The Member, Lisa Chong, RMT, was charged with four counts of professional misconduct: falsifying records relating to the Member's practice; signing or issuing, in the Member's professional capacity, a document that she knew contained false or misleading statements, submitting an account or charge for services that she knew were false or misleading and engaging in disgraceful, dishonourable or unprofessional conduct.

#### **THE PLEA**

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

#### **THE FACTS**

The facts of the case were established by way of an agreed statement of acts submitted by the parties which are summarized below.

Ms. Chong was the owner and operator of Town Centre Rehab, a clinic which provided massage therapy, acupuncture and other services. It employed one other RMT.

As a result of an informal investigation of Town Centre Rehab, further to receiving an informational complaint, the College became aware that employees of Town Centre Rehab providing massages and thereafter issuing computer-generated receipts, which indicated that "Massage Therapy Treatment" had been provided. The receipts included a note on the bottom as follows: "Thank you for your Business. Lisa Chong. R.M.T. No."XXXX" in some circumstances where neither Ms. Chong, nor any registered massage therapist had provided the services.

After having received disclosure from the College in relation to the investigation, Ms. Chong responded in which she noted that not all insurance companies required a registered massage therapist, that the clinic had changed its procedures as well as its computer generated templates for receipts. Ms. Chong concluded as follows:

In conclusion we admitted that we have made procedural mistakes and we have problems with staff training, especially in terms of intake procedures & issuing receipts. We, now, with the help of your reports have identified these problems and we have taken measures to remedy the mistakes.

1. In the intake forms we have added an item for the client to clearly indicate if an RMT is required.
2. New receptionists will be trained directly by the manager instead of having the incumbent to train new receptionist staff. The training will be complemented by written instructions.
3. Computer generated receipts will be issued indicating the provider of the service and the type of service. Hand written receipts will be utilized in case of power

failure or computer malfunction. In such cases, the manager must endorse the handwritten receipt.

4. We have issued a notice to all employees that disciplinary action will be taken for failure to adhere to procedure.

The College subsequently received a complaint from an insurance company relating to receipts provided to a family with two daughters. The receipts were submitted directly to the insurance company by the family for reimbursement.

The invoices addressed to members of the family indicated "15 Minutes of Massage Therapy Treatment for Pain Relief." For every 15 minutes of massage, fifteen dollars was charged. The invoices either indicate "Thank You for Your Business. Lisa Chong. R.M.T. No."XXXX" or had the name and registration number of the other registered massage therapist who was employed by Town Centre Rehab.

Ms. Chong responded to the complaint and advised that while the services accurately described the nature of the treatment provided, she acknowledged that her name or that of the other R.M.T. appears on the receipt whereas the receipts should have identified the actual provider in order to comply with the College's Policy on Receipts. She also provided the following information:

- All services that were billed were in fact performed for no less than the length of time indicated (i.e., 15 minutes).
- The type of service performed (i.e. massage) was correctly described on the receipt.
- The family's plan has no requirement that a registered massage therapist provide the service itself [sic].
- The invoices were issued in the name of the R.M.T.'s as they were the only two registered massage therapists at the clinic at the time.
- The family were more confident knowing that there was R.M.T. supervision on site even though their policy only covers \$15 per session regardless of whether the practitioner is a registered massage therapist or not.
- As the other R.M.T. was unable to handwrite his clinical notes himself (he is legally blind) Ms. Chong wrote the notes on his behalf.
- She recognized in hindsight that the College's "Policy on Receipts" requires (amongst other things) that receipts be signed by the massage therapist who actually performed the service. The clinic made a number of recent changes to its procedures for issuing receipts to ensure compliance with the College's policies and regulations.

**FINDING OF GUILT**

Ms. Chong was originally charged with two sets of duplicate allegations. The first set was a result of a referral from the Executive Committee and the second set was from a complaint from the insurance company. Both sets of allegations contained the same charges and as a result, counsel for the College withdrew the referral from the Executive Committee and proceeded on the matters that arose from the insurance company complaint.

The Member pleaded guilty in relation to each of the allegations of professional misconduct as pertaining to the insurance company complaint. The College withdrew the allegations of professional misconduct pertaining to the Executive Decision.

The Panel unanimously found that the facts contained in the Agreed Statement of Facts supported the guilty plea and therefore the Panel found the member guilty of the allegations of professional misconduct.

**THE PENALTY**

A Joint Submission respecting penalty was presented to the Discipline Panel. The Panel accepted the recommendation and imposed the following penalty:

1. THE DISCIPLINE PANEL directs the Registrar to suspend the Member's Certificate of Registration for a period of six months, with three months of that suspension to be remitted upon compliance with the terms, conditions and limitations imposed on the Member's Certificate of Registration, as described in paragraph 2. This suspension shall commence on April 4, 2011.
2. THE DISCIPLINE PANEL directs that the following terms, conditions and limitations be imposed on the Member's Certificate of Registration:
  - a. The Member shall enrol in and successfully complete, at her own expense, a Registrar-approved record-keeping course and provide satisfactory evidence to the Registrar within twelve months from this Order.
  - b. The Member shall enrol in and successfully complete, at her own expense, the first available session of the College's Online Standards and Regulations course and provide satisfactory evidence to the Registrar within twelve months from this Order.
  - c. The Member shall enrol in and successfully complete, at her own expense, the College's Professionalism Workshop and provide satisfactory evidence to the Registrar within twelve months from this Order.
  - d. For greater certainty, the Member shall complete at least (1) of the (3) courses in paragraphs (a) to (c) within three months from the date of this hearing.
3. THE DISCIPLINE PANEL directs that the results of this proceeding be included in the register; and
4. THE DISCIPLINE PANEL directs that the member is to receive a Public and Recorded Reprimand.

5. The Member shall pay costs in the amount of \$4500, which may be paid in instalments. Such costs must be paid by March 31, 2013.

In its reasons for accepting the Joint Submission, the Panel noted that it was of the view that the penalty proposed was reasonable.

It noted that falsifying records is a very serious charge, for which a suspension is appropriate. The length of the suspension should provide adequate deterrence to the Member and other Members of the profession that this behaviour will not be tolerated by the College.

The Panel noted that the required course work will ensure that Ms. Chong has learned from her mistakes and will help to assure the public that she is following the standards of practice. The course work will serve to rehabilitate Ms. Chong and offer some professional growth as she works towards re-entering the profession.

The Panel also noted that the Member behaved inappropriately which necessitated an investigation and subsequent Discipline Hearing. Because these are costly proceedings it is important that the Member contributes to the costs in the amount of \$4500.00.

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