



College of Massage Therapists of Ontario

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Discipline Hearing Summary

Xiao Di Min, RMT (Mississauga, ON), March 27, 2018

Decision

On March 27, 2018, the Discipline Committee found that Ms. Xiao Di Min, a Registered Massage Therapist (RMT), committed acts of professional misconduct in that she:

1. advertised or permitted advertising with respect to her practice in contravention of the regulations under the *Massage Therapy Act*;
2. contravened a Standard of Practice of the profession or a published standard of the CMTO, or failed to maintain the Standard of Practice of the profession;
3. failed to keep records as required;
4. signed or issued, in her professional capacity, a document that she knew contained a false or misleading statement;
5. submitted an account or charge for services that she knew was false or misleading; and
6. 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 registrants as disgraceful, dishonourable or unprofessional.

Penalty and Cost Award

The Discipline Committee's order included the following:

1. Ms. Min was required to appear before a Panel of the Discipline Committee immediately following the hearing to be reprimanded. The fact of the reprimand and the text of the reprimand is to appear on the public register of the College. (The reprimand can be read below.)
2. Ms. Min's Certificate of Registration was suspended for a period of four (4) months, commencing on April 9, 2018. The suspension would be reduced to a period of three (3)

months if Ms. Min successfully completes the conditions set out in paragraph 3(a), 3(b) and 3(c) below by July 9, 2018.

3. The following terms, conditions or limitations were imposed on Ms. Min's Certificate of Registration:
 - a. Within six (6) months of March 27, 2018, Ms. Min must provide proof, acceptable to the Registrar, of successful completion of the College's Professionalism Workshop, which is to be taken at her own expense;
 - b. Within six (6) months of March 27, 2018, Ms. Min must provide proof, acceptable to the Registrar, of successful completion of the College's Standards and Regulations E-Workshop, which is to be taken at her own expense;
 - c. Within six (6) months of March 27, 2018, Ms. Min must provide proof, acceptable to the Registrar, of successful completion of the College's Record Keeping E-Workshop, which is to be taken at her own expense; and
 - d. Within 12 months of March 27, 2018, Ms. Min must participate in a chart audit, conducted by a College-appointed auditor, at her own expense and to the satisfaction of the Registrar. The chart audit shall consist of a review of at least 10 client charts and no more than 20 charts selected by the auditor, together with the corresponding appointment records and financial records for those clients. The auditor shall report the results of the audit in writing to the Registrar. The cost of the audit shall not exceed \$275.00.
4. Ms. Min was required to pay costs to the College in the amount of \$1,200.00 within 12 months of March 27, 2018.

Reprimand Delivered to Ms. Min

The following reprimand was delivered by a Panel of the Discipline Committee:

Ms. Min, the Panel would like to start off by acknowledging your cooperation in this matter, and accepting responsibility for your professional misjudgements. The Panel finds your conduct to be extremely concerning. Your actions have put the public at risk by allowing an unlicensed individual to provide treatment. Being a regulated health professional is a privilege and not a right. The Panel expects that you will keep this at the forefront of your remediation.

Going forward, the Panel expects that any advertisement you provide will not contain anything that is undignified, or anything that may negatively impact the public confidence in the practice of the profession. The College of Massage Therapists of Ontario and this Panel today would like to strongly impress upon you the importance of keeping the public and your client safety your highest priority.

The Panel expects that you will take the time to reflect upon your actions and that when you return to practice, after completing all the required course work, you will do so with a renewed sense of commitment to uphold the Standards of Practice in protecting the public.