



College of
Massage
Therapists of
Ontario

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Discipline Hearing Summary – Anna Huk, RMT (London, ON) July 23, 2015

Summary of the Discipline hearing before a Panel of the Discipline Committee of the College of Massage Therapists of Ontario (CMTO) held on July 23, 2015.

Allegations of Professional Misconduct

Ms. Anna Huk, a Registered Massage Therapist (RMT), was found to have engaged in the following acts of professional misconduct:

- Falsifying a record relating to her practice;
- Signing or issuing a false document;
- Submitting accounts or charges for services that were false or misleading;
- Failing to keep records, as required; and
- Engaging in disgraceful, dishonourable or unprofessional conduct.

The Facts

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

While registered with the College, at the relevant time, Ms. Huk provided Massage Therapy at a clinic in LaSalle, Ontario.

In response to the findings of a comprehensive internal review of claims by an insurance company, a formal complaint was submitted to the College with respect to several issues identified in Ms. Huk's practice, including client-specific issues, inconsistent or inaccurate time documentation, incomplete treatment records and treatment records that were not legible or had been altered in some way. In response to the complaint, the College commenced a formal investigation.

In the course of being interviewed by the appointed College investigator, Ms. Huk confirmed that she exclusively practises at the clinic and does not employ any staff. She advised the investigator that she works seven days a week and at any time of day as requested by clients. She denied ever having written treatment notes for services not rendered. She admitted to having an inconsistent and inaccurate method of marking the time of treatment in her notes, stating that she frequently reused pages that already had a date or time stamp on them.

Further investigations were undertaken by the College investigator who interviewed several former clients. Several of these clients informed the investigator that Ms. Huk had contacted them during the course of the investigation in an attempt to have them admit to billings for treatments she had not provided.

Ms. Huk admitted to the following:

- Receiving compensation for Massage Therapy treatments not provided;
- Knowingly submitting claims bearing her name, signature and registration number relating to Massage Therapy treatments she did not perform;
- Knowing the claims submitted to the insurance company were false and/or misleading;
- Preparing false treatment records for clients for appointments they did not attend; and
- Failing to keep records, as required.

Findings of the Panel, Penalty Order and Cost Award Imposed

Based on the Agreed Statement of Facts and Ms. Huk's admissions, the Panel unanimously found Ms. Huk to have engaged in each of the allegations of professional misconduct.

The Discipline Panel accepted the Joint Penalty Submission of the Parties and imposed the following penalty:

1. Suspension of Ms. Huk's Certificate of Registration for ten consecutive months, starting immediately, with the ability to reduce two months of the suspension, if she complies with the other conditions outlined in items 2, 3 and 4 below.
2. A public and recorded reprimand that Ms. Huk will attend in person.
3. Within eight months of the hearing date, Ms. Huk will successfully complete a Registrar-approved record keeping course, at her own expense. She must provide evidence of her completion of the course to the College within 30 days of completion.
4. Within eight months of the hearing date, Ms. Huk will successfully complete a Registrar-approved professionalism course, at her own expense. Again, she must provide evidence of her completion of the course to the College within 30 days of completion.
5. Inspections of Ms. Huk's practice within three months of her return to practice. This will be at her own expense. The costs of the inspection will not exceed \$500.
6. 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

Ms. Huk will contribute \$5,000 to CMTO's investigation and prosecution costs. This will be paid in two installments: \$2,500 due within six months of the Panel's decision and \$2,500 due within the year of the decision.

Panel's Reasons for Decision

The Panel was satisfied that in accepting the Joint Submission of the Parties neither the public interest nor the administration of justice had been compromised in any way.

The Panel considered additional case law provided by the College to support the Joint Submission. In the *Xuezheng Zhou Case (2011)*, the facts were similar to the Huk case, and resulted in the following:

- An imposed nine-month suspension;
- An inspection of the registrant's practice within one year of his return to practice (\$2,000 at his expense); and

- A public reprimand.

The Panel felt that the Zhou penalty was lenient, and in this case Ms. Huk's conduct was more egregious when compared to the conduct of Mr. Zhou.

In the *Vu Le (2012)*, the registrant was charged with similar acts of professional misconduct. The Panel in the *Le Case* issued a nine-month suspension (three months of which could be remitted, if conditions were met), a public reprimand; and amounted to costs of \$2,000.

Ms. Huk provided the following facts to be considered by the Panel:

- She showed remorse by pleading guilty and accepting full responsibility for her actions.
- She spared the College time and expense by proceeding through an Agreed Statement of Fact.
- This incident was Ms. Huk's first offence and no additional complaints have been submitted.
- She is prohibited from submitting claims to the insurance company involved.
- She is the provider for her elderly mother who suffers from a serious medical condition.

In the end, the Panel was confident that the suspension will ensure that the public is protected while Ms. Huk completes her professional rehabilitation. The Panel believes that this will serve as a deterrent to Ms. Huk and to the profession in general. The suspension is meant to underscore the gravity of the findings as well as the College's lack of tolerance for financial abuse. The course work will ensure that Ms. Huk gains a renewed understanding of her professional obligations. The inspection will confirm that she has made the necessary changes to her practice.

At the conclusion of the hearing, Ms. Huk waived her right to appeal and an oral reprimand was delivered by the Panel.