

**EXECUTIVE SUMMARY – DAVID BU, RMT
DISCIPLINARY HEARING CONDUCTED
FEBRUARY 23, 2012**

The Member, David Bu, RMT, was alleged to have committed the following acts of professional misconduct:

1. Falsifying a record relating to his practice;
2. Signing or issuing, in his professional capacity, a document he knew contained a false or misleading statement;
3. Submitting an account or a charge for services that he knew was false or misleading;
4. Failing to keep records as required by the Regulations; and
5. Engaging in conduct or performing an act in the course of practicing the profession, that, having regard to all of the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

THE PLEA

The Member entered a guilty plea in respect of allegations 1, 2, 3 and 4. Allegation 5 was withdrawn by the College.

THE FACTS

The evidence was presented by way of an Agreed Statement of Facts which provided as follows:
In September of 2008 the College received information from a chiropractor that Mr. Bu was providing one hour treatments to clients and improperly issuing two separate receipts for two half hour sessions.

An investigator on behalf of the College attended at Mr. Bu's place of business and received a one hour massage, paid \$75.00 and was issued two receipts for massages on two separate dates in the amount of \$45.00 each.

At the request of the College Mr. Bu was unable to provide an appointment book for the year 2008. After some difficulty the College managed to obtain a number of client files from Mr. Bu. Some of the client files consisted solely of the health history with dates and times of treatments and contained no treatment notes. An analysis performed on the clinical records also revealed inconsistencies in records obtained at different times by the College. Mr. Bu admitted that his record keeping practices fell below the standard required by the profession and that some records were prepared after he became aware of the College investigation.

FINDING

The Discipline Panel found that the Member had engaged in professional misconduct on the basis of the plea and its review of the Agreed Statement of Facts.

THE PENALTY HEARING

The College and the Member both made submissions with respect to penalty. The College submitted that the appropriate penalty would be as follows:

1. A nine month suspension of the Member's Certificate of Registration with two months suspended upon enrolling and successfully completing the College's record keeping course, and the College's professionalism workshop;
2. The Member submit to an inspection of his practice at his own expense within six months of resuming his practice; and
3. A public and recorded reprimand; and
4. Costs in the amount \$2000.00 to be paid within 60 days.

The Member submitted that he should not be suspended but that he was willing to pay an increased amount on account of costs.

After hearing the submissions of the College and the Member, the Discipline Panel imposed the penalty proposed by the College. In its reasons the Panel noted that given that Mr. Bu had falsified records, failed to keep treatment notes and signed or issued false receipts, and the seriousness of these findings. It was appropriate that the Member be suspended and that the length of the suspension provide adequate deterrence both to the Member and other members of the profession.