



College of Massage Therapists of Ontario

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Discipline Hearing Summary – Lin Lin Chen, RMT (Toronto, ON) June 26, 2015

The Discipline hearing before a Panel of the Discipline Committee of the College of Massage Therapists of Ontario (CMTO) was held on June 26, 2015.

Allegations of Professional Misconduct

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

- Falsifying a record;
- Signing or issuing a false statement;
- Submitting an account or charge for services that is known to be false or misleading; 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:

Ms. Chen has been an RMT since 2011, owning and operating her own clinic. The clinic advertised different prices for Massage Therapy treatments depending on whether the client was paying out-of-pocket or would be reimbursed through insurance benefits. The College received information regarding this advertisement and initiated an informal investigation into the clinic in December of 2013.

During the course of this informal investigation a College investigator, posing as a client under an assumed identity, was treated by Ms. Chen on three separate occasions.

During the first treatment, the investigator witnessed Ms. Chen using her cellular phone to answer calls and send text messages. At one point, she told the investigator that she was “fat” and also told her she should utilize the benefits of her husband’s insurance plan, further suggesting she could issue receipts in the husband’s name.

During a second visit to the clinic, Ms. Chen reiterated that she believed the investigator was overweight and she stated “needs to not eat so much.” After the treatment, Ms. Chen had the investigator fill out a health history form for her [fictitious] husband and backdated the treatment to the previous year, so that it would not count against the husband’s insurance benefits for the current year. Ms. Chen retroactively added the false appointment to her appointment book and issued the investigator the receipt.

During the third visit to the clinic, the investigator's treatment was conducted by a woman by the name of "Lindy." When the treatment was complete, the investigator was given a pre-prepared receipt under Ms. Chen's name and her College registration number.

At several points throughout the investigator's visits to the clinic she was encouraged by Ms. Chen to "not tell the insurance company."

On April 30, 2014, the College appointed an investigator to formally investigate Ms. Chen's practice. When presented with the receipts issued to the investigator's fictitious husband, Ms. Chen confirmed that she had issued the receipts and that they contained her signature. Ms. Chen noted further that while she could not recall the investigator, she stated she specifically recalled the husband and gave a description of his appearance.

When presented with the results of the College investigation, Ms. Chen apologized for "the deficiencies in her professional conduct revealed in the investigation" and claimed that she would never knowingly issue receipts with false information again.

Findings of the Panel, Penalty Order and Cost Award Imposed

Based on the Agreed Statement of Facts and Ms. Chen's admission to each of the allegations, the Panel unanimously found that Ms. Chen to have engaged in each of the acts of professional misconduct as alleged.

The Discipline Panel accepted the Joint Penalty Submission of the College and Ms. Chen and imposed the following Penalty Order:

1. A ten-month suspension of Ms. Chen's Certificate of Registration that could continue indefinitely unless the conditions set out in items 2, 3 and 6 below are completed.
2. A public and recorded reprimand that Ms. Chen will attend in person.
3. Ms. Chen must successfully complete a Registrar-approved professionalism course at her own expense, and provide satisfactory evidence of her completion to the College within thirty days of completing the course.
4. Ms. Chen must submit to an inspection of her practice, at her own expense, within 12 months of the date on which she resumes practise. The cost of the inspection is not to exceed \$500.
5. Publication of the Panel's decision to include publication in the *Annual Report* of the College, an Discipline Hearing Summary posted on the College's website, as well as a summary of findings in the College's public register.

Cost Award

Ms. Chen must pay a contribution towards the College's investigation and prosecution costs in the amount of \$2,000.

Panel's Reasons for Decision

The Panel thanked the College and Ms. Chen for arriving at a joint position on the facts and penalty, and accepted that the proposed penalty was in line with the nature of the conduct involved.

The Panel noted that Ms. Chen chose to disregard the governing authorities of the profession, and in doing so, found the suspension of her registration was appropriate. The length of the suspension was intended to provide adequate deterrence to Ms. Chen and other members of the profession, reminding them that the College will not tolerate this type of behaviour.

It was further noted that the Professionalism Workshop will ensure that Ms. Chen knows the importance of professional behaviour and will provide sufficient rehabilitation as she works towards re-entering the profession.

The inspection of Ms. Chen's future practice was viewed by the Panel to put further emphasis on Ms. Chen's professional responsibilities and ensure that the interest of the public is protected moving forward.

In imposing a cost award, the Panel stated that Ms. Chen behaved inappropriately and her actions necessitated an investigation and subsequent hearing, therefore it was only appropriate that Ms. Chen contribute to the College's costs.

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