



## College of Massage Therapists of Ontario

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### **Discipline Hearing Summary – Min Xia, RMT (Toronto, ON) June 29, 2015**

The Discipline hearing before a Panel of the Discipline Committee of the College of Massage Therapists of Ontario (CMTO) was held on June 29, 2015.

#### **Allegations of Professional Misconduct**

Ms. Xia, a Registered Massage Therapist (RMT), was found guilty of the following acts of professional misconduct:

- Falsifying a record;
- Signing or issuing a false document; 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. Xia has been an RMT since January 10, 2011. On January 7, 2013, the College received information from an anonymous source who alleged that, among other things, that Ms. Xia had signed receipts bearing her College registration number in relation to several Massage Therapy treatments provided by other individuals.

Over the dates of January 11 to 14, 2013, a College investigator attended QW and received treatments from an individual that was not Ms. Xia. The investigator was advised that she could be provided with an RMT receipt for several dates in order to use up her available insurance coverage, and that the Ms. Xia was aware of this arrangement. The investigator was provided with a receipt stamped with Ms. Xia's name and College registration number. The receipt was signed by Ms. Xia.

On March 20 and 21, 2013, another College investigator attended QW and met with Ms. Xia. During the meetings, Ms. Xia stated that she was the only RMT employed at QW, that she had been the one who had treated the first investigator in January of 2013, and that she personally signed and stamped each receipt with her name, College registration number and cellular telephone number.

Ms. Xia acknowledged and admitted to each of the allegations of professional misconduct as alleged.

## **Findings of the Panel, Penalty Order and Cost Award Imposed**

Based on the Agreed Statement of Facts and Ms. Xia's admissions, the Panel unanimously found Ms. Xia engaged in the acts of professional misconduct as alleged.

The Panel accepted the Joint Penalty Submission of the College and Ms. Xia and imposed the following penalty:

1. Suspension of Ms. Xia's Certificate of Registration for five months, commencing July 24, 2015.
2. Ms. Xia will receive a public and recorded reprimand.
3. The following term, conditions and limitations will be imposed on Ms. Xia's Certificate of Registration:
  - a) Ms. Xia must successfully complete the College's Professionalism Workshop, at her expense, by no later than November 1, 2015, and provide satisfactory evidence of completion to the College.
  - b) Within one year of Ms. Xia's resumption to practice after her suspension she must submit to an inspection of her practice at her expense. With the costs of the inspection not to exceed \$500.
4. 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. Xia must contribute to the investigation and prosecution costs of the College in the amount of \$1,500, to be paid in full by no later than November 1, 2015.

### **Panel's Reasons for Decision**

The Panel considered two mitigating factors put forward by Ms. Xia: Firstly, Ms. Xia admitted to the allegations and accepted full responsibility for her actions, thereby demonstrating remorse. Secondly, by way of an Agreed Statement of fact, Ms. Xia saved the College the time and expense that would have been necessitated by a full hearing.

The Panel believes that the suspension will ensure the public is protected while Ms. Xia completes her remedial course work. The penalty will serve as both a specific deterrence to Ms. Xia and as a general deterrence to the profession. It also signifies the seriousness of the conduct involved and that the College will not tolerate this type of financial abuse by its registrants.

The course work will ensure that Ms. Xia knows what her professional obligations are as a regulated health professional.

The inspection of Ms. Xia's practice upon her return will enable the College to be certain that she has implemented the necessary changes to her practice.

Finally, since this matter necessitated an investigation and hearing, it is fitting that Ms. Xia contributes to the costs in the amount of \$1,500.

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