

Executive Summary- Tony Chi Hung Ku, RMT April 25, 2014

Summary of the Discipline hearing before a Panel of the Discipline Committee of the College of Massage Therapists of Ontario held on April 25, 2014

Allegations of Professional Misconduct and Plea

Mr. Ku entered a guilty plea in relation to the following allegations:

- Contravened a Standard of Practice; and
- Engaged in disgraceful, dishonourable and unprofessional conduct

The Facts and Findings of the Panel

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

The College received information from a clinic manager from one of Mr. Ku's practice locations wherein it was stated that:

- (a) false receipts were issued in Mr. Ku's name for Registered Massage Therapy treatments that were never provided at the clinic;
- (b) Mr. Ku never signed or reviewed receipts provided to clients at the clinic; and
- (c) Mr. Ku never prepared treatment notes in respect of his Registered Massage Therapy treatments at clinic.

An investigation was commenced inquiring into Mr. Ku's practice as a result of the information received. The investigation revealed that in relation to a number of clients, Mr. Ku failed to maintain records as required, including a failure to prepare and keep any appointment records, and financial records for clients he treated from the period of late 2010 to July of 2012.

Additionally, it was revealed that Mr. Ku failed to advise the College of his practice locations or changes to his practice locations within 14 days as required by the College's By-Law No. 8.

Mr. Ku admitted to the allegations as alleged.

The Panel found the facts as agreed upon and Mr. Ku's guilty plea supported a finding in relation to the allegations of professional misconduct.

Decision of the Panel and Penalty and Cost Award Imposed

The Discipline Panel accepted the Joint Penalty Submission of the College and Mr. Ku and imposed the following penalty:

1. Having waived his right of appeal, Mr. Ku shall attend in person before the Panel to receive a public and recorded reprimand;

2. Mr. Ku's Certificate of Registration shall be suspended for a period of six (6) consecutive weeks to commence on May 12, 2014;
3. Mr. Ku shall successfully complete a Registrar approved Record Keeping course, at his own expense, prior to July 27, 2014;
4. Mr. Ku shall submit to an inspection of his practice, at his own expense, within approximately twelve (12) months of the date of his resumption of practice. The costs of the inspection shall not exceed \$500;
5. Mr. Ku shall contribute to the investigation and prosecution costs of the College in the amount of \$1,200, which must be paid by July 27, 2014; and
6. The Discipline Committee's decision shall be published in due course.

Panel's Reasons for Decision

The Panel noted that failing to maintain records as required and failing to advise the College of all his practice locations is concerning misconduct. Of particular concern, were the Registrant's poor practice habits as a recent graduate. In light of the facts of the case, the Panel felt the penalty imposed appropriately met the goals for penalty.

The panel stated the suspension imposed is warranted under these circumstances and is in keeping with similar prior decisions. In relation to the remediation imposed as part of the penalty, the Panel felt the course work would reinforce the expected professional standards and the importance of being self regulated. It was noted the inspection of his practice following the course work would help to ensure the implementation of change in his practice.

Costs was imposed as the Panel found the Registrant's conduct warranted an investigation and hearing and he should be required to reimburse a portion of the College's expenses in relation to the same.