



College of
Massage
Therapists of
Ontario

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Discipline Hearing Summary – Xiao Chu Xu, RMT (Toronto, ON) January 20, 2015

The Discipline hearing before a Panel of the Discipline Committee of the College of Massage Therapists of Ontario (CMTO) was held on January 20, 2015.

Allegations of Professional Misconduct

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

- Contravening a standard of practice of the profession or a published standard of CMTO;
- Falsifying a record;
- Signing or issuing a false document;
- 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. Xu has been an RMT with the College since August, 2010.

On November 23, 2012, an investigator for the College attended Ms. Xu's practice posing as a client and requesting Massage Therapy. The investigator received Massage Therapy from a woman who was not Ms. Xu. However, he received a receipt for this treatment in her name and containing her signature and RMT number.

On June 10 and 12, 2013, a College-appointed investigator met with Ms. Xu. During this meeting, Ms. Xu signed a statement admitting to several acts of professional misconduct. She admitted that over several years she had signed and stamped receipts at various health clinics for Massage Therapy sessions she did not herself provide. Ms. Xu provided a list of over five different clinics in the Toronto area. Through these clinics, Ms. Xu collected fees for signing and stamping receipts for Massage Therapy provided by non-RMT practitioners. She sometimes left blank, signed and stamped receipts at the clinics, and at other times, she attended the clinics and signed receipts as needed. Ms. Xu told the College investigator that she had earned approximately \$20,000 by issuing fabricated receipts.

Findings of the Panel, Penalty Order and Cost Award Imposed

Based on the Agreed Statement of Facts and the admissions by Ms. Xu, the Panel unanimously found that Ms. Xu engaged in the acts of professional misconduct as alleged.

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

1. Suspension of Ms. Xu's Certificate of Registration for six months, with the ability to reduce the suspension by two months if the registrant completes item 3 (below) within two months of this decision. Ms. Xu undertakes not to practise during the period of her suspension.
2. A public and recorded reprimand that Ms. Xu will attend in person.
3. Imposition of the following terms on Ms. Xu's Certificate of Registration:
 - a. Ms. Xu must enroll in and successfully complete a Registrar-approved Professionalism Course at her own expense, and provide satisfactory evidence of completion.
 - b. Ms. Xu must enroll in and successfully complete the College's online Standards and Regulation Workshop at her own expense, and provide satisfactory evidence of completion.
4. Inspections of Ms. Xu's practice within six months of her return to practice. This will be at her own expense. The costs of the inspection will not exceed \$500.
5. 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. Xu must contribute \$5,000 to CMTO's investigation and prosecution costs

Reasons for Decision

In this case, the Panel considered a number of important mitigating factors. Firstly, Ms. Xu took responsibility for her professional misconduct as set out in the Agreed Statement of Facts. Secondly, Ms. Xu showed remorse concerning her behaviour. Lastly, Ms. Xu cooperated with the College investigation.

It was noted by the Panel that Ms. Xu's conduct in signing and issuing false receipts and her failure to keep treatment notes for clients in multiple clinic settings, represents alarming misconduct that cuts to the core of Ms. Xu's professional obligations. The interests of the public are of paramount concern as well as those of Registered Massage Therapists generally, other health professionals and the insurance industry.

The Panel further noted that Ms. Xu's pattern of misconduct continued over a period of several years and for this reason, a lengthy suspension is warranted. The Panel stated that during her suspension, Ms. Xu's coursework will enable her to learn and reflect on the importance of meeting the standards required by a self-regulated health profession.

If Ms. Xu does decide to return to the profession, an inspection of her practice will ensure that the public will not be at risk and that Ms. Xu is following the expected Standard of Practice of her profession.

While her admission of misconduct did prevent a full contested hearing, the Panel finds that Ms. Xu's actions necessitated an investigation and subsequent discipline hearing. Therefore it is reasonable that she should contribute to the College's costs in the amount of \$2,000.

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