



College of
Massage
Therapists of
Ontario

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1867 Yonge Street, Suite 810, Toronto, ON M4S 1Y5 | www.cmta.com | cmta@cmta.com
Phone 416.489.2626 | Toll-free (Ontario) 800.465.1933

Discipline Hearing Summary – Zengyu Liu, RMT (Toronto, ON) October 23, 2014

The Discipline hearing before a Panel of the Discipline Committee of the College of Massage Therapists of Ontario (CMTO) was held on October 23, 2014.

Note: The decision of the Panel was reserved until April 20, 2015.

Allegations of Professional Misconduct

Mr. Zengyu Liu, a Registered Massage Therapist (RMT), was found to have engaged in the following allegations of professional misconducts:

- Being found guilty of an offence relevant to his suitability to practice;
- Contravening a federal, provincial, or territorial law, or a municipal by-law or rule of a hospital, relevant to his suitability to practice;
- Contravening a term, condition or limitation imposed on his Certificate of Registration;
- Inappropriately using a term, title or designation in respect of his practice;
- Contravening the *Massage Therapy Act, 1991*, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts by inappropriately using the title “doctor;”
- Engaging in graceful, dishonourable, or unprofessional conduct; and
- Engaging in conduct unbecoming a Registered Massage Therapist.

The Facts

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

In 2010, Mr. Liu contravened a City of Toronto By-Law, in relation to the condition of equipment used at his clinic where he practised as a Registered Massage Therapist.

On May 14, 2012, Mr. Liu pleaded guilty and was convicted of one count of the offence of “assault” contrary to the *Criminal Code*, for touching the breasts and genitalia of a co-op student during training sessions, without her consent. The co-op student at the time of the occurrence was completing a co-op course with Mr. Liu’s clinic.

A Panel of the Inquiries, Complaints and Reports Committee (ICRC) of the College referred five allegations of professional misconduct related to Mr. Liu’s conviction for assault as well as the contravention of the City of Toronto By-Law to the Discipline Committee.

The Panel of the ICRC also imposed an Interim Order setting out a number of requirements for Mr. Liu pending his Discipline Hearing. The terms of the Order included the following: requiring that Mr. Zhuang not engage in any professional encounter with a female client except in the presence of a Monitor; the

Monitor must maintain a log of all female client encounters; and Mr. Liu must post signs in his practice locations as notification of the terms of the Interim Order.

Subsequently, the College completed undercover investigations into Mr. Liu's clinics, which revealed that contrary to the terms of the Interim Order, Mr. Liu's Monitor was not present for the entirety of the treatments. In addition, there was no sign posted at one of Mr. Liu's clinics to notify clients of any of the requirements under the Interim Order.

The College retrieved Mr. Liu's treatment notes and records as well as the log maintained by the Monitor, and made inquiries to certain female clients to assess Mr. Liu's compliance with the Interim Order. At least one female client visit recorded in the clinical notes and records was not listed in the Monitor's log, and only three of the 12 clients interviewed said that a Monitor was present for their entire treatment.

Mr. Liu also acknowledged improperly using the titles "Dr.," "doctor," "MD (China)" and "Doctor of Chinese Medicine," on his treatment notes and business cards.

Mr. Liu admitted to the allegations as set out above.

Findings of the Panel, Penalty Order and Cost Award Imposed

On the basis of the Agreed Statement of Facts and Mr. Liu's guilty plea, the Panel found Mr. Liu guilty of the allegations of professional misconduct as alleged.

The Panel heard submissions from Counsel for the College and Counsel for Mr. Liu on the appropriate penalty, and imposed the following Penalty Order:

- Revocation of Mr. Liu's Certificate of Registration.

Cost Award

Mr. Liu was ordered to pay the College costs in the amount of \$5,000, representing a partial payment of the College's investigation and prosecutorial costs.

Reasons for Decision

The Panel concluded that revocation was fair, reasonable and in the public interest. It was consistent with the penalties imposed in other cases involving similarly serious conduct.

The Panel noted that Mr. Liu's pattern of professional misconduct over a lengthy period of time suggested that he was ungovernable and not suitable to remain a registrant.