

**EXECUTIVE SUMMARY – LYING TAN, RMT
DISCIPLINARY HEARING CONDUCTED
SEPTEMBER 29, 2011**

The Member, Lying Tan, RMT, was charged with:

1. Falsification of records relating to her practice;
2. Signing or issuing, in her professional capacity, a document that the Member knows to contain a false or misleading statement;
3. Failing to maintain records as required; and
4. Engaging in conduct or performing an act, in relation to practising the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

THE PLEA

The Member entered a guilty plea in respect of the allegations of professional misconduct.

THE FACTS

The evidence was presented by way of an Agreed Statement of Facts. Ms. Tan is a RMT. At the material time, she was the owner and operator of Body Mind Massage Clinic (the "Clinic") in Scarborough, Ontario. The College commenced a S. 75 Investigation into the Member's practice as a result of an anonymous tip.

In the subsequent College investigation, the investigator attended the Clinic after requesting a massage therapy appointment with a male therapist. The investigator was treated by a male and was provided with a receipt stamped with the Member's name and registration number. The investigator returned to collect the Member's records. Upon collection of the Member's receipts, appointment books and client health records, a records analysis revealed a number of deficiencies including:

- a. Entries in the appointment book that appeared to indicate that persons other than the Member should be paid an amount in respect of recorded massage therapy appointments, overlapping appointments and in excess of 12 appointments scheduled in one day;
- b. Dates out of order in the receipt book;
- c. All treatment notes identifying the Member as the therapist despite numerous appointments with overlapping times;
- d. All receipts having the Member's signature on them and stamped with her name and registration number;
- e. Undated health history;

- f. Missing treatment records for the dates recorded in the appointment books and vice versa; and
- g. Missing treatment records.

The Member acknowledged that she was guilty of professional misconduct in respect of the allegations.

FINDING OF GUILT

On the basis of the Member's guilty plea and its review of the Agreed Statement of Facts, the Panel of the Discipline Committee found the Member guilty of the allegations of professional misconduct.

THE SENTENCING HEARING

The Member and the College presented a Joint Submission on Penalty to the Discipline Panel. On these submissions, the Panel ordered as follows:

1. The Member's Certificate of Registration shall be suspended for a period of 6 months. 3 months of the Member's suspension shall be remitted in the event that the Member complies with the terms, conditions and limitations imposed on the Certificate of Registration, as provided below.
2. The following terms, conditions and limitations shall be imposed upon the Member's Certificate of Registration:
 - a. Within 6 months of the date of the hearing, the Member shall enroll in and successfully complete, at her own expense, the College's online record keeping course or a Registrar approved record keeping course and provide satisfactory evidence of completion of same;
 - b. Within 6 months of the date of the hearing, the Member shall enroll in and successfully complete, at her own expense, the College's professionalism workshop, and provide satisfactory evidence of the completion of same; and
 - c. The Member agrees that the College is entitled to contact the facilitators of the above listed courses, and request a report to the Registrar outlining the Member's participation in the courses which, if unsatisfactory, will constitute a breach of paragraphs (a) and (b) above.
3. The Member must submit to two inspections of her practice, at her own expense, within approximately 6 months and 1 year of completing terms 2 (a) and (b) above. The cost of each inspection shall not exceed \$500;
4. The Member will contribute to the investigation and prosecution costs of the College in the amount of \$1,000;
5. A public and recorded reprimand;
6. Publication of the Panel's decision in the usual course.

EDITORIAL NOTE

In its reasons for accepting the Joint Submission, the Panel noted that these were serious charges. Falsification of records and failing to maintain client records is not behaviour that the College will tolerate. The Panel viewed the penalty proposed as reasonable in that the length of the suspension should provide adequate deterrence to the Member and other members of the profession that this type of behaviour will be viewed as a serious breach of professional conduct.

The suspension and future inspection of the Member's practice should convey to the members and the public that the offences of this nature will be prosecuted vigorously.