

**EXECUTIVE SUMMARY –WINNIE WONG, RMT
DISCIPLINARY HEARING CONDUCTED
OCTOBER 26, 2011**

The Member, Winnie Wong, RMT, was charged with ten counts of professional misconduct:

1. falsifying a record relating to the Member's practice;
2. signing or issuing, in the Member's professional capacity, a document that she knew contained false or misleading statements;
3. failing to keep records as required;
4. contravening a standard of practice of the profession or a published standard of the College, or failing to maintain the standard of practice of the profession;
5. failing to take reasonable steps to ensure that any information provided by or on behalf of the member to the College is accurate;
6. submitting an account or charge for services that the member knows is false or misleading;
7. falsifying records relating to the Member's practice; and engaging in disgraceful, dishonourable or unprofessional conduct;
8. failing to post, in a location within the practice premises that is readily available to members of the public, the fees for professional services provided by the member;
9. failing to advise, in advance of services being rendered, of the fees proposed to be charged for the services to be rendered; and
10. engaging in conduct or performing an act, in the course of practising the profession that, having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

THE PLEA

The Member entered a guilty plea to Allegations No. 1, 2, 3, 5, 6, 7, 8, 9, and 10. The College rescinded Allegation No. 4.

THE FACTS

The facts were established by an Agreed Statement of Facts presented by the College and the Member. The Member has been an RMT since October 2006. Her principal place of business is Naturopathic Foundations Health Clinic in Markham. The Member was responsible for the maintenance, safeguard and issuance of receipts bearing her name, signature and RMT number.

The Member left pre-signed receipts at clinics at which she was employed, with the intention and knowledge that other employees would complete and issue the receipts to clients. This resulted in

clients being issued receipts for treatments by individuals other than the Member with the Member's RMT number and signature.

Some clients had to pay a surcharge for fraudulent receipts that they could submit to their insurer, despite there being no difference in the massage treatment they received. This surcharge was not properly posted or made clear to clients prior to their treatments. To support the fraudulent receipts, the Member created a fictitious client record and provided it to College Investigators.

The Member allowed persons other than her clients to fill out client forms. She failed to keep records for all clients and failed to complete a significant number of client records contemporaneously with the corresponding treatment.

Finally, despite being advised by a client that she was experiencing problems with her hand and would like treatment in that area, the Member failed to provide such treatment and failed to sufficiently explain her treatment plan to the client and confirm that the treatment plan addressed the client's concern.

FINDING OF GUILT

The Panel unanimously found that the facts supported the guilty plea and therefore found the Member guilty of the allegations of professional misconduct.

THE SENTENCING HEARING

The parties made a partial joint submission with respect to penalty, but submissions were made in relation to the length of suspension to be served by the Member.

The Panel directed that:

1. The member's Certificate of Registration shall be suspended for a period of nine (9) months however, such suspension shall be remitted for a period of two (2) months if the Member complies with the terms, conditions, and limitations imposed on her Certificate of registration below.
2. The following terms, conditions and limitations shall be imposed on the Member's certificate of registration:
 - a. Within seven (7) months of the date of the Hearing, Ms. Wong 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 shall provide satisfactory evidence of the same;
 - b. Within seven (7) months of the date of the Hearing, Ms. Wong shall enroll in and successfully complete, at her own expense, the College's Professionalism workshop and shall provide satisfactory evidence of the same;
 - 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 Terms (a) and (b) above;

- d. The Member shall submit to one inspection of her practice, at her own expense, within approximately six (6) months of her return to practice following the completion of her suspension. The cost of the inspection shall not exceed \$500;
 - e. The Member shall pay costs in the amount of \$2,000 with equal payments over a period of (24) twenty-four months.
3. The Member is to appear before a panel of the Discipline Committee to receive a public and recorded reprimand; and
4. Publication of the results of the Hearing, in the usual course.

In its reasons for penalty, the Panel explained that the decision was aimed at ensuring the public's safety and providing significant retraining for the Member. The Panel found the Member to have been most unprofessional. She recklessly allowed other employees at clinics where she was employed to use her pre-signed receipts despite the fact that they were not RMTs.

The courses will serve to rehabilitate the Member and offer her some professional growth as she works towards re-entering the profession. To ensure that the Member follows the Standards of Practice, her practice will undergo one inspection, which will ensure the public is protected and further emphasize her professional responsibilities.

The Panel noted that the Member's unprofessional treatment is ultimately tied to public and insurer trust. Others were able to use her receipts and thus pose a public danger. The Member also produced false records, which hindered the investigation. By failing to keep accurate records, the Member failed to meet College standards. The frequency of infractions by leaving pre-signed receipts freely available over a period of time is a very serious act.

The Panel finally noted that the Member's actions necessitated an investigation and subsequent Discipline Hearing. These are costly proceedings and it was important that the Member contribute to the costs in the amount of \$2,000.