

Discipline Hearing Summary

Hongxing Xiao (Mississauga, ON)

July 20, 2022

Decision

On July 20, 2022, the Discipline Committee held a hearing for Hongxing Xiao, where two separate matters were considered.

The Discipline Committee made several findings of professional misconduct after Mr. Xiao admitted to issuing or allowing other people to issue receipts in his name for massages that he did not provide. He also routinely failed to write treatment notes for clients, failed to record client appointments, and failed to complete health history forms and consent forms. Mr. Xiao also admitted to breaching client confidentiality by sending client contact information and health insurance information to another RMT without the clients' permission.

Finally, Mr. Xiao admitted that he operated a clinic that offered sexual services. This evidence came from exchanges Mr. Xiao had with an unknown individual and with an undercover investigator from an insurance company, both of whom had requested sexual services and Mr. Xiao confirmed they could receive them at the clinic.

In the first matter, Discipline Committee found that Mr. Xiao:

1. allowed someone to examine a client health record or gave information from a client health record to someone in a way that was against the law;
2. contravened a Standard of Practice of the profession or a published Standard of the College, or failed to maintain the Standard of Practice of the profession, in particular, *Communication/Public Health Standard 6: Obtain, Update and Record the Client's Health History* and/or *Communication/Public Health Standard 14: Client Health Record*;
3. failed to keep records as required;
4. falsified a record relating to his practice;
5. signed or issued, in his professional capacity, a document that he knew contained a false or misleading statement;

6. submitted an account or charge for services that he knew was false or misleading; and
7. engaged in conduct relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by registrants as disgraceful, dishonourable or unprofessional.

In the second matter, the Discipline Committee found that Mr. Xiao:

1. contravened a Standard of Practice of the profession or a published Standard of the College, or failed to maintain the Standard of Practice of the profession, in particular, *Communication/Public Health Standard 6: Obtain, Update and Record the Client's Health History* and/or *Communication/Public Health Standard 14: Client Health Record*;
2. falsified a record relating to his practice;
3. signed or issued, in his professional capacity, a document that he knew contained a false or misleading statement;
4. submitted an account or charge for services that he knew was false or misleading; and
5. engaged in conduct relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by registrants as disgraceful, dishonourable or unprofessional.

Penalty Order and Costs Award

The Discipline Committee issued the following order:

1. Mr. Xiao must appear before a panel of the Discipline Committee after the hearing to be reprimanded, with the fact of the reprimand and the text of the reprimand to appear on the College's Public Register.
2. The Registrar is directed to suspend Mr. Xiao's Certificate of Registration for nine (9) months, beginning on July 20, 2022.
3. The Registrar is directed to impose the following terms, conditions or limitations on Mr. Xiao's Certificate of Registration:
 - a) Mr. Xiao must successfully complete the College's Standards and Regulations Workshop, at his own expense, within six (6) months of the date of this order;
 - b) Mr. Xiao must successfully complete the College's Record-Keeping e-Workshop, at his own expense, within six (6) months of the date of the order;

- c) Mr. Xiao must participate in up to three (3) compliance audits conducted by a College-appointed auditor, with the cost of each audit not exceeding \$500.00. These should be completed at his own expense and within two (2) years of his return to practice.
4. Mr. Xiao must pay the College \$3,475.00 in costs, in eleven (11) monthly installments of \$289.00 and one (1) final instalment of \$296.00, with the first payment starting one (1) month from the date of the order.

The complete Decision and Reasons will be available on the [Canadian Legal Information Institute \(CanLII\)](#) website.

Reprimand Delivered to Mr. Xiao

The following reprimand was delivered by a panel of the Discipline Committee:

The panel would like to acknowledge your cooperation in arriving at an Agreed Statement of Facts and a joint submission on penalty, which assisted in the process and lessened the burden of time and resources upon the College and the profession.

We also appreciate your presence here today. Having said that, the panel finds that your conduct was unacceptable for a Registered Massage Therapist, especially offering sexual services, which the panel finds highly disgraceful, dishonourable and unprofessional. It is extremely important that members of the profession remain accountable to their regulatory body.

The panel encourages you to reflect on this and recommit yourself to upholding your professional responsibilities. The panel also wishes to remind you that a suspension is an opportunity for you to refocus, learn, and recommit yourself to fulfilling these professional obligations. Actions such as yours undermine the College's ability to regulate in the public interest. This can in turn erode the public's trust and confidence in the profession. It is our expectation that you will have learned from this process and that you will take that into your future practice.