



College of  
Massage  
Therapists of  
Ontario

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## Discipline Hearing Summary

**Xin Feng (North York, ON)**

**November 4, 2022**

### Decision

On November 4, 2022, the Discipline Committee found that Ms. Feng engaged in the following acts of professional misconduct:

1. contravened 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, in particular the:
  - a) Standard for *Maintaining Professional Boundaries and Preventing Sexual Abuse*;
  - b) *Communication/Public Health Standard 4: Interview the Client to Obtain His/Her Treatment Goals*;
  - c) *Communication/Public Health Standard 6: Obtain, Update and Record the Client's Health History*;
  - d) *Communication/Public Health Standard 7: Consent*; and
  - e) *Communication/Public Health Standard 14: Client Health Record*.
2. failed to keep records as required;
3. falsified a record relating to her practice;
4. signed or issued, in her professional capacity, a document that she knew contained a false or misleading statement; and
5. engaged in conduct or performed an act 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.

Ms. Feng admitted to issuing false receipts for Massage Therapy services when she had provided a manicure and pedicure to an insurance company's undercover investigator. Ms. Feng then submitted falsified treatment notes in relation to that appointment to the insurance company.

Additionally, Ms. Feng admitted to other acts of misconduct that showed broader practice issues. These included a failure to complete the following steps before beginning treatments:

- a) obtaining and reviewing health histories from clients;
- b) obtaining treatment goals from clients;
- c) assessing clients; and
- d) obtaining informed consent from clients, including written consent for treatment of sensitive areas.

Finally, Ms. Feng did not complete treatment records within 24 hours of treatment or ensure that those records were accurate.

### **Penalty Order and Cost Award**

The Discipline Committee's order included the following:

1. Ms. Feng must appear before a panel of the Discipline Committee immediately following the hearing of this matter 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 Ms. Feng's Certificate of Registration for four (4) months, to begin on November 4, 2022.
3. The Registrar is directed to impose the following terms, conditions or limitations on Ms. Feng's Certificate of Registration:
  - a) Ms. Feng must provide proof, acceptable to the Registrar, of successful completion (unconditional pass) of an individualized ethics course with a course provider, approved by the College, within six (6) months of November 4, 2022;
  - b) Ms. Feng must provide proof, acceptable to the Registrar, of successful completion of the College's Record Keeping E-Workshop within six (6) months of November 4, 2022; and
  - c) One (1) compliance audit, not exceeding \$500.00, within one (1) year of her return to practice following the suspension in paragraph two (2) above.
4. Ms. Feng must pay the College costs in the amount of \$3,475.00 within one (1) month of November 4, 2022.

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

## **Reprimand Delivered to Ms. Feng**

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

Ms. Feng, 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 completely unacceptable for a Registered Massage Therapist and a regulated health professional. Massage Therapists are expected to maintain a commitment to follow the principles outlined in the Code of Ethics and maintain the Standards of Practice for the profession. The panel would like to remind you that being a Registered Massage Therapist and a member of this profession is a privilege and not a right. Actions such as yours undermine the public's confidence in this profession and are not and will not be tolerated by the College. It is our expectation that you will have learned from this process and that you will take that into your future practice.