

## Discipline Summary

### Xingwu Li (Oakville, ON)

### October 2, 2024

#### Decision

On October 2, 2024, the Discipline Committee found that Mr. Li engaged in professional misconduct after he admitted to:

1. 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, in particular, the *Guide to Record Keeping Requirements*, and the *Standard of Practice: Consent, and Draping and Physical Privacy*; and
2. doing anything to a client for a therapeutic or other health-related purpose without consent, where consent was required by law;
3. physically abusing a client;
4. failing to keep records as required; and
5. engaging in conduct or performing 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.

Mr. Li provided Massage Therapy treatment to a client and agreed that during that treatment, he grabbed and squeezed the client's buttocks over the draping without obtaining informed consent and written consent from the client, as required by the College's Standards. He also lifted the draping while the client was turning on the massage table in a way that left the client feeling exposed. Mr. Li also treated the client's legs even though the client had asked not to have her legs treated during their discussion of the treatment plan.

In terms of record keeping, Mr. Li did not obtain updated health history information from the client and did not record information on her health record about an injury the client had at the time of treatment.

## Penalty and Costs Award

The Discipline Committee's order included the following:

1. Mr. Li is required to appear before a panel of the Discipline Committee 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 public register of the College;
2. The Registrar is directed to suspend Mr. Li's Certificate of Registration for one month starting on October 2, 2024;
3. The Registrar is directed to impose the following specified terms, conditions or limitations on Mr. Li's Certificate of Registration, all of which are to be completed at Mr. Li's own expense:
  - a) A review of the College's *Client-centered Care, Communication, Consent, Draping and Physical Privacy, Professional Boundaries, and Record Keeping Standards*, and confirmation of this review to the Registrar, in writing, before returning to practice;
  - b) Successful completion of an individualized ethics and boundaries course within four months of October 2, 2024;
  - c) Successful completion of a record keeping course within four months of October 2, 2024; and
  - d) Completion of a 500-word reflective essay, to the Registrar's satisfaction, indicating lessons learned from the coursework set out in paragraphs 3(b) and (c) above, and how Mr. Li intends to implement those lessons in his practice, within 30 days of completing the coursework.
4. Mr. Li must pay the College costs of \$5,852 in 12 monthly installments, with the first payment due within 30 days of October 2, 2024, and then monthly thereafter, as follows:
  - a) Payments #1-11 in the amount of \$487.66; and
  - b) Payment #12 in the amount of \$487.74.

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

## **Reprimand Delivered to Mr. Li**

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

Mr. Li, the Panel appreciates your cooperation with the College in arriving at a joint resolution of this matter. Doing this helps streamline the process and decreases the burden on the College by avoiding a contested hearing.

However, we are disappointed in your actions which led to this discipline process. As a Registered Massage Therapist, you should be aware of and diligently follow the Standards the College sets in treating your clients.

Your failure to follow the College's Consent, Draping and Record Keeping standards and the client's own wishes, which was a violation of the client's physical integrity, does not reflect well on you. Your conduct fell short of what the College and the public expects of the profession.

We expect that after completion of the courses we have ordered you to take, you will return to your practice with a higher degree of professionalism. We do not wish to see you before this Discipline Committee again.