

**DISCIPLINE COMMITTEE OF THE
COLLEGE OF TRADITIONAL CHINESE MEDICINE PRACTITIONERS AND
ACUPUNCTURISTS OF ONTARIO**

IN THE MATTER OF

*the Regulated Health Professions Act, 1991, S.O. 1991, c.
18, and the Traditional Chinese Medicine Act, S.O. 2006,
c.27*

Decision Date: **July 14, 2020**

Indexed as: **Ontario (College of Traditional Chinese Medicine
Practitioners & Acupuncturists of Ontario) v Li, 2020
ONCTCMPO 10**

Panel:	Deborah Sinnatamby	Chairperson, Public Member
	Pixing Zhang	Public Member
	Richard Dong	Professional Member

BETWEEN:

**THE COLLEGE OF TRADITIONAL
CHINESE MEDICINE PRACTITIONERS
AND ACUPUNCTURISTS OF ONTARIO**

-and-

YANG CI LI
Reg. No. 2687.

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(Kelly Hayden for the College
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(The Member, Yang Ci Li,
(Self-Represented
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(Aaron Dantowitz
(Independent Legal Counsel
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	Date of Hearing: July 14, 2020

DECISION AND REASONS FOR DECISION

[1] This matter came on for hearing before a panel of the Discipline Committee (the “Panel”) on July 14, 2020 at the College of Traditional Chinese Medicine Practitioners and Acupuncturists (the “College”).

Publication Ban

[2] In the course of the hearing, the College requested a ban on the publication of the identities of any patients or clients referred to at this hearing, or any information that could identify such patients or clients. The Member did not oppose this request. The panel was satisfied that the criteria under s. 45(3) of the Health Professions Procedural Code were met, and therefore made the order requested.

The Allegations

[3] The allegations set out in Statement of Specified Allegations appended to the Notice of Hearing dated March 4, 2020 are as follows:

1. Mr. Yang Ci Li (the “Member”) is an R. Ac who practices at Tuina Toronto at 116 Dundas Street West in Toronto, Ontario (the “Clinic”). From 2014-2019, the Member provided services to clients which included acupuncture, massage therapy, Tuina, cupping and moxibustion.
2. From 2014-2018, the Member issued insurance receipts to clients which he knew or ought to have known were false and misleading. The receipts did not accurately reflect the services provided by Mr. Li. The receipts contained false and misleading information regarding, among other things, the date of treatment, the type of treatment, the length of treatment and the amount charged for the treatment. The receipts were submitted to Green Shield Canada (“GSC”).
3. From 2014-2018, the Member issued payment receipts to clients which he knew or ought to have known were false and misleading. The receipts did not accurately reflect the method of payment made to Mr. Li. The receipts were submitted to GSC.
4. In 2018, in response to a request from GSC for client files, Mr. Li created treatment notes for past treatments which did not previously exist and provided those to GSC. The treatment notes are falsified. Among other inaccuracies, they purport to be authored on the same day as treatment was provided. The treatment notes were submitted to GSC.
5. In response to a request from GSC for client files, Mr. Li forged the signature of various clients by copying it from one document onto an insurance consent form. The insurance consent forms were falsified and submitted to GSC.
6. It is alleged that this conduct constitutes professional misconduct pursuant to s. 51(1)(c) of the Health Procedural Code, being schedule 2 to the *Regulated Health Professions Act*, 1991, c-18 in that, Mr. Li:

- (a) Submitted an account or charge for services that the member knew or ought to have known was false or misleading, contrary to Sections 1(19) of *Ontario Regulation* 318/12.
- (b) Signed or issued, in his professional capacity, documents that the member knew or ought to have known contained a false or misleading statement contrary to section 1(26) of *Ontario Regulation* 318/12.
- (c) Falsified a record relating to the member's practice, contrary to Section 1(27) of *Ontario Regulation* 318/12.
- (d) 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 the profession as disgraceful, dishonourable or unprofessional contrary to section 1(48) of *Ontario Regulation* 318/12.
- (e) Engaged in conduct that would reasonably be regarded by the profession as conduct unbecoming a practitioner of traditional Chinese medicine or acupuncture contrary to section 1(49) of *Ontario Regulation* 318/12.

Member's Position

[4] The Member admitted the allegations in the Notice of Hearing. The panel conducted a plea inquiry and was satisfied that the Member's admissions were voluntary, informed and unequivocal.

The Evidence

[5] The evidence was tendered by way of an Agreed Statement of Facts. The Agreed Statement of Facts is reproduced below, without the attachments referred to in the Agreed Statement of Facts.

Background

1. Yang Ci Li ("Mr. Li" or the "Member") became a member of the Grandparent class of the College on October 30, 2013. His Registration Number is 2687. Mr. Li is also a member of the College of Massage Therapists of Ontario ("CMTO"). His primary practice location is Tuina Toronto at 116 Dundas Street West in Toronto, Ontario (the "Clinic").
2. On March 3, 2020, the Inquiries, Complaints and Reports Committee ("ICRC") of the College of Traditional Medicine Practitioners and Acupuncturists of Ontario (the "College") referred Mr. Li to the Discipline Committee on the basis that he breached the *Regulated Health Professions Act* S.O. 1991, c.18 (the "*RHPA*") and the *Traditional Chinese Medicine Act*, 2006 S.O. 2006, c.27 (the "*TCMA*").
3. This matter came to the College's attention by way of a letter of concern from GSC dated April 25, 2018 regarding Mr. Li. In their letter, GSC expressed concern that Mr. Li provided receipts to insured persons for services not rendered, which were then submitted to GSC. GSC initially became concerned when it received a claim for 16 services from one plan member which contained multiple debit/credit account numbers.

4. GSC conducted its own investigation prior to contacting the College and obtained information from an informant who suggested that Mr. Li was engaged in a scheme whereby Mr. Li would issue receipts for services never rendered in order to maximize the plan member's reimbursement through his or her benefit plan. A copy of the letter is attached at **Tab 1**. The scheme was described as follows:

A plan member receives an acupuncture service from Mr. Li for \$60.00; however, his/her benefit plan covers \$30.00 per visit. In order for the plan member to be reimbursed the full \$60.00, Mr. Li has the plan member pay him in cash; and in turn, Mr. Li creates two (2) receipts for two (2) service dates despite only one (1) service being actually rendered. The receipts are then accompanied by two (2) falsified debit/credit card slips totaling \$60.00 to support the transactions. Mr. Li then submits the claims to GSC on behalf of the plan member for the full \$60.00 (as opposed to \$30.00 for the single service) and resultantly receives his/her services for "free" as advertised

5. GSC requested treatment notes from Mr. Li as part of its investigation. In response to this request, Mr. Li creates treatment notes which did not previously exist and submitted them to GSC.
6. GSC informed the College that its investigator had interviewed Mr. Li, who admitted to having fabricated payment receipts and to copying and pasting plan member signatures from GSC consent forms onto his own informed consent forms. However, Mr. Li maintained during the interview that he provided all the services submitted to GSC for reimbursement.
7. In light of its concerns, on May 18, 2018, the College (together with CMTO), appointed Barker Hutchinson as investigator under section 75(1)(a) of the *Code*.
8. Mr. Hutchinson attended the Clinic as part of the investigation and reviewed a sample of Mr. Li's clinic records. In many cases, there were no treatment notes. Mr. Li admitted that he did not write treatment notes or retain a copy of handwritten receipts in his file. Mr. Li attempted to conceal a number of receipts during the visit. The investigator observed blank receipts that were signed and a number of other irregularities concerning treatment receipts.
9. Three clients of Mr. Li were also interviewed. One of these clients [Client A] claimed that he only ever received massage therapy from Mr. Li, however his file indicates he was treated with acupuncture on 33 occasions. [Client A] also stated that he only received treatment every two weeks, however his file indicates he was treated several times per week on several occasions. Accordingly, the treatment records did not accurately reflect the dates on which services were rendered.
10. On March 3, 2020, as a result of a separate Registrar's Investigation, the ICRC decided to issue an oral caution to and a Specified Continuing Education and Remediation Program for concerns surrounding the use of expired acupuncture needles and record keeping concerns.

The Member's Conduct

Falsification of Receipts

11. From the date of proclamation until GSC's investigation began in January 2018, Mr. Li issued insurance receipts and debit/credit card slips which did not accurately reflect the services rendered by Mr. Li. In order to maximize the claimant's reimbursement through his or her benefit plan, Mr. Li issued additional receipts which broke up the session into multiple purportedly shorter sessions. For example, a client received a 60-minute acupuncture service for \$60.00, which was paid for in cash. However, the client's insurance plan only covered \$30.00 per visit. Accordingly, in order for the client to be reimbursed for the full \$60.00, Mr. Li would issue two receipts and two debit/credit card slips for two services dates (30 minutes and \$30.00 each) despite only one service of 60 minutes having been rendered on one date. These insurance receipts and debit/credit card slips did not accurately reflect the date of treatment, the type of treatment, the length of treatment and the amount charged for the treatment.
12. In addition, Mr. Li issued receipts to clients for services which did not accurately reflect the method of payment. He issued debit/credit receipts to clients who paid in cash. He did this approximately once a week beginning in 2015 with GSC, to avoid the 3% fees for card payments. Mr. Li stopped this behaviour once GSC began their investigation in January 2018. Mr. Li's clients were required to provide proof of payment, such as a debit or credit card receipt, because GSC had noted irregular claim patterns from his clients' submissions.
13. Mr. Li engaged in this behaviour many times in his practice, essentially any time it benefitted his clients in terms of their insurance coverage. Given the various documentation issues (for example, receipt dates not corresponding to treatment dates, or treatment notes not corresponding to the appointment book), it is not possible to determine precisely what treatment was rendered, for which dates and what the cost was. The quality of Mr. Li's record-keeping makes it impossible to determine specifically how many times this behaviour occurred, however based on the records reviewed it occurred multiple times with each client who had limitations on their insurance coverage. A copy of Mr. Hutchinson's summary of Mr. Li's client files is attached at **Tab 2**. A summary of evidence produced by GSC is attached at **Tab 3**.
14. Mr. Li reimbursed GSC \$890 per month for 24 months from March 1, 2018 until February 1, 2020, reflecting the value of claims submitted to GSC that included debit/credit receipts when clients actually paid cash (a total of \$21,360).

Falsification of Treatment Records

15. From the date of proclamation until 2018, Mr. Li did not prepare treatment notes for each client or follow the record-keeping guideline. When GSC requested his treatment notes in January 2018, he created treatment notes for the services he provided. Specifically, Mr. Li added in treatment notes for the "clinical finding", "client reaction" and "recommended self-care" sections.
16. Mr. Li did not advise GSC that the treatment notes were written in response to its request, and did not date the notes on the date they were written. Instead, Mr. Li dates the treatment notes on the date the treatment was provided. Mr. Li submitted these falsified records to GSC.

Forgery of Signatures

17. Mr. Li did not ensure that each of his clients signed a consent to release of information to third parties. When GSC requested his treatment notes in January 2018, he forged some of his client signatures by copying and pasting the signatures from elsewhere on the client records onto the consent forms. Mr. Li submitted these falsified records to GSC.

Admissions to Allegations

18. With respect to the allegations set out in the Notice of Hearing dated March 3, 2020, Mr. Li acknowledges and pleads that based on the facts set out above he has engaged in professional misconduct as follows:
- (a) Submitted an account or charge for services that he knew or ought to have known was false or misleading, contrary to Section 1(19) of *Ontario Regulation 318/12*.
 - (b) Signing or issuing, in his professional capacity, a document that he knew or ought to have known contained a false or misleading statement, contrary to Section 1(26) of *Ontario Regulation 318/12*.
 - (c) Falsified a record relating to his practice, contrary to Section 1(27) of *Ontario Regulation 318/12*.
 - (d) 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 the profession as disgraceful, dishonourable or unprofessional, contrary to Section 1(48) of *Ontario Regulation 318/12*.
 - (e) Engaging in conduct that would reasonably be regarded by the profession as conduct unbecoming a practitioner of traditional Chinese medicine or acupuncture contrary to section 1(49) of *Ontario Regulation 318/12*.

Decision of the Panel

[6] After considering the Agreed Statement of Facts and the submissions of the parties, the Panel made findings of professional misconduct as alleged in the Notice of Hearing and as admitted in paragraph 18(a)-(e) of the Agreed Statement of Facts.

Reasons for Decision

[7] Given that this is an uncontested hearing and the Member Mr. Li and the CTCMPAO have provided an Agreed Statement of Facts and Admission, the Panel is in agreement that the facts as admitted fit each of the categories of professional misconduct that Mr. Li has admitted to.

Penalty and Costs Submissions

[8] The Member and the College agreed on a joint submission on penalty and costs. The Joint Submission was signed by the Member on June 25, 2020 and is reproduced below:

1. Mr. Li will attend before the Discipline Committee for a public and recorded reprimand;
2. Mr. Li's certificate of Registration will be suspended for a period of seven (7) months commencing 30 days from the date of the Order of the Discipline Committee;
3. The Registrar will impose the following terms, conditions and limitations on the Member's certificate of registration;
 - (a) Requiring that the Member successfully complete a course in professional ethics, at his own expense, within six (6) months of the date of the Order of the Discipline Committee;
 - (b) Requiring that the Member participate in a College Assessment focussing on ethical and billing issues, at his own expense, within six (6) months of resuming his practice following the suspension set out in paragraph 1 above. The cost of the assessment shall not exceed \$600.00.
4. Mr. Li must successfully fulfill the requirements in paragraph 3 (a) and (b) prior to the conclusion of the suspension of his certificate of registration, failing which his certificate of registration will continue to be suspended until such time as those requirements are fulfilled.
5. Mr. Li shall pay the College costs in the amount of \$7,500 to be paid within five (5) months of the date of the Order of the Discipline Committee.

Penalty and Costs Decision

[9] After considering the Joint Submission and the submissions of the parties, the Panel decided to accept the Joint Submission, and therefore made an order in the terms of the Joint Submission.

Reasons for Penalty and Costs Decision

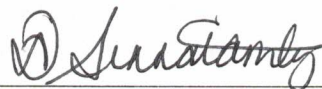
[10] The panel agrees to the terms outlined in the Joint Submission On Penalty. We view the Certificate of Registration's suspension of 7 months to be fair and reasonable. We understand this is a strong suspension, given that Mr. Li is not able to practice his trade and earn an income for 7 months. The parameters to reinstate the certificate of registration, requiring that Mr. Li complete courses in professional ethics and participation in the College's assessment on ethical and business issues, are also reasonable and sufficient.

[11] The panel also agrees the requirement to pay the College costs, of \$7500 is reasonable and fair, given that this case is uncontested with an Agreed Statement of Facts and that Mr. Li was cooperative through the investigation.

I, Deborah Sinnatamby, sign this decision as chairperson of the Panel and on behalf of the Panel members listed below.

Date: July 30, 2020

Signed: _____



Deborah Sinnatamby, Chair
Pixing Zhang
Richard Dong