

# Najia Xu, RMT

**Location:**

Burnaby, BC

**Date of Action:**

January 3, 2023

**Nature of Action:** The registrant, Najia Xu, voluntarily entered into an undertaking and consent agreement with the Inquiry Committee of the College.

As part of the agreement, the registrant agreed to the following terms:

1. a suspension of her registration with the College for a period of 5 days;
2. a formal reprimand;
3. undertakings not to repeat the conduct;
4. a permanent condition on her practice of massage therapy, namely that she cannot have a cellular phone present in any treatment room in which she provides massage therapy (she may have other electronic recording devices in the treatment room, but will comply with section 11 of the College's Practice Environment Standard of Practice with respect to her use of electronic recording devices other than her cellular phone);
5. completion of extensive remedial education including coursework on professional ethics, the practice environment standard of practice, and one-on-one instruction with a College Practice Advisor (who is also an RMT);
6. payment of a fine in the amount of \$1,000.00; and
7. payment of a portion of the costs of the investigation in the amount of \$1,500.00.

**Reasons:** The undertaking and consent agreement relates to a complaint from a patient on November 7, 2021.

As part of the undertaking and consent agreement, Ms. Xu admitted that during three treatments with the patient between June and October 2021, she:

- used her cellular phone to check the time approximately three times per treatment.

Ms. Xu also admitted that during a treatment with the patient in November 2021, she:

- massaged the patient with one hand only for a period of time while she used her other hand to hold and use her cellular phone without the patient's knowledge;
- used her cellular phone three times during the treatment to check the time; and
- unlocked her cellular phone by tapping in the password and read a text message that she had received.

Ms. Xu also admitted that with respect to one treatment of a CMTBC undercover investigator who posed as a patient in February 2022:

- she massaged the investigator with one hand only for a period of time, while using her other hand to hold and use her cellular phone without the investigator's knowledge;
- at one point during the appointment, Ms. Xu sent a text message to notify the front desk that there was no music in the treatment room; and
- the investigator's camera captured Ms. Xu using her cellular phone three times for between 30 seconds and five minutes.

Ms. Xu acknowledged that by engaging in the conduct described above, she violated section 75(1) of the College's Bylaws; sections 1 and 3 of the College's Code of Ethics; and subsection 11(d) of the College's Practice Environment Standard of Practice.

The Inquiry Committee considered Ms. Xu's admitted conduct to be serious, involving numerous breaches of professional requirements, and noted that by using her cellular phone during patient treatments she did not treat those patients with respect or act in their best interests.

The Inquiry Committee is satisfied that the terms of the undertaking and consent agreement will protect the public interest.