

**DISCIPLINE COMMITTEE OF
THE COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO**

BETWEEN:

COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO

- and -

FENG LUO, Registration Number 11753

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Physiotherapists of Ontario has referred specified allegations against Feng Luo to the Discipline Committee of the College. The allegations were referred in accordance with paragraph 26(1)1 of the *Health Professions Procedural Code*. The statement of allegations is attached to this notice of hearing. A discipline panel will hold a hearing under the authority of sections 38 to 56 of the *Health Professions Procedural Code*, as amended, for the purposes of deciding whether the allegations are true. A **pre-hearing conference** may be held at the offices of the College of Physiotherapists of Ontario at 375 University Avenue, Suite 800, Toronto, Ontario, at a date and time to be fixed by the Registrar. A discipline panel will subsequently convene at the offices of the College of Physiotherapists of Ontario at 375 University Avenue, Suite 800, Toronto, Ontario, on a date and time to be fixed by the Registrar but no later than June 11, 2020 for the purposes of conducting the hearing.

IF YOU DO NOT ATTEND AT THE HEARING IN ACCORDANCE WITH THE PRECEDING PARAGRAPH, THE DISCIPLINE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

If the discipline panel finds that you have engaged in professional misconduct, it may make one or more of the following orders:

1. Direct the Registrar to revoke the member's certificate of registration.
2. Direct the Registrar to suspend the member's certificate of registration for a specified period of time.
3. Direct the Registrar to impose specified terms, conditions and limitations on the member's certificate of registration for a specified or indefinite period of time.
4. Require the member to appear before the panel to be reprimanded.
5. Require the member to pay a fine of not more than \$35,000 to the Minister of Finance.

The discipline panel may, in an appropriate case, make an order requiring you to pay all or part of the College's costs and expenses pursuant to section 53.1 of the *Health Professions Procedural Code*.

You are entitled to disclosure of the evidence against you in accordance with section 42(1) of the *Health Professions Procedural Code*, as amended. You, or your representative, may contact the solicitor for the College, Joanna Birenbaum, in this matter at:

Ursel Phillips Fellows Hopkinson LLP
555 Richmond St. West, Suite 1200
Toronto, ON M5V 3B1

Telephone: (416) 968-3333
Facsimile: (416) 968-0325
Email: jbirenbaum@upfhlaw.ca

You must also make disclosure in accordance with section 42.1 of the *Health Professions Procedural Code*, which states as follows:

Evidence of an expert led by a person other than the College is not admissible unless the person gives the College, at least ten days before the hearing, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence.

Date: December 11, 2019



Rod Hamilton
Registrar
College of Physiotherapists of Ontario

TO: Feng Luo

Statement of Allegations

1. At all material times Feng Luo was a registered Registrant of the College of Physiotherapists of Ontario.

2. Between December 1, 2009 and December 11, 2019, Mr. Luo engaged in professional misconduct within the meaning of the following paragraphs of section 1 of the *Professional Misconduct Regulation, O. Reg. 388/08*:
 - a. paragraph 1 (failing to maintain the standards of practice of the profession);
 - b. paragraph 18 (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 members as disgraceful, dishonourable or unprofessional).
 - c. paragraph 21 (representing qualifications in a manner that is false, misleading or deceptive).
 - d. paragraph 26 (failing to keep records in accordance with the standards of practice of the profession).
 - e. paragraph 28 (signing or issuing a document containing a statement that the member knows or ought to know contains a false or misleading statement).
 - f. paragraph 32 (submitting an account or charge for services that the member knows or ought to know is false or misleading).
 - g. paragraph 40 (continuing the treatment of a patient where it is no longer indicated, has ceased to be effective or is unnecessary).

PARTICULARS OF THE ALLEGATIONS

1. At all material times Mr. Luo was a Registrant of the College of Physiotherapists of Ontario (the "College"). Mr. Luo first became registered at the College in May 2003.

 2. At all material times, Mr. Luo was the owner of a clinic (the "Clinic") in the Greater Toronto Area (GTA), with locations in Markham and Oakville, Ontario. The Clinic is named, promoted and advertised as a physiotherapy clinic, operating as: "A.O.S. Physiotherapy Clinic". "A.O.S." stands for "Art of Symmetry."

 3. The healthcare providers at the Clinic are Mr. Luo and Mr. S.C., who provides services as a physiotherapist assistant ("PTA") and is a registered massage therapist and athletic therapist.
- Services Provided by Mr. Luo were not Physiotherapy and Could not be Invoiced as Physiotherapy***
4. Mr. Luo's treatments to patients of the Clinic were, at all material times, based on Mr. Luo's self-created treatment approach, which he calls "art of symmetry".

 5. Representing himself as a physiotherapist providing physiotherapy services and treatments, Mr. Luo purports to investigate "asymmetry" to locate the "impairment" in his patients, including asymmetry in terms of altered sensation, blocked energy flow, and 'deprived aura.'

 6. The allegations herein are that Mr. Luo's "AOS" treatments do not constitute physiotherapy, do not fall within the scope of treatment of physiotherapy, should not be presented or promoted to patients as physiotherapy treatments, and at all material times could not and cannot be invoiced to patients or third party insurers as physiotherapy treatments or services.

7. Further the allegations are that Mr. Luo's treatments provided to patients, P.C. (76 treatments), H.M. (54 treatments), R.C. (173 treatments), N.M. (47 treatments), S.F. (6 treatments), C.F. (7 treatments), D.C.B. (70 treatments), E.L. (93 treatments), R.Z. (71 treatments), L.Z. (21 treatments), S.C. (5 treatments) and S.Y. (the undercover investigator; 2 treatments), did not constitute physiotherapy and could not be invoiced as physiotherapy services to the patient or any third party insurers.

8. The practice of physiotherapy is defined as follows:

The assessment of neuromuscular, musculoskeletal and cardio respiratory systems, the diagnosis of disorders associated with physical dysfunction, injury or pain and treatment, rehabilitation and prevention or relief of physical dysfunction, injury or pain to develop, maintain, rehabilitate or augment function and promote mobility.

9. Since on or about 2010, Mr. Luo claims he can use his naked eye to see blood circulation and nerve conduction of skin and muscle; and that he can use his forehead area to sense bone structures, organs and "aura." Using these tools in his "assessments", Mr. Luo purported to diagnose "blockages" of energy in his patients.

10. At all material times, Mr. Luo also purports to have provided indirect organ treatment to patients through activating and balancing energy to treat presenting symptoms.

11. Mr. Luo's energy treatments provided to patients S.Y., S.F. and C.F. included:

- scanning or tracking their 'energy' with his eyes;
- 'balancing' energy by tapping a reflex hammer or poking his finger on the patient's bodies, including tapping the areas around their organs, to "release" energy blockages;
- waving his hand in front of or over the patient's body, grabbing the air and throwing the air away from the patient to remove the 'blockage' and to throw away 'negative energy.'

12. Mr. Luo's AOS theory and practice does not involve or demonstrate a musculoskeletal or neuromuscular approach, practice, assessment or treatment.
13. Mr. Luo's AOS theory is not supported by evidence or research.
14. Mr. Luo's AOS theory and practice is not a theory or practice recognized in Traditional Chinese Medicine, nor is Mr. Luo registered with the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario.
15. Mr. Luo advised the College that he practices "AOS" with all of his patients at the Clinic and has delivered "AOS" treatments as physiotherapy treatments to thousands of patients.
16. Mr. Luo's AOS theory and practice at the Clinic poses a risk to the public, including by misleading members of the public that the practice is recognized as physiotherapy and by engaging in services that risk masking or undermining underlying pathologies.
17. Mr. Luo issued invoices to the patients listed in paragraph 7 above, under his name and College registration number, for services which he knew or ought to have known did not constitute physiotherapy and/or for services which did not in fact constitute physiotherapy assessments, treatments or services.

Misrepresenting Credentials

18. Mr. S.C. represented to patient S.Y. that Mr. Luo had been an orthopaedic surgeon in China, when this was not in fact true. Mr. Luo knew or ought to have known that Mr. S.C. was misrepresenting Mr. Luo's credentials to patients and/or authorized Mr. S.C. to misrepresent Mr. Luo's credentials to patients.

19. Mr. Luo represented himself to patients as practicing physiotherapy when in fact the treatments and/or services he was providing were not physiotherapy treatments or services.

Failing to Maintain the Standards of Practice of the Profession

20. In addition and in the alternative to paragraphs 4-17 above, to the extent that any of Mr. Luo's treatments may fall within the scope of physiotherapy, Mr. Luo engaged in professional misconduct pursuant to paragraphs 1, 26 and 18 of the *Professional Misconduct Regulation*, in respect of his treatment of the patients listed in paragraph 7 above by:

- i. failing to assess and re-assess patients in accordance with the standards of practice of the profession;
- ii. failing to include and record objective measurements in his assessments and treatments;
- iii. failing to assess and treat the patient's presenting condition (e.g. by treating S.C.'s ankle for a report of frozen shoulder);
- iv. failing to re-assess patients at all or in a timely way, when it was indicated;
- v. failing to obtain informed consent from patients for treatment and for the involvement of a PTA in their care;
- vi. failing to develop a treatment plan, either at all or that was clinically indicated and targeted to the patient's presenting condition(s);
- vii. failing to document assessments and treatments in a manner that was legible and which could provide an objective reader with any understanding of the treatment plan, the services provided and the clinical justification for those services;
- viii. failing to provide proper education and home exercise programs for patients;
- ix. providing services or treatments to patients that were not clinically indicated, had no clinical or scientific basis and/or were ineffective and/or unnecessary.

APPENDIX

1. Take notice that the documents that have been and will later be disclosed to you will be tendered as business documents pursuant to the *Evidence Act* of Ontario.
2. All documents that are disclosed to you in this matter are disclosed on the basis that they are to be used solely for the purpose of this proceeding and for no other purpose.