



Balance

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Happy New Year

The College Board and Staff send Best Wishes to all registrants and their families for a Prosperous and Happy 2016!

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Board of Directors Update

The Board is pleased to welcome the newly appointed and recently elected Board Members.

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Queenie Choo – appointed by the Ministry of Health as a new public Board Member

Ben Bao Qi Cao – re-elected Board Member

John Yung Chou Lee – newly elected Board Member

Joseph Ranallo – newly elected Board Member

Paul Sit Cheong Ho – appointed registered Board Member

The Board Members' bio may be viewed on the [Board Member](#) page.

Registration Renewal

Online Registration Renewal

Like the previous year, registrants will be able to complete registration renewal online. The College strongly encourages you to take advantage of this system. All registrants who complete their renewal online will be entered into a draw for a chance to win an Apple iPad.

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Some of the Benefits to completing renewal online:

- Simply click the link on the website and complete in minutes
- Instant confirmation of receipt
- Being able to pay by credit card
- Ability to instantly update your contact information throughout the year

Only registrants who renewed their registration on paper last year will receive the renewal package on paper this year. The Registration Renewal Package will also be available on the [Registration Renewal](#) page at the end of January 2016.

Registration Renewal

Registration Renewal Requirement

Registration Renewal deadline is at the end of March, 2016. Submit your renewal application by March 4, 2016 to receive confirmation of renewal before your registration expires.

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Full Registration Renewal

The College's Bylaws require the annual renewal of all practising and non-practising registrants and the cancellation of registration when renewal does not take place. If your registration is cancelled due to failure to renew, you must not work as a Registered Acupuncturist/Registered Traditional

Status Change

A registrant may change his/her registrant status by applying to the Registration Committee and fulfilling the requirements outlined in the College bylaws. Status changes are no longer bundled with the registration renewal.

For details, please refer to the [Change of Status](#) page.

Practising registrants must complete the Declaration Page declaring that you satisfy the renewal requirements (Bylaw Section 57) for

- continuing education (50 hours every 2-year period). Please visit the [Continuing Education](#) page for details.
- minimum patient visits (200 patient visits during any consecutive 24 month period within the last 4 years)

Registrant File

All registrants are required to keep a Registrant File containing documentation, verification and correspondence with the College. For details, please refer to the [Continuing Education](#) page.

Student Registration Renewal

The College's Bylaws require the annual renewal of registration of all student registrants and the cancellation of registration when renewal does not take place. If your registration is cancelled due to failure to renew, you may apply to have your registration reinstated by submitting the complete renewal form and the reinstatement fee no later than 3 months following the expiry of the registration. After 3 months a new application is required for student registration.

Reminder

Students must notify the College when transferring schools.

You may apply by submitting the following to the College:

1. Signed written request
2. Confirmation Form of Education Standing from your new TCM school
3. A photo for your new Student badge

Continuing Education

Continuing Education Requirements

Registrants are required to take continuing education courses to keep their skills/knowledge up-to-date – at least 50 hours of CE every two years.

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For more information, please visit the [Continuing Education](#) page on our website.



New Website Launched

We are excited to officially announce our new website!

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This website redesign project was in follow-up to the resolution at the 2013 Annual General Meeting that the College website shall have both English and Chinese versions to better serve the registrants and the general public.

The new layout is designed to enhance ease-of-use, allow easy switching between English and Chinese content and improve user experience across different computing devices. A search bar is now available on the top of the website if you can't find what you need.

If you have any questions, please email us at info@ctcma.bc.ca.

Student Corner

2016 Student Information Session

To help students/potential exam candidates prepare application material in advance and smooth the application process, CTCMA has scheduled 2 information sessions in 2016.

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CTCMA staff will be present to hand out background information and answer individual questions. The focus will be on the exam application procedures and registration requirements.

- 1st Session: April 19, 2016 (1:30 pm to 3:30 pm), Victoria at Royal Scot Hotel & Suites (Arbutus Room)
- 2nd Session: April 21, 2016 (7 pm to 9 pm), Vancouver at VCC Broadway Campus (Room # BWYB 1228)

The event facilities will accommodate 80 students in each session. Detailed information will be posted on CTCMA website.



Inquiry and Discipline Report

The following summaries represent Inquiry investigations and actions since last reported in the 'Summer 2015' issue of the Balance newsletter. Tariff costs may be applied to CTCMA registrants pursuant to Inquiry and Discipline activities. The tariffs are established under section 19(1)(v.1) of the Health Professions Act (HPA) and the College bylaws. Cases requiring public notification are posted on the website www.ctcma.bc.ca with the publication number noted below.

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Inquiry Committee

Undertakings and Consents Under Section 37(1) of the HPA:

Unauthorized Title Investigations

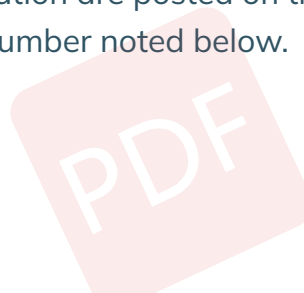
Investigations were conducted following reports of unauthorized use of title. Two registrants were found to be using unauthorized titles. The cases were resolved by way of consent orders and the imposition of fines and tariff costs.

Unauthorized Practice Investigations

An investigation was conducted following a report of an individual practicing acupuncture/TCM without CTCMA registration. The case was resolved by way of a consent order and the imposition of fines and tariff costs.

Professional Liability Insurance Investigations

Investigations were conducted following reports of registrants failing to obtain professional liability insurance as required by s.90 of the College bylaws and signing declarations in their CTCMA registration renewal documents confirming that they were insured against liability for negligence.



Five registrants were found to be uninsured during various practice periods and signing false declarations in renewal documentation. The cases were resolved by way of consent orders and the imposition of fines and tariff costs.

Allegations of sexual misconduct

Description of action taken:

On May 8, 2015, the CTCMA Inquiry Committee initiated an investigation under s. 33(4) of the *Health Professions Act* (the “Act”) based on a notice from the Ministry of Justice (Criminal Justice Branch) that the Registrant had been charged with sexual assault under the *Criminal Code*. Due to the seriousness of the allegation and surrounding the circumstances, the Inquiry Committee placed conditions and limitations on the Registrant’s practice pursuant to s. 35 of the Act pending resolution of the matter under the Act or further order by a competent committee.

The Inquiry Committee ordered that the Registrant only treat females in the presence of an approved chaperone, and that he post appropriate notices in the clinic, unless he undertook to treat only male patients and post appropriate notices in the clinic, or unless he undertook not to practice. The Registrant undertook not to practice pending disposition of the matter, and the Inquiry Committee accepted his undertaking to not provide Traditional Chinese Medicine services, which he agrees involves the promotion, maintenance and restoration of health, and prevention, assessment and treatment of a disease, condition, disorder or imbalance, based on traditional Chinese medicine theory or principles, or using primary traditional Chinese medicine therapies, including Asian body work, acupuncture, Tui Na, massage, energy control therapy, rehabilitation exercises, and prescribing, compounding or dispensing Chinese herbal formulae and Chinese food cure recipes.

Reasons for action taken:

The allegation of sexual assault in the course of treatment raises serious safety concerns, as proper traditional Chinese medicine techniques do not encompass sexual touching of any nature. The alleged unprofessional conduct is serious because of its sexual nature, and is at the high end of the sexual misconduct spectrum. The Panel was satisfied the alleged conduct and circumstances established a *prima facie* case of a risk to the public, and was sufficiently serious to warrant extraordinary action to protect the public.

The Panel determined that terms requiring that the Registrant only provide services to female patients under the supervision of an approved chaperone, with a requirement for posted notices of the need for such a chaperone, would balance the need to protect female patients with the Registrant’s interest in earning a livelihood until a disposition of the matter. The Panel also determined that if the Registrant undertook to only treat male patients, a requirement for posted notices that he may only treat male patients would balance the need to protect female patients with the Registrant’s interest in earning a livelihood until a disposition of the matter. The Registrant requested, for personal reasons, that he also be given the option of undertaking to not practice at all, pending a disposition of the matter. The Panel recognized that such an undertaking would also protect female patients pending a disposition of the matter.

Professional Misconduct



- contravened ss. 2, 3 and 5 of the Standards of Practice for Registrants and Code of Ethics for Registrants and engaged in professional misconduct;
- caused risk to the public by engaging in the unauthorized practice of acupuncture; and
- engaged in conduct that does not constitute proper reflexology practices.

On March 19, 2015, the CTCMA initiated an investigation under s.33 of the *Health Professions Act*, R.S.B.C. 1996, c. 183 (the “Act”) in response to an anonymous complaint against a former student registrant, and his wife, a registered acupuncturist, alleging that: (a) during an acupuncture treatment to the complainant’s wife, the former student registrant inserted an acupuncture needle through her clothing and into her skin without first cleansing the insertion site; and (b) following the acupuncture treatment she developed a mild infection at the needle site. The complainant also expressed concerns that the individual providing the treatment may not be a registrant of the College and may be practicing without licensure. The Inquiry Committee appointed an inspector who gathered evidence that the former student registrant: (a) was providing acupuncture treatment without full registration; (b) informed the inspector that he was a chiropractor and provided the inspector with treatment involving various body manipulations and explained to the College that he had provided a ‘reflexology’ treatment to the inspector. There was no evidence of inserting acupuncture needles through clothing. The Inquiry Committee determined under s.33(6)(c) of the Act to seek a consent order under s.36 of the Act with terms that would ensure that the non-registrant did not repeat the conduct.

Action taken:

The Inquiry Committee requested and the former student registrant agreed to provide an undertaking and consent under s. 33(6) of the Act to:

- not repeat the conduct of engaging in the unauthorized practice of acupuncture and/or traditional Chinese medicine without mandatory CTCMA registration;
- not repeat the conduct of engaging in conduct outside the scope of reflexology;
- pay a fine for his professional misconduct as it relates to providing acupuncture and/or traditional Chinese medicine treatments without mandatory CTCMA registration;
- consent to a three (3) month suspension of his clinical practice in the event that he successfully completes the College clinical examination and obtains full registration for his unprofessional conduct as it relates to engaging in unauthorized practice of acupuncture which suspension will commence upon being granted full registration;
- provide the Inquiry Committee with an essay outlining the responsibilities of registrants to conduct themselves in an ethical and professional manner and to follow regulatory requirements and guidelines in relation to their practices with reference to the Act, the Traditional Chinese Medicine and Acupuncturists Regulation, the College bylaws and standards of practice;
- attend and successfully complete courses on professional responsibility, professional ethics, and clinical record-keeping at his cost;
- cooperate with random chart audits by an inspector appointed by the Inquiry Committee for a period of one year commencing the completion of his suspension; and
- pay investigation costs of as calculated in accordance with the tariff under the College’s bylaws.

Professional Misconduct

- contravened ss. 2, 3 and 5 of the Standards of Practice for Registrants and Code of Ethics for Registrants and engaged in professional misconduct;
- intentionally providing fraudulent receipts for submission to an insurance provider, and
- posed a risk to the public by permitting an unauthorized individual to practice acupuncture at her clinic.

On March 19, 2015, the CTCMA initiated an investigation under s.33 of the *Health Professions Act*, R.S.B.C. 1996, c. 183 (the “Act”) in response to an anonymous complaint against a Registrant and her husband (a former student registrant) alleging that: (a) the Registrant’s husband inserted an acupuncture needle through the complainant’s wife’s clothing and into her skin without first cleansing the insertion site; and (b) following the acupuncture treatment the complainant’s wife developed a mild infection at the needle site. The complainant was concerned that the Registrant’s husband may not be registered with the College and may be practicing without licensure. The Inquiry Committee appointed an inspector. The investigation revealed that: (a) the Registrant’s husband was providing acupuncture treatment without registration; (b) the Registrant was promoting the services of her husband and had direct knowledge of his unauthorized practice of acupuncture; (c) the Registrant was allowing her husband to practice acupuncture at her clinic despite his lack of registration; (d) the Registrant provided the inspector with a receipt for acupuncture treatment that she did not provide for submission to an insurance provider; and (e) the Registrant indicated to the inspector that both she and her husband were acupuncturists but she only used her College registration number on the receipt. There was no evidence that the Registrant’s husband was inserting acupuncture needles through clothing.

Based on the information gathered during the investigation, the Inquiry Committee was concerned that the Registrant: (a) contravened ss. 2, 3 and 5 of the Standards of Practice for Registrants and Code of Ethics for Registrants and engaged in professional misconduct by knowingly promoting and permitting her husband to practice in her clinic without CTCMA registration; (b) caused risk to the public by permitting an unauthorized individual to practice acupuncture at her clinic; and (c) contravened ss. 2, 3 and 5 of the Standards of Practice for Registrants and Code of Ethics for Registrants and engaged in professional misconduct by knowingly providing fraudulent receipts for submission to an insurance provider containing her name and registration number for acupuncture treatments she did not provide.

Based on the information provided, the Inquiry Committee was concerned that the former student registrant (a) contravened ss. 2, 3 and 5 of the Standards of Practice for Registrants and Code of Ethics for Registrants and engaged in professional misconduct by providing acupuncture treatment without CTCMA registration; (b) caused risk to the public by engaging in the unauthorized practice of acupuncture; and (c) engaged in conduct that does not constitute proper reflexology practices.

Action taken:

The Inquiry Committee requested, and the Registrant agreed to provide, an undertaking and consent under s. 33(6) of the Act to:

- not repeat the conduct of permitting an unauthorized individual to provide acupuncture at her clinic without mandatory CTCMA registration;

- not repeat the conduct of issuing fraudulent receipts for acupuncture treatments that she did not provide;
- not repeat the conduct of permitting an unauthorized individual from engaging in conduct involving practice outside the proper scope of reflexology in her clinic;
- pay a fine for her professional misconduct as it relates to knowingly permitting her husband to provide acupuncture treatments in her clinic without mandatory CTCMA registration;
- a 3 month suspension of her clinical practice for her professional misconduct as it relates to knowingly permitting her husband to provide acupuncture treatments in her clinic without mandatory CTCMA registration and providing fraudulent receipts for submission to an insurance provider containing her name and registration number for acupuncture treatments she did not provide;
- provide the Inquiry Committee with an essay outlining the responsibilities of registrants to conduct themselves in an ethical and professional manner and to follow regulatory requirements and guidelines in relation to their practices with reference to the Act, the Traditional Chinese Medicine and Acupuncturists Regulation, the College bylaws and standards of practice;
- attend and successfully complete courses on professional responsibility, professional ethics, and clinical record-keeping at her cost;
- cooperate with random chart audits by an inspector appointed by the Inquiry Committee for a period of one year commencing the completion of her suspension; and
- pay investigation costs of as calculated in accordance with the tariff under the College's bylaws.

Professional Misconduct

- failed to document informed consent to treatment; and
- failed to maintain a full clinical record

On June 8, 2015, the CTCMA initiated an investigation under s.33 of the *Health Professions Act*, R.S.B.C. 1996, c. 183 (the "Act") in response to a complaint against the Registrant regarding a treatment she received for fertility issues alleging that the Registrant's unusual and embarrassing directions to her during his treatment were inappropriate and inconsistent with TCM practice. The Complainant alleged that the Registrant directed her, in a series of rapid instructions, to perform a number of specific physical movements.

The Registrant provided a response stating that the specific treatment modality and testing procedure he uses in his practice combines principles of osteopathy and acupuncture known as Neural Integrated System "NIS" which includes, among other things, rapid-fire movements and contact points necessary to open neuro pathways. As he was body-mapping/muscle testing the Complainant's calf muscle, it was necessary that she conduct the touch protocol on various meridian points. The Registrant denied telling the Complainant to 'hold her crotch'; instead, he would have instructed her to touch above her pubic bone as one of the numerous touch protocols.

Based on the information gathered during the investigation, the Inquiry Committee was concerned that the Registrant:

- failed to document that he fully explain the proposed treatment to the Complainant and failed to document informed consent to proceed with the treatment;

- if he had taken steps to obtain informed consent, the Complainant would have fully understood what to expect from the treatment and could have made an informed decision whether to undergo that type of treatment or not; and
- failed to maintain a full clinical record containing documentation of consent, patient comments and responses, observations, diagnostic processes together with an assessment of the condition including a TCM diagnosis, pattern differentiations, treatment principles, and the treatment itself.

Action taken:

The Inquiry Committee requested, and the Registrant agreed to provide, an undertaking and consent under s. 33(6) of the Act to:

- not repeat the conduct of failing to maintain accurate and complete clinical records in relation to his practice;
- not repeat the conduct of failing to fully explain proposed treatments and failing to obtain informed consent to treatments from patients prior to administering treatments and failing to document informed consent;
- attend and successfully complete a course on clinical record-keeping at his cost;
- pay investigation costs of as calculated in accordance with the tariff under the College's bylaws.

DISCIPLINE COMMITTEE

Description of action taken:

The College received information from the Ministry of Health, Medical Services Plan ("MSP") that it had been unable to conduct an investigation and audit of the Respondent's MSP billing practices for the period April 1, 2008 to August 13, 2013 ("Audit Period"). MSP alleged that the Respondent had failed to comply with its demand for access to her clinical records supporting MSP billings.

The Inquiry Committee initiated an investigation and directed an inspection of the Registrant's clinic based on concerns regarding her scope of practice. Following a review of the information gathered during the investigation, the Inquiry Committee directed the issuance of a citation under s. 33(6)(d) of the *Health Professions Act* (the "Act") citing that Registrant contravened ss. 1, 5(a) and 6(a) of the Code of Ethics for Registrants and ss. 2, 3 and 5 of the Standards of Practice for Registrants and engaged in professional misconduct by:

- failing to maintain a clinical setting that was safe for her patients;
- failing to maintain clinical records for her patients;
- failing to maintain standards of practice by having stale-dated needles at the clinic and not having a proper biohazardous disposal unit for used needles;
- failing to maintain standards of practice by using equipment and treatment rooms that contained mold.

The Registrant engaged in professional misconduct by:



- providing false information to the Inquiry Committee that her clinical records on her computer could not be recovered because her computer had been damaged by water;
- providing false information to the Inquiry Committee that her clinical records on her computer could not be recovered because of the age of the computer and a virus;
- providing false information to the Inquiry Committee by claiming on December 31, 2013 that she had ceased to practice colon hydrotherapy and had removed the colon hydrotherapy equipment from her clinic and that she would not practice at the clinic until the mold had been removed;
- failing to cooperate with the Inquiry Committee's investigation;
- contravening the s.35(1)(a) order by continuing to provide colon hydro therapy in her clinic, failing to remove the colon hydro therapy unit from her clinic within five days of personal service of the order, and failing to refrain from providing acupuncture or traditional Chinese medicine services from her clinic until the mold had been removed and she provided a letter from Vancouver Coastal Health Authority verifying that her clinic was safe;
- practicing outside the scope of practice for registered acupuncturists by providing colon hydrotherapy; and
- misusing the reserved "Dr" title in her marketing contrary to s. 12.1 of the Act and s. 3(4) of the Traditional Chinese Medicine Practitioners and Acupuncturists Regulation.

Following a discipline hearing, a panel of the Discipline Committee held that the Registrant had engaged in professional misconduct by misrepresenting to the College the alleged damage to her laptop computer as a reason for her inability to produce evidence of patient clinical records and provided false information to the Inquiry Committee that she had removed the colon hydrotherapy equipment from her clinic when she had not. The panel further concluded that the Registrant contravened subs. 3(4) of the Regulation by describing herself as a Dr.TCM when her registration was limited to that of Registered Acupuncturist. The panel also concluded that this amounted to professional misconduct.

The panel ordered that the Registrant's right to practice acupuncture be suspended for six months with conditions that the suspension be lifted when the Registrant successfully completes courses on clinical record keeping and professional ethics, successfully completes a mentorship with a mentor approved in advance by the Registrar, pay a fine of \$15,000.00 and costs of \$7,076.92 to the College. Notwithstanding the stated duration of the suspension imposed, a condition of the suspension being lifted is the Registrant having paid the whole of the fine and the costs.



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