

Duan (Deborah) Hu (00233)

Date of Action: March 26, 2015

Description of Action taken

The College received notification from Fraser Health Authority that there was a concern about the risk of transmission of communicable diseases from inadequate infection control at the Registrant's clinic. The Inquiry Committee initiated an investigation under s. 33(4) of the Act and directed an inspector to attend the Registrant's clinic to gather information concerning her acupuncture practice and clinical records. The inspector reported back that the Registrant was using expired needles, acknowledged that she did not have unexpired needles on site, was not properly disposing of used needles or other materials, was not appropriately preparing acupuncture sites prior to needle insertion, was not following appropriate hygiene procedures, was not following the guidelines specific to storage and preparation of herbs, and was not following patient record-keeping guidelines.

On November 12, 2014, the Inquiry Committee convened ex parte to consider the need for extraordinary action under s. 35 of the Health Professions Act and concluded that a suspension of the Registrant's registration was necessary to protect the public pending completion of remedial steps by the Registrant to address these deficiencies. The Inquiry Committee was concerned that the Registrant's improper use of acupuncture needles and the unsanitary conditions in her clinic posed serious health risks to her patients.

On November 25, 2014, the Inquiry Committee cancelled the interim suspension of the Registrant's registration as it was satisfied that she had fully completed the remedial steps required under the terms of the s. 35 order.

On March 3, 2015, the College received an investigation report from Fraser Health Authority which identified significant concerns for infection prevention and control practices that posed risks for transmission of blood borne infection at the Respondent's clinic. The report indicated that laboratory evidence revealed that the two cases of acute hepatitis B infection had come from a common source with epidemiological evidence of being related to the acupuncture treatment received from the Registrant.

Reasons for action taken

Based on a review of the information gathered during the investigation of the matter, the Inquiry Committee was concerned that: (i) the Registrant failed to comply with the requirements of the Safety Program Handbook in performing acupuncture and handling acupuncture needles and thereby placed patients at risk; (ii) the Registrant failed to maintain a hygienic and safe clinic and thereby placed patients at risk; (iii) there was evidence that the Registrant's treatments may have caused two patients to contract acute hepatitis B; (iv) the Registrant misused the Dr. (doctor) title; (v) the Registrant failed to complete mandatory continuing education courses; and (vi) the Registrant failed to

maintain proper clinical records. The Registrant subsequently provided documentation confirming that she successfully completed a course on clinical record keeping.

On March 26, 2015, the Registrant signed a Consent Order under s. 37.1 containing the following terms:

1. a reprimand in relation to her professional misconduct with respect to: (i) failing to comply with requirements of the Safety Program Handbook and placing patients at risk through improper acupuncture procedures; (ii) misusing the doctor title; and (iii) failing to maintain a hygienic clinic.
2. suspension of her registration as a registered acupuncturist for a period of three (3) months from the date of the Consent Order;
3. an undertaking not to repeat the conduct of failing to comply with the directives contained in the Safety Program Handbook;
4. an undertaking not to repeat the conduct of failing to maintain accurate and complete clinical and billing records;
5. an undertaking not to repeat the conduct of failing to complete continuing education requirements and a requirement to complete 25 hours of continuing education each year for the next five years;
6. a requirement to complete a course of professional ethics at her cost within six (6) months of the date of the Consent Order;
7. a requirement to cooperate with random spot audits by an inspector appointed by the College for a period of five (5) years following the expiration of her suspension and return to practice, to review her clinical records for the purposes of ensuring that she is adhering to proper standards of practice and completing proper clinical and billing documentation. The Registrant acknowledges that the frequency and timing of the audits is at the sole discretion of the Inquiry Committee and that she is responsible for all audit costs;
8. a consent to pay investigative costs; and
9. a consent to pay a fine in relation to her professional misconduct.