

Jun (John) SUN (02406)

Date of action: July 8, 2014

Description of action taken

On December 5, 2012, the CTCMA initiated an investigation under s.33(4) of the Health Professions Act, R.S.B.C. 1996, c. 183 (the "Act") in response to notification from the Ministry of Justice, Criminal Justice Branch, that the Registrant had been charged with assault on a female co-worker on September 16, 2012 contrary to s.271 of the Criminal Code. On December 6, 2012, the Inquiry Committee suspended the Registrant's registration under s.35 of the Act to protect the public pending completion of its investigation. The Registrant made submissions to cancel the suspension order on December 10, 2012. On December 20, 2012, the Inquiry Committee varied the Order by vacating the suspension and permitting the Registrant to practice on terms that included the requirement for an approved chaperone to be present during treatments of female patients, posting notices in the Registrant's clinic indicating that he must have a female chaperone present at all times when treating female patients, and providing weekly reports to the Registrar confirming the names and contact information of female patients who attended the clinic for consultation or treatment. On December 31, 2012, the Registrant advised the College that he would rather not practice than comply with the terms of the varied Order. On June 16, 2013, the Registrant provided a massage and acupuncture treatment to a female patient in contravention of the order. The College filed an application for an injunction to enjoin the Registrant from continuing to practice until he complied with the s. 35 order. The Registrant consented to the interim court order. On December 17, 2013, the Registrant was found guilty of the charge and subsequently received a conditional discharge and was placed on probation for one year. After reviewing the Court's decision, the Inquiry Committee directed the issuance of a Citation under s.33(6)(d) of the Act.

Reasons for action taken

The Registrant subsequently made an offer under s.37.1 of the Act to resolve the matter without proceeding to a discipline hearing. Following negotiation, the Inquiry Committee accepted a Consent Order under s. 37.1 of the Act to address the College's concerns regarding his conduct and his failure to comply with the s. 35 order.

Action taken

The Inquiry Committee accepted a consent order under s. 37.1 in which the Registrant agreed to:

1. consent to a suspension of his registration for a period of three months commencing the date of the Consent Order;
2. a reprimand for his unprofessional conduct for his behavior in relation to his female co-worker and the failure to comply with the terms of the s. 35 order;

3. pay a fine for his professional misconduct;
4. provide monthly reports to the Registrar for a period of six months commencing one month after the expiration of his suspension containing the names and contact information for all female patients he has seen in the preceding month; and
5. pay the cost of the College's investigation under s. 33(7) of the Act based on the tariff of costs established under s. 19(1)(v.1) of the Act.