

Mubai Qiu (01797)

Date of Action: December 5, 2013

Description of action taken

The Inquiry Committee directed the issuance of a Citation under s. 33(6)(d) of the *Health Professions Act* against the Registrant for allegations of professional misconduct by:

1. billing Medical Services Plan (“MSP”) and private insurers for acupuncture treatments that he did not provide to patients;
2. engaging in excessive billing and misbilling of MSP for the period January 1, 2008 to August 2011;
3. billing and misbilling private insurers for the period January 1, 2011 to August 31, 2012;
4. failing to comply with the terms of a consent order by failing to provide weekly reports to the College as required by the terms of the consent order and by providing inaccurate information to the College in some of the reports that he did submit; and
5. failing to provide an adequate quality of care to individual patients in view of the excess volume of patients for whom he billed services.

At the outset of the disciplinary hearing, the College sought an interim order under section 38(8) suspending the Registrant’s registration pending the decision of the Discipline Committee on liability. The Discipline Committee ordered a suspension of registration pending an order of the Discipline Committee under section 39(2) or a dismissal of the matter by the Discipline Committee, pursuant to section 38(8) of the *Health Professions Act*.

At the conclusion of the discipline hearing, a panel of the Discipline Committee found the Registrant guilty of over-billing MSP on a massive scale, breaching a consent order he entered into with the College by failing to provide weekly reports and providing inaccurate information in at least some of the reports that he submitted, and failing to maintain adequate clinical records. Specifically, the panel made findings that:

1. the Registrant had billed MSP for services he did not provide contrary to ss. 3.2 and 5.4 of the Standards of Practice. The Panel found that this conduct constituted professional misconduct;
2. the Registrant’s provision of inaccurate weekly reports to the College constituted professional misconduct;
3. the Registrant’s failure to provide weekly reports to the College after April 8, 2013 constituted professional misconduct; and
4. the Registrant failed to prepare proper clinical documentation that was even remotely consistent with the requirements under s. 2.2.8 of the Standards of Practice (which requires that a practitioner prepare timely and accurate reports of relevant observation, including conclusions drawn from them).

Reasons for Decision

The Discipline Committee panel determined that:

1. the number of patients the Registrant purported to have treated and for which he sought and obtained payment from MSP was patently absurd;
2. the evidence from the Inspector's surveillance demonstrated that the Registrant was prepared to misrepresent to the College the treatment he had been providing to the patients he had been seeing;
3. the evidence from purported patients also demonstrated that the Registrant was prepared to misrepresent the truth in his treatment records;
4. the evidence demonstrated that, at the very least, a substantial portion of the MSP billings were improper (i.e., that the services the Registrant claimed to have provided were not in fact provided);
5. the evidence established that the Registrant provided inaccurate weekly reports to the College;
6. the evidence also established that the Registrant failed to deliver weekly reports to the College after April 6, 2013 contrary to the terms of the interim Consent Order.

Penalty

Following receipt of submissions on penalty, the Discipline Committee panel issued reasons imposing the following penalties:

1. the Registrant be reprimanded;
2. the Registrant's right to practice acupuncture shall be cancelled;
3. the Registrant shall pay to the College costs of \$6,000.00 in the tariff and \$5,902.81 in disbursements for a total of \$11,902.81.

The Discipline Committee panel also ordered public notification of its decision pursuant to s. 39.3 of the *Health Professions Act*.