

Ying (Sophia) Ma (03881)

Date of Action: March 6, 2015

Description of Action Taken

In October, 2011, the College Inquiry Committee conducted an investigation of the Registrant's clinic following receipt of a complaint. The Inquiry Committee appointed an inspector to review the Registrant's clinical and billing records. In the course of investigating that complaint, the inspector found evidence of improper charting practices and irregular billing practices related to Medical Services Plan ('MSP'). The Inquiry Committee initiated an investigation on its own motion under s.33(4) of the Act with respect to those billing and charting practices. On May 2, 2012, the Inquiry Committee received information from the Ministry of Health Audit and Investigation Branch (the 'Ministry') that the Registrant was under investigation with respect to her billing practices under the Medicare Protection Act. On November 12, 2013, the College received the Ministry's audit report for the period February 1, 2010 to August 31, 2012 which revealed there were no records to substantiate that acupuncture had been provided in relation to 39 randomly selected services. The report indicated that the Registrant's clinical records were incomplete and inadequate to substantiate billing in relation to 958 services billed to MSP. The report indicated that the Registrant billed for 2,684 acupuncture treatments in 2010 but produced inadequate clinical records for only 230 actual treatments leading to an assessment that there were unsupported billings of \$56,523. The Registrant's billings decreased to approximately \$1,800 per month in January 2012 after the Ministry's audit. The audit report also indicated that a random sample of clinical records for 75 patients (covering 1,007 services) indicated inappropriate billing for 997 of those services.

Reasons for Action Taken

The Inquiry Committee directed the issuance of a Citation under s. 33(6)(d) of the Act alleging that the Registrant had contravened the Standards of Practice and Code of Ethics for Registrants and engaged in professional misconduct by:

1. failing to maintain adequate clinical records;
2. billing MSP for acupuncture treatments that were not provided;
3. billing MSP with insufficient evidence to support that claimed acupuncture treatments were provided for the period February 1, 2010 to August 31, 2012;
4. failing to cooperate with the College's investigation by refusing to produce requested documentation, providing misleading information to the inspector, and accusing College staff of lying; and
5. failing to provide an adequate quality of care to individual patients in view of the volume of patients for whom she billed acupuncture services in 2010 and 2011.

The Registrant subsequently completed a course on clinical record-keeping and made an offer under s. 37.1 of the Act to resolve the matter. Following negotiation, the Inquiry

Committee and the Registrant agreed to terms of a Consent Order under s. 37.1 of the Act to address the College's concerns regarding her conduct.

On February 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;
2. suspension of her registration as a registered acupuncturist for a period of six (6) months from the date of the Consent Order;
3. an undertaking not to repeat the conduct of improper billing;
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 cooperate with any future College investigations;
6. a requirement to complete a course of professional ethics at her cost within nine (9) 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 one year 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; and
8. a consent to pay investigative costs.

Based on the fact that the Registrant proactively took steps to address some of the concerns and was prepared to take additional remedial steps and provide undertakings not to repeat her conduct, the Inquiry Committee was satisfied that suspension of her registration and monitoring through random spot audits following her return to practice would adequately protect the public and provide specific and general deterrence in respect of her improper conduct.