

Shawn-Poppi SABHANEY (02808)

Date of action: October 27, 2020

Description of action taken:

Following an investigation, the Inquiry Committee directed the issuance of a citation for a discipline hearing alleging that the Registrant engaged in improper financial conduct, failed to maintain professional boundaries, removed client's property without authorization to do so, exceeded his scope of practice, and failed to maintain and secure proper clinical records.

On October 27, 2020, the Inquiry Committee received and accepted a proposal under s. 37.1(2) of the *Health Professions Act* to resolve the case and directed the Registrar to cancel the citation. Under the terms of the s. 37.1(2) order:

1. The Registrant admits the following allegations: (a) he failed to maintain professional boundaries by accepting gifts, including an engagement ring, and financial assistance with his engagement party from a client; (b) he engaged in unethical conduct and failed to maintain professional boundaries by entering into a retroactive 30-year contract with the client to operate a wellness centre on the client's property; (c) he failed to maintain professional boundaries when he inquired with the lawyer for the client's estate whether the client had made provision for the wellness centre in her will; (d) he engaged in improper financial conduct by failing to provide itemized accounts to the client or the client's representative in a reasonable time or at all; (e) he engaged in improper financial conduct and unethical conduct for his own financial gain by charging the client excessive professional fees even though the client agreed to pay the fees charged; (f) he unlawfully removed merchandise paid for by the client from the client's property, including an ultrasound unit, without authorization from the executor of the client's estate; (g) he exceeded his scope of practice by facilitating the use of Oxycodone and providing intravenous and intramuscular injections to the client containing various substances; (h) he advised the College-appointed inspector that he had received training from a specific doctor regarding the administration of IV injections when he had not; (i) he was unable to produce clinical records for the client for the period July to December 2016; and (j) he misrepresented himself as a doctor in his email address and referred to himself as a "personal physician" when he was not registered as a Dr. TCM or licensed to practice medicine.
2. The Registrant acknowledges that the above conduct constitutes professional misconduct and unethical conduct and undertakes not to repeat the conduct.
3. The Registrant consents to a reprimand for engaging in professional misconduct and unethical conduct.
4. The Registrant consents to a six-month suspension of his practice of acupuncture as defined in the *Traditional Chinese Medicine Practitioners and Acupuncturists Regulation*,

B.C. Reg. 290/2008 with two months to be stayed if he successfully completes the requirements paras. 7 to 9 of the s. 37.1 order.

5. The Registrant consents and undertakes to resign his position as an elected member of the College Board and to not seek re-election to the Board for a period of seven years.
6. The Registrant consents and undertakes to complete the Professional/Problem Based Ethics ("PROBE") Program at his cost within 12 months of the s. 37.1 order and to obtain an unconditional pass to be confirmed in a report provided by the PROBE Program directly to the College and acknowledges that he cannot return to practice until such time as he obtains an unconditional pass even if the suspension of his registration has expired.
7. The Registrant consents and undertakes to complete the CPEP Medical Record Keeping Seminar at his own cost within 12 months of the date of the s. 37.1 order and to provide confirmation of completion of the course to the College within 30 days of completing it.
8. The Respondent agrees to return the ultrasound unit to the client's estate and to reimburse the client's estate a total of \$1,000 within seven months of the date of the s. 37.1 order.
9. The Registrant consents to pay the College's investigative costs of \$4,491.06 in accordance with Schedule J of the College's bylaws within seven months of the date of the s. 37.1 order.
10. The Registrant acknowledges that a contravention of any term of the s. 37.1 order constitutes professional misconduct and that the order will be disclosed to the Inquiry Committee and the Discipline Committee in any future proceedings following consideration by those committees of the merits of any future complaint.
11. The Registrant acknowledges that the s. 37.1 order is considered to be an order of the Discipline Committee made under s. 39 of the Act.

Reasons for action taken:

Having determined that a discipline hearing was necessary because of the serious nature of the alleged misconduct, the Inquiry Committee recognized that the Registrant acknowledged his professional misconduct and unethical conduct and agreed to extensive terms which included a lengthy suspension from practice. The Inquiry Committee concluded that the terms contained in the s. 37.1 order reflected the type of sanctions that the College would seek at a discipline hearing.

The Inquiry Committee was satisfied that the terms of the s. 37.1 order are sufficiently punitive, will achieve specific and general deterrence of the conduct in issue, and protect the public by requiring the Registrant to undertake an intensive ethics program before returning to practice in addition to other education.