

Cheng Ku (Steven) HUANG (02470)

Date of action: August 14, 2020

Description of action taken:

On March 29, 2020, the College of Traditional Chinese Medicine Practitioners and Acupuncturists of British Columbia (the “College”) received a complaint against Cheng Ku (Steven) Huang (the “Registrant”) alleging that he engaged in sexual misconduct during a treatment on February 10, 2020.

On May 6, 2020, the College received a second complaint against the Registrant alleging that he engaged in behavior of a sexual nature during treatments provided to the complainant between November 14, 2019 and January 24, 2020.

On May 7, 2020, the Inquiry Committee requested a voluntary undertaking from the Registrant containing terms and conditions to ensure the safety of female patients pending the outcome of its investigation, which he provided and complied with.

On May 21, 2020, the Inquiry Committee appointed an Inspector to assist with the investigation, interview the parties and report back.

Based on its review of the material gathered during the investigation, and the additional evidence in the Inspectors report, the Inquiry Committee was concerned that the Registrant: (a) likely touched the two women for non-therapeutic clinical reasons during the treatments in question particularly in view of the similarity of the allegations brought forth by two separate female patients; (b) failed to obtain informed consent to treatment from the women.; and (c) failed to provide appropriate draping materials to the women and failed to ensure that their breasts and genital areas were properly draped at all times. The Inquiry Committee concluded that there was insufficient information to establish that the Registrant had engaged in unethical billing or had breached patient privacy. The Inquiry Committee determined under s.33(6)(c) of the Act that this would be an appropriate case to seek a Consent Order under s. 36 of the Act with terms that would protect the public and ensure that the Registrant does not repeat the behaviour.

On August 14, 2020, the Registrant agreed to give his undertaking and consent to the following for the purposes of addressing the concerns identified in the investigation:

1. The Registrant undertakes and consents to provide to the College within 30 days of the date of the Consent Order (for delivery to the Complainants), draft letters of apology addressed to each woman expressing regret for the distress and discomfort that he caused to them.

2. The Registrant undertakes not to repeat the conduct of: (a) touching a female patient for non-therapeutic clinical reasons; (b) providing treatment to patients without first obtaining express informed consent from the patient which includes a detailed explanation of areas of the body that he proposes to treat and documenting that consent in the clinical record; and (c) failing to provide proper draping materials to patients and failing to ensure that patients are properly draped at all times.
3. The Registrant consents and undertakes to have an approved chaperone present for all visits with female patients for a minimum period of one year up to a maximum period of five (5) years from the date of the Consent Order and to document in the clinical record, the name of the chaperone present for each visit with a female patient. The Inquiry Committee will review this requirement every year on or about the anniversary date of the Consent Order to determine whether, in its sole discretion, the Registrant must continue to have a chaperone present.
4. The Registrant consents and undertakes to continue to post notices that are 8 ½" x 11" in size, in English and Chinese, in a prominent place in the waiting room and in a prominent place in each of the treatment rooms of his clinic indicating that female patients must have a chaperone present for treatment at all times. The Registrant must continue to post the notices for the entire period that the requirement for a chaperone is in force under para. 3 above.
5. The Registrant consents and undertakes to provide monthly written reports to the Registrar which contain the names of all female patients whom he has seen in the preceding month, their contact information (including current telephone numbers), and the name of the chaperone who was present for each patient's visit.
6. The Registrant consents and undertakes to complete the Professional/Problem Based Ethics (PROBE) Program at his cost within 12 months of the Consent Order.
7. The Registrant will pay the costs of this investigation under s. 33(7) of the Act based on the tariff of costs established under s. 19(1)(v.1) of the Act within six (6) months of the date of the Consent Order.