

Gang SHEN (03769)

Date of action: September 25, 2020

Description of action taken:

On June 5, 2018, the CTCMA initiated an investigation under s.33 of the Health Professions Act, R.S.B.C. 1996, c. 183 (the "Act") in response to a complaint against Gang Shen (the "Registrant") regarding the traditional Chinese medicine treatments the Registrant provided the Complainant from 2015 to 2016. The Complainant alleged, amongst other things, that the Registrant's clinical practices were harmful and dangerous, particularly for vulnerable terminally ill individuals seeking the advice of alternative practitioners. The Complainant further alleged that the Registrant is incompetent, made false and deceptive representations and promises, exploits patients for personal advantage, and uses the Dr. title without authority to do so. Following its investigation, the Inquiry Committee determined under s.33(6)(c) of the Act to seek a consent order under s.36 of the Act with terms that would ensure that the Registrant did not repeat the conduct.

Reasons for action taken:

Based on its review of the material gathered during the investigation, the Inquiry Committee was concerned that the Registrant: (a) failed to comply with appropriate clinical record-keeping practices as they relate to the collection, maintenance, disclosure and retention of clinical records; (b) failed to obtain and/or record appropriate informed consent at the onset of treatment and failed to update the consent as treatment progressed; (c) misused the Dr. (doctor) title; (d) failed to advise the Complainant to consult a medical practitioner or doctor of traditional Chinese medicine if there was no improvement in the condition for which she was being treated within two months of receiving treatment; (e) engaged in inappropriate and unprofessional communications with the Complainant, including: (i) making false claims that he could 'cure all diseases' and recommending against conventional Western therapies such as Western medicine, surgery, and dialysis; (ii) providing potentially harmful and dangerous therapies such as "salt-fasting", "fruit-fasting", "vegetable-fasting" and "grain diet" with the false claim that they can convert a "diseased body" to a "healthy body"; and (iii) failing to advise her that herbal medicines could interact with drugs and produce serious side effects, or may be unsafe for individuals with certain medical conditions.

Action taken:

On September 25, 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 not to repeat the conduct of failing to comply with appropriate clinical record-keeping practices as they relate to the collection, maintenance, disclosure

and retention of clinical records and failing to obtain and/or record appropriate informed consent at the onset of treatment and updated consent as treatment progresses.

2. The Registrant undertakes to remove references to the 'Doctor' title, the 'Doctor of Traditional Chinese Medicine' title, the 'Dr.TCM' title or any similar title from his marketing materials, and to refrain from using those titles in his professional practice as a traditional Chinese medicine practitioner until such time as he is authorized to do so under the Act.
3. The Registrant undertakes not to repeat the conduct of failing to comply with the directives contained in the Safety Program Handbook and specially to advise patients of the possible side effects of herbal medicines with western medications.
4. The Registrant undertakes not to counsel or advise patients to discontinue medications prescribed by their western medical doctors and specifically not to counsel or advise patients suffering from kidney disease to discontinue their western medicine treatments.
5. The Registrant undertakes not to repeat the conduct of making false and dangerous claims to his patients that he is able to 'cure all diseases' and/or to recommend against conventional Western therapies such as Western medicine and dialysis.
6. The Registrant undertakes not to recommend potentially harmful and dangerous therapies such as "salt-fasting", "fruit-fasting", "vegetable-fasting" and "grain diet" and not to make false claims that they can convert a "diseased body" to a "healthy body".
7. The Registrant undertakes not to repeat the conduct of failing to consult a medical practitioner or doctor of traditional Chinese medicine when there is no improvement in the condition for which a patient is being treated within two months of receiving treatment.
8. The Registrant undertakes and consents to provide a letter of apology to the Complainant expressing regret for the distress and discomfort that he caused to her.
9. The Registrant undertakes to provide partial reimbursement of the cost of treatment that he charged the Complainant.
10. The Registrant consents and agrees to a 30-day suspension of his practice commencing on the date of the Consent Order.
11. The Registrant consents and undertakes to complete the Professional/Problem Based Ethics (PROBE) Program at his own cost.
12. The Registrant consents and undertakes to complete the CPEP Medical Record Keeping Seminar at his own cost.
13. The Registrant consents to random spot audits by an inspector appointed by the Inquiry Committee at any time during the three (3) year period following expiration of his suspension and return to practice, to review his clinical records for the purposes of ensuring that he is adhering to proper standards of practice and completing proper clinical documentation.
14. The Registrant consents and undertakes to pay the College's costs of investigation as calculated in accordance with the tariff of costs established under s. 19(1)(v.1) of the Act.

15. The Registrant consents to the payment of a fine for his professional misconduct.