

Guiying XU (01820)

Date of Action: October 29, 2015

Description of action taken:

The College received information from the Ministry of Health, Medical Services Plan (“MSP”) that the Registrant had failed to comply with its demand for access to her clinical records supporting MSP billings during an investigation and audit of her MSP billing practices for the period April 1, 2008 to August 13, 2013 (“Audit Period”).

The Inquiry Committee initiated an investigation. Following a review of the information gathered during the investigation, the Inquiry Committee directed the issuance of a citation under s. 33(6)(d) of the *Health Professions Act* (the “Act”) alleging that the Registrant had contravened ss. 1, 5(a) and 6(a) of the Code of Ethics for Registrants and ss. 2, 3 and 5 of the Standards of Practice for Registrants and engaged in professional misconduct.

Reasons for Decision:

Following a discipline hearing, a panel of the Discipline Committee held that the Registrant had engaged in professional misconduct by misrepresenting to the College the alleged damage to her laptop computer as a reason for her inability to produce evidence of patient clinical records and provided false information to the Inquiry Committee that she had removed the colon hydrotherapy equipment from her clinic when she had not. The panel further concluded that the Registrant contravened subs. 3(4) of the Regulation by describing herself as a Dr. TCM when her registration was limited to that of Registered Acupuncturist. The panel also concluded that this amounted to professional misconduct.

Penalty:

The panel ordered that the Registrant’s right to practice acupuncture be suspended for six months with conditions that the suspension be lifted when the Registrant: (a) successfully completes courses on clinical record keeping and professional ethics; (b) successfully completes a mentorship with a mentor approved in advance by the Registrar; and (c) pays a fine of \$15,000.00 and costs of \$7,076.92 to the College.