

# Jun Hua (Davy) ZHU (01551)

Date of action: August 18, 2020

## Description of action taken:

On January 17, 2017, the College of Traditional Chinese Medicine Practitioners and Acupuncturists of British Columbia (the “College”) received a complaint against Jun Hua (Davy) Zhu (the “Registrant”) regarding acupuncture treatments, herbal therapy treatments and other treatments the Registrant provided the Complainant from 2015 to 2016. The Complainant also reported that the Registrant provided acupuncture and herbal treatment to the Complainant’s dog in 2014. The Complainant alleged that the Registrant had, among other things, charged excessive fees, advised the Complainant that she may suddenly become paralyzed and die due to a neck injury suffered in 2015, and used scare tactics to encourage her to spend more money at his clinic.

The Inquiry Committee appointed an inspector to assist with the investigation. The inspector provided a report which included, among other things, evidence that the Registrant failed to provide any records including appointment records, clinical treatment records or billing records and claimed that he lost the memory stick which the records were stored on.

Based on its review of the material filed by the parties and the inspector’s report, 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) failed to comply with the Safety Handbook regarding dispensing herbs, either over-the-counter or otherwise; (d) provided B12 injection therapy to a patient which was beyond proper scope of practice and did so without appropriate professional liability insurance coverage in place; (e) failed to put the best interests of his patient first by charging excessive or unreasonable fees; (f) failed to provide detailed receipts for herbal remedies and other additional treatments to the Complainant; (g) engaged in inappropriate and unprofessional communications with the Complainant, including: (i) advising her to put her affairs in order in case she suddenly dies; (ii) advising her that he was the only treatment provider who could assist her; (iii) advising her that she was required to take “special” herbs for the rest of her life; and (iv) encouraging her to take on debt to pay for continuing treatments; (v) failing to communicate a treatment plan with the Complainant, including refusing to respond to requests for information on the herbal prescriptions being provided by the Registrant; and (vi) providing treatment to the Complainant’s family dog.

On August 18, 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; failing to obtain and/or record appropriate informed consent at the onset of treatment and failed to update the consent as treatment progressed; failing to comply with the Safety Handbook regarding dispensing herbs, either over-the-counter or otherwise; providing B12 injection therapy to a patient which was beyond proper scope of practice and did so without appropriate professional liability insurance coverage in place; failing to put the best interests of his patient first by charging excessive or unreasonable fees; failing to provide detailed receipts for herbal remedies and other additional treatments to the Complainant; engaging in inappropriate and unprofessional communications with the Complainant, including: (i) advising her to put her affairs in order in case she suddenly dies; (ii) advising her that he was the only treatment provider who could assist her; (iii) advising her that she was required to take “special” herbs for the rest of her life; and (iv) encouraging her to take on debt to pay for continuing treatments; (v) failing to communicate with the Complainant regarding her treatment plan, including refusing to respond to requests for information on the herbal prescriptions being provided by the Registrant; and (vi) providing treatment to the Complainant’s family dog.
2. The Registrant consents and agrees to a 30-day suspension of his practice of traditional Chinese medicine and acupuncture as defined in the Traditional Chinese Medicine Practitioners and Acupuncturists Regulation, BC Reg 290/2008, commencing on the date of this Consent Order.
3. The Registrant undertakes to provide partial reimbursement of the cost of treating the family dog and the excessive costs of treatment and herbs that he charged the Complainant.
4. 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 by March 31, 2021.
5. The Registrant consents and undertakes to complete the Professional/Problem Based Ethics (PROBE) Program at his cost within 12 months of the Consent Order.
6. 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 Consent Order.
7. 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.