

Yu Heng SUN (01621)

Date of action: March 8, 2021

Description of action taken:

On December 17, 2020, the College of Traditional Chinese Medicine Practitioners and Acupuncturists (the “College”) received a letter from the Ministry of Health, Audit Investigations Branch (the “Ministry”), enclosing an Audit Hearing Order to Repay (the “Order”) relating to Yu Heng Sun, a registrant of the College (the “Registrant”). The Ministry advised that the Medical Services Commission (the “Commission”) made the Order under section 37(1) of the *Medicare Protection Act*, R.S.B.C. 1996, c. 286, respecting the Registrant on February 5, 2018. Where the Commission makes such an order, it is required to advise the appropriate licensing or disciplinary body, in this circumstance the College.

The Order required the Registrant to repay \$200,000 to the Commission for acupuncture services improperly billed to the Medical Services Plan between January 1, 2011 and December 31, 2015, the costs of the audit of the Registrant’s practice and various other surcharges and interest. The Commission also cancelled the Registrant’s enrollment under s. 13 of *the Medicare Protection Act*, effective immediately, and prohibiting the Registrant from applying for enrollment again.

The Inquiry Committee initiated an investigation under s. 33(4) of the *Health Professions Act*, R.S.B.C. 1996, c. 183 (the “Act”), in response to the information provided by the Ministry.

Based on a review of the materials provided by the Ministry and the Registrant, the Inquiry Committee was concerned that the Registrant: (a) failed to maintain complete clinical records for his patients; (b) billed MSP for services he could not substantiate; (c) billed MSP with insufficient evidence to support that claimed acupuncture treatments were provided for the period January 1, 2011 to December 31, 2015; and (d) misused the reserved title of doctor (Dr.).

On March 8, 2021, 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 consents to a reprimand in relation to his professional misconduct with respect to improper billing of MSP.
2. The Registrant undertakes not to repeat the conduct of: (a) failing to maintain accurate and complete clinical records; (b) improper billing of acupuncture treatments to third parties; and (c) misuse of the Dr. (doctor) title.

3. 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.
4. The Registrant consents and undertakes to complete the Professional/Problem Based Ethics (PROBE) Program at his cost within 12 months of the Consent Order.
5. 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.
6. The Registrant consents to the payment of a fine of \$30,000.00 (thirty thousand dollars) for his professional misconduct, payable within ninety (90) days of the date of the Consent Order.
7. The Registrant consents to random chart audits by an inspector appointed by the Inquiry Committee for a period of one year commencing on the date of the Consent Order, for the purposes of ensuring that he is adhering to proper standards of practice and completing proper clinical and billing documentation and complying with the terms of the Consent Order.