

Archive of Public Notifications

A. UNDERTAKINGS AND CONSENTS UNDER SECTION 37(1) OF THE HEALTH PROFESSIONS ACT:

Notice # 1

Date of action: Apr/07, 2009

Registrant: LEBLANC, Rodrigue G. - Dr. TCM, # GD01586

Nature of Action:

The Inquiry Committee accepted a proposal from the Registrant under s. 37.1(3) of the Health Professions Act. Under the terms of the consent order, the Registrant will receive a reprimand from the College, a six week suspension and a fine of \$5,000. He must also attend counseling sessions with a psychologist to be designated by the College to address the issue of professional boundaries at his cost and pay investigation costs in accordance with the tariff of costs established under s. 19(1)(v.1) of the Act.

Reasons:

A complaint was filed by a female patient alleging that the Registrant had failed to observe professional boundaries. Following an investigation, the Inquiry Committee directed the issuance of a citation alleging that the Registrant had failed to observe proper professional boundaries by starting a romantic relationship with the patient within two days of treating her. The Registrant submitted a proposal acknowledging that he engaged in professional misconduct by having a sexual relationship with the complainant who was a patient. The complainant had attended at his clinic on two previous occasions to purchase products and then scheduled an acupuncture treatment for April 16, 2008. Subsequent to the acupuncture treatment, the Registrant offered to deliver a herbal remedy to the complainant's home. He delivered the product on April 18, 2008 and they went for dinner that night. That evening marked the beginning of a romantic relationship which lasted approximately seven weeks. The Inquiry Committee had regard to the gravity of the admitted conduct, the Registrant's acknowledgment that he breached professional boundaries, the impact on the Complainant, the lack of any prior complaints against the Registrant and the need to promote specific and general deterrence. The Inquiry Committee concluded that the terms of the proposal fell within the range of sanctions that was appropriate to address the nature of the professional misconduct in this case.

Notice #2

Date of Action: March 8, 2011

Name of former student registrant: Igor Victor Muntianov

Description of action taken:

On the direction of Inquiry Committee, the Registrar issued a citation against Mr. Muntianov regarding allegations of unauthorized practice of acupuncture at an outpatient clinic that provided counseling services for addictions. Following a discipline hearing, a panel of the Discipline Committee concluded that Mr. Muntianov had engaged in the unauthorized practice of acupuncture by providing acupuncture without supervision while a student registrant at the clinic and then continuing to practice acupuncture at the clinic following the expiration of his student registration status with the College. The Discipline Committee panel imposed a fine of \$10,000 payable forthwith and hearing costs in the amount of \$3,742.61.

Reasons for action:

Mr. Muntianov was enrolled in a TCM program in 2006 and was granted student registration on April 19, 2007. He did not complete the program. Shortly after receiving student registration, Mr. Muntianov presented a proposal to provide acupuncture for detoxification at an outpatient clinic providing counseling for addiction services under the supervision of qualified acupuncturists. The proposal was accepted and the Registrant began practicing acupuncture at the clinic without supervision and continued to do so after his student registration expired in October 2007. He did not charge for his services but began receiving a small stipend after a few months. A client at the clinic who had received acupuncture from Mr. Muntianov learned that he was not a

registrant of the College and filed a complaint with the College.

Following an investigation, the Inquiry Committee directed the issuance of a citation. A discipline hearing was convened which Mr. Muntianov did not attend. The Discipline Committee panel concluded that Mr. Muntianov had engaged in the unauthorized practice of acupuncture both while a student registrant and after his student registration expired. The Discipline Committee conducted a written hearing with respect to the appropriate penalty. The Discipline Committee panel concluded that the facts were egregious because Mr. Muntianov practiced without authorization for approximately 18 months treating many people and would have likely continued to engage in the unauthorized practice but for the complaint and the College's intervention. The Discipline Committee concluded that Mr. Muntianov's submissions on penalty did not address the question of his unauthorized practice or demonstrate remorse but rather attacked the credibility of the complainant and others and demonstrated the length to which he would go to deflect criticism of, and responsibility for, his own conduct. The Discipline Committee panel noted that Mr. Muntianov's practice for approximately 18 months without authorization and without adequate training and supervision posed a serious risk to the public.

B. UNDERTAKINGS AND CONSENTS UNDER SECTION 37(1) OF THE HEALTH PROFESSIONS ACT:

Notice #1

Date of action: June 10, 2010

Registrant: Michael Raymond Lines (Dr. TCM)

Nature of Action:

The Inquiry Committee entered into a consent order with the Registrant under s. 33(6)(c) and 36 of the Health Professions Act in which he undertakes and consents: (a) not to repeat sexual misconduct; (b) to attend for an evaluation to assess his risk for sexually re-offending; (c) to refrain from treating women or children in a clinical setting without a chaperone present until the Inquiry Committee is satisfied that he does not pose a risk to his patients; (d) to post a notice in the waiting room of his clinic indicating that women and children must have a chaperone present; and (e) to reimburse the College for investigation costs in accordance with the tariff.

Reasons: In May 2009, an adult step-daughter filed an historical sexual abuse complaint against the Registrant alleging that he had abused her approximately 30 years ago. Similar allegations were made by another adult step-daughter. The Registrant acknowledged the conduct and advised that he had sought counselling and that this had taken place many years before he started his medical training or practice as a Dr. TCM. Although the conduct occurred many years ago, the Inquiry Committee was concerned that the conduct raised safety issues in the context of the treatment of female patients and minors. Without a risk assessment, the Inquiry Committee was unable to determine whether the mere passage of time and/or the counselling that the Registrant had received was sufficient to address those concerns from a public safety perspective. The Inquiry Committee concluded it was appropriate to put safeguards in place until it was satisfied that there is no longer any risk.

Notice #2

Date of action: March 2, 2010

Registrant: Terry Hsien Yau Cheng (R.Ac)

Nature of Action:

The inquiry Committee accepted a consent order from the Registrant under s. 33 (6)(c) and 36 of the Health Professions Act. Under the terms of the consent order, the Registrant consents to: (a) the immediate cancellation of his registration as a registered acupuncturist with the College; (b) receive a reprimand from the College; (c) refrain from the inappropriate touching of patients; and (d) not seek reinstatement for a period of at least five years from the date of the Consent Order. In the event that the Registrant makes an application for reinstatement at the end of the five year period, he has agreed to the following conditions:

- i. the requirement to attend , at his cost, for a psychiatric evaluation and such other assessments as the Registration Committee directs by experts appointed by the College to ensure that he does not pose a risk to public safety
- ii. the requirement to successfully complete a skills assessment, at his cost, as directed by the Registration Committee, to ensure that he is competent to return to practice
- iii. the requirement to successfully complete such other courses, at his costs, as directed by the Registration Committee
- iv. consent to the imposition of a condition on his registration, if directed by the Registration Committee, that he will not examine or treat female patients without an adult chaperone present; and



- v. consent to the imposition of a condition on his registration, if directed by the Registration Committee, that he will post a notice in the reception area of his office or such other place as can be readily viewed by patients entering his office, indicating in English and Chinese that female patients must have an adult chaperone present during examinations or treatments.

Reasons:

The College was notified by the Port Alberni RCMP that they were conducting a criminal investigation with respect to the Registrant as a result of two complaints of sexual misconduct filed by two of his former female patients. The inquiry Committee initiated an investigation under s. 33(4) of the Health Profession Act. The College subsequently received statements from two further female complainants alleging inappropriate touching by the Registrant during treatments. Criminal charges were not approved. In October, 2009, the Registrant indicated that he was prepared to consent to the cancellation of his registration in response to the Inquiry Committee's investigation. After considering the allegations from the complainants, the Registrant's response and clinical records, the Inquiry Committee determined that it was prepared to accept a consent order under ss. 33(6)(c) and 36 of the Act which would cancel the Registrant's registration for a period of at least five years and address the conditions for reinstatement to ensure public safety in the event that he seeks reinstatement at the expiration of five years because the allegations raised significant public safety concerns and cancellation of the Registrant's registration would adequately address any risk without further delay. The Inquiry Committee determined that the remedial action under the consent order would be similar to the order that the College would seek in a disciplinary hearing.

