

Table 4 Disciplinary Cases of Chinese Medicine Practitioners**Table 4(1) Disciplinary Cases Received over the Period 2002 to 2012**

Category (see index)	2002 year	2003 year	2004 year	2005 year	2006 year	2007 year	2008 year	2009 year	2010 year	2011 year	2012 year	Total
(i) Discipline and Conduct	5	13	7	9	15	5	9	10	4	9	12	98
(ii) Professional Responsibility	0	3	14	24	15	12	10	34	26	27	50	215
(iii) Professional Ethics	5	12	10	13	12	8	4	3	2	2	3	74
(iv) Practising Rules	21	36	33	41	17	24	27	20	32	27	31	309
(v) Medical Practice	36	27	43	50	51	68	49	32	20	27	28	431
(vi) Practice Advertising	186	181	219	72	55	26	22	10	56	193	101	1,121
(vii) Others	0	0	0	0	2	2	0	0	2	0	0	6
Total	253	272	326	209	167	145	121	109	142	285	225	2,254

Table 4(2) Disciplinary Cases Handled over the Period 2002 to 2012

Category (see index)	Cases Received	Completed Cases: Not Substantiated	Completed Cases: Advisory Letters Issued	Completed Cases: Inquiry by Practitioners Board	Completed Cases: Sub-total	Cases Carried Forward to 2013
(i) Discipline and Conduct	98	13	3	71	87	11
(ii) Professional Responsibility	215	126	70	9	205	10
(iii) Professional Ethics	74	56	17	0	73	1
(iv) Practising Rules	309	113	160	15	288	21
(v) Medical Practice	431	259	116	30	405	26
(vi) Practice Advertising	1,121	326	758	21	1,105	16
(vii) Others	6	3	1	2	6	0
Total	2,254	896	1,125	148	2,169	85

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- (i) Discipline and Conduct : A Chinese medicine practitioner must abide by the law. If a registered Chinese medicine practitioner has been convicted of an offence punishable with imprisonment in Hong Kong or elsewhere (irrespective of whether a prison term is imposed or not), or found guilty of misconduct in a professional respect, he must report that to the Practitioners Board immediately.
- (ii) Professional Responsibility : A Chinese medicine practitioner must be professionally responsible to a patient; must explain patiently to a patient about that patient's medical condition; must work hard to improve his own professional standard; must ensure that his professional capability is not adversely affected when performing his professional duties; and must make medical referrals if necessary.
- (iii) Professional Ethics : A Chinese medicine practitioner should not abuse his professional position; disclose information obtained from his patients; receive payment for patient referrals; disparage other Chinese medicine practitioners; or flaunt himself/herself. A Chinese medicine practitioner should best serve the medical interests of his patients.
- (iv) Practising Rules : A Chinese medicine practitioner should display notification of his/her being listed as a listed Chinese medicine practitioner/practising certificate at a conspicuous place in his/her clinic; set up and keep individual patient medical records; and issue clear and legible prescriptions. He/she should refrain from prescribing excessive medicines, or from issuing professional documents which are untruthful or misleading. A listed Chinese medicine practitioner should not prescribe schedule 1 Chinese herbal medicines of the Chinese Medicine Ordinance.
- (v) Medical Practice : A Chinese medicine practitioner should best serve the medical interest of patients; master the relevant knowledge and skills; make appropriate medical referrals; apply relevant diagnostic techniques only after he has passed the professional assessment; act in accordance with the requirements of the relevant medical legislation; adopt treatment methods on the basis of Traditional Chinese Medicine; and should not use other treatment methods as defined under laws concerning other medical/healthcare professionals.
- (vi) Practice Advertising: A Chinese medicine practitioner must abide by the code of practice in relation to the dissemination of information to the public via signs, signboards, stationery, newspaper announcements, telephone directories and internet websites.
- (vii) Others: A Chinese medicine practitioner has obtained registration by fraud or misrepresentation, or was not at the time of his registration qualified to be registered, and has claimed bankruptcy.

Table 4(3) Disciplinary Inquiries Heard by the Practitioners Board in 2012

(I) Registered CMP

(i) Breached codes of conduct :

- a. Issued inappropriate prescriptions, failed to be professionally responsible to patient: 1 case for inquiry
The PB has decided to remove the name of the CMP from the Register for 6 months and suspended the application for 24 months after inquiry.
- b. Issued professional documents which were untruthful or misleading: 1 case for inquiry
The PB has decided to remove the name of the CMP from the Register for 7 days and suspended the application for 3 months after inquiry.
- c. Prescribed medical cream which contained steroid to a patient: 1 case for inquiry
Note 1: 1 Registered CMP involving 3 disciplinary cases. The PB has decided to remove the name of the CMP from the Register for 12 months and suspended the application for 24 months after inquiry.
- d. Found medical cream containing Western medicine inside the clinic: 1 case for inquiry
Note 1: 1 Registered CMP involving 3 disciplinary cases. The PB has decided to remove the name of the CMP from the Register for 12 months and suspended the application for

24 months after inquiry.

- e. Prescribed medical cream which contained Western medicine to a patient: 1 case for inquiry
The PB has decided to remove the name of the CMP from the Register for 6 months and suspended the application for 18 months after inquiry.
- f. Did not choose the medicines that best serve the medical interest of a patient in the course of treatment: 1 case for inquiry
The PB has decided to remove the name of the CMP from the Register for 6 months and suspended the application for 24 months after inquiry.
- g. Made wrong diagnosis in the course of treatment, failed to be professionally responsible to patient: 1 case for inquiry
The PB has decided the case as not substantiated.
- h. Did not make appropriate medical referral after diagnosis of a patient: 1 case for inquiry
The PB has decided the case as not substantiated.

(ii). Convicted of offence punishable with imprisonment and failed to report to the Practitioners Board immediately:

- a. Possessed Part I poison and substance under the Antibiotics Ordinance : 1 case for inquiry
Note 2: 1 Registered CMP involving 2 disciplinary cases. The PB has decided to remove the name of the CMP from the Register after inquiry.
- b. Administered drug or used instrument to procure abortion: 1 case for inquiry
Note 2: 1 Registered CMP involving 2 disciplinary cases. The PB has decided to remove the name of the CMP from the Register after inquiry.
- c. Possessed of Part I poison and substance under the Antibiotics Ordinance: 1 case for inquiry
The PB has decided to remove the name of the CMP from the Register for 12 months and suspended the application for 24 months after inquiry.
- d. Convicted of assault occasioning actual bodily harm: 1 case for inquiry
The PB has decided to reprimand the registered CMP
- e. Dealt with property known or believed to represent proceeds of indictable offence: 1 case for inquiry
The PB has decided to remove one CMP from the Register for 6 months after inquiry.
- f. Practised medicine unlawfully: 1 case for inquiry
Note 1: 1 Registered CMP involving 3 disciplinary cases. The PB has decided to remove

the name of the CMP from the Register for 12 months and suspended the application for 24 months after inquiry.

- g. Breached Cap 327 the Lifts and Escalators (Safety) Ordinance when inspecting the lift: 1 case for inquiry
The PB has decided to reprimand the registered CMP.

(II) Listed CMP

(iii) Breached codes of conduct :

- a. Provided excessive information on signs and signboards : 1 case for inquiry
The PB has decided to record for future reference after inquiry.
- b. Did not list out all the components of Chinese herbal medicines on the prescriptions : 1 case for inquiry
The PB has decided to remove the name of the CMP from the List of CMP after inquiry.

(iv) Convicted of offence punishable with imprisonment:

- a. Exposed a child's life in danger : 1 case for inquiry
Note 3: 1 Listed CMP involving 3 disciplinary cases. The PB has decided to remove the name of the CMP from the List of CMP after inquiry.

(v) Convicted of offence punishable with imprisonment and breached codes of conduct:

- a. Acted as an agent to solicit and accept an advantage: 1 case for inquiry
The PB has decided to remove the name of the CMP from the List of CMP after inquiry.
- b. Took part in the management of an unregistered clinic, possession of Part I poison, substance to which the Antibiotics Ordinance applies and in possession of a dangerous drug : 1 case for inquiry
Note 3: 1 Listed CMP involving 3 disciplinary cases. The PB has decided to remove the name of the CMP from the List of CMP after inquiry.
- c. Possessed substance under the Antibiotics Ordinance : 1 case for inquiry
Note 3: 1 Listed CMP involving 3 disciplinary cases. The PB has decided to remove the name of the CMP from the List of CMP after inquiry.

21 disciplinary inquiry cases in total, involving 16 CMPs.

Removal or Removal with Period : 5(31%) CMPs

Removal with Suspension: 6(37%) CMPs

Reprimand : 2(13%)CMPs

Warning : 0(0%) CMPs

On Record for Future Reference : 1(6%) CMPs

Not substantiated : 2(13%) CMPs

**Table 4(4) Registration Applications Received during the period from 2002 to 2012
Requiring Consideration to Hold Inquiry**

Category	Cases Received	Decision by the Practitioners Board: Registration Approved without Inquiry	Decision by the Practitioners Board: Application for Withdrawal of Registration Accepted	Decision by the Practitioners Board: Registration Approved after Inquiry	Decision by the Practitioners Board: Registration Rejected after Inquiry	Cases Carried Forward to 2013
(i) Guilty of offence punishable with imprisonment	152	91	7	38	14*	2
(ii) Guilty of professional misconduct	2	1	1	0	0	0
(iii) Obtain registration by fraud or misrepresentation	4	0	2	0	2	0
Total	158	92 (58.2%)	10(6.3%)	38(24.1%)	16*(10.1%)	2(1.3%)

* 4 applicants lodged appeals to the Council and were approved to register after appeal hearing.