

Table 4

Disciplinary Cases of Chinese Medicine Practitioners

Table 4(1) Disciplinary Cases Received over the period 2002 to 2010

Category (see index)	Year									Total
	2002	2003	2004	2005	2006	2007	2008	2009	2010	
(i) Discipline and Conduct	5	13	7	9	15	5	9	10	4	77
(ii) Professional Responsibility	0	3	14	24	15	12	10	34	26	138
(iii) Professional Ethics	5	12	10	13	12	8	4	3	2	69
(iv) Practising Criteria	21	36	33	41	17	24	27	20	32	251
(v) Medical Practice	36	27	43	50	51	68	49	32	20	376
(vi) Practice Promotion	186	181	219	72	55	26	22	10	56	827
(vii) Others	0	0	0	0	2	2	0	0	2	6
Total	253	272	326	209	167	145	121	109	142	1,744

Table 4(2) Disciplinary Cases Handled over the period 2002 to 2010

Category (see index)	Cases Received	Completed Cases:				Cases Carried Forward to 2011
		Not Substantiated	Advisory Letters Issued	Inquiry by Practitioners Board	Sub-total	
(i) Discipline and Conduct	77	12	3	52	67	10
(ii) Professional Responsibility	138	79	42	5	126	12
(iii) Professional Ethics	69	53	15	0	68	1
(iv) Practising Criteria	251	90	139	9	238	13
(v) Medical Practice	376	234	106	19	359	17
(vi) Practice Promotion	827	278	469	7	754	73
(vii) Others	6	3	1	2	6	0
Total	1,744	749	775	94	1,618	126

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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 Criteria : 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 Promotion: 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 2010

Category	Cases for Inquiry	Decision by the Practitioners Board:						
		Removal	Removal (a period)	Removal (suspended application)	Reprimand	Warning	On Record for Future Reference	Not guilty
(I) Registered CMP								
(i) Breached codes of practice:								
• Prescribed excessive medicines, and failed to issue clear and legible prescription	1		1 (6 months)					
• Prescribed Chinese medicine in breach of the principle of compatibility, and prescribed excessive medicines	2			2 (12 months)				
• Failed to choose medicines that best served the medical interest of the patient, prescribed excessive medicines, and prescription information breached the codes	1			1 (12 months)				
• Failed to be professionally responsible to a patient, and failed to issue prescription to a patient	1			1 (24 months)				
• Failed to issue clear and legible prescription	1			1 (12 months)				
• Issued professional documents which were untruthful or misleading	1			1 (12 months)				
• Failed to set up and keep medical records	1				1			
• Signs and signboards at clinics breached the codes	3					3		
• Issued medical certificate falling short of the standards expected among professional colleagues	1					1		
• Failed to be professionally responsible to a patient	1							1
(ii) Convicted of offence punishable with imprisonment:								
• Possession of controlled drugs	1				1			
(iii) Convicted of offence punishable with imprisonment and breached codes of conduct:								
• Possession of controlled drugs, and failed to report conviction to the Practitioners Board	2			2 (12-24 months)				
• Theft, managing an unlicensed massage establishment, and failed to report conviction to the Practitioners Board	1			1 (24 months)				

Table 4(3) Disciplinary Inquiries Heard by the Practitioners Board in 2010

Category	Cases for Inquiry	Decision by the Practitioners Board:						
		Removal	Removal (a period)	Removal (suspended application)	Reprimand	Warning	On Record for Future Reference	Not guilty
(II) Listed CMP								
(iv) Breached codes of conduct : • Signs and signboards at clinics breached the code	2						2	
• Notice breached the code	1						1	
• Did not use measuring apparatus to weigh Chinese medicine herbals, and failed to set up and keep medical records	1						1	
(v) Convicted of offence punishable with imprisonment: • Possession of controlled drugs	1	1						
(vi) Convicted of offence punishable with imprisonment and breached codes of conduct: • Manslaughter, wondering with intent to do grievous bodily harm, and failed to report conviction to the Practitioners Board	1	1						
• Possession of controlled drugs, failed to report conviction to the Practitioners Board, failed to issue prescription to a patient, and failed to set up and keep medical records	3	3						
• Possession of controlled drugs, and failed to report conviction to the Practitioners Board	1						1	
Total	27	5	1	9	2	4	5	1

Table 4(4) Registration Applications Received during the period from 2002 to 2010 Requiring Consideration to Hold Inquiry

Category	Cases Received	Decision by the Practitioners Board:				Cases Carried Forward to 2011
		Registration Approved without Inquiry	Application for Withdrawal of Registration Accepted	Registration Approved after Inquiry	Registration Rejected after Inquiry	
(i) Guilty of offence punishable with imprisonment	150	91	7	37	14*	1
(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	156	92 (59.0%)	10 (6.4%)	37 (23.7%)	16* (10.3%)	1 (0.6%)

* 4 applicants were approved registration after appeal to the Council.

Table 4(5) Inquiries on Registration Applications Heard by the Practitioners Board in 2010

Category	Cases for Inquiry	Decision by the Practitioners Board:		
		Application for Withdrawal of Registration Accepted	Registration Approved after Inquiry	Registration Rejected after Inquiry
Guilty of professional misconduct : • Prescription of Schedule I Chinese herbal medicines	1	1	0	0
Total	1	1 (100%)	0 (0%)	0 (0%)