

COOPER LITIGATION

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Via Email: registrar@ctcma.bc.ca

CTCMA
1664 West 8th Avenue
Vancouver, BC V6J 1V4

Attention: Dr. Mary Watterson, Registrar

Dear Madam:

Re: Dr. Jin Zhang Wang

We write in response to your recent correspondence in which you assert that Dr. Wang is engaged in the unauthorized practice of traditional Chinese medicine and that he is not entitled to use the designation of Dr. (doctor).

You are, of course, aware of the history of Dr. Wang's involvement with the CTCMA. To briefly recount this history, in September 2010 a former patient of Dr. Wang's filed a written complaint with the CTCMA arising from Dr. Wang's decision to end the doctor-patient relationship because of the patient's persistent failure to follow his treatment advice. The patient subsequently offered to withdraw that complaint if she received compensation for her treatment fees and expenses. There was never any foundation for this complaint. The most telling illustration of this is that the CTCMA was never able to articulate to Dr. Wang what he was alleged to have done wrong in terminating the relationship.

The investigation of this complaint led to a request that Dr. Wang provide his patient records to the CTCMA, which he did. Further requests for records were made and the records, ultimately, were produced. Dr. Wang had legitimate concerns about the privacy of his patients' records and the scope of the CTCMA's power to compel production. He sought legal advice on these matters, as he is entitled to do. It is worth noting that as the investigation progressed, one of the CTCMA's central allegations against Dr. Wang became a failure to cooperate with the investigation. It is also worth noting that Dr. Wang did in fact cooperate with the investigation and provided the CTCMA with all of the information that they had requested.

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In April 2011 the CTCMA took the highly unusual step of immediately suspending Dr. Wang's registration pursuant to section 35 of the *Health Professions Act*. This section provides that an enquiry committee may suspend the registration of a registrant only where the action is "necessary to protect the public". There was no credible basis upon which the enquiry committee could have made that determination. The initial complaint did not raise any issue of public safety. The CTCMA had concerns about Dr. Wang's record-keeping practices but, at the time section 35 was invoked, the CTCMA had made no effort to constructively address these concerns, which themselves did not raise any public safety issues. The only other basis articulated for suspending Dr. Wang's registration came from the observations of Dr. Wanda Stevens, who made observations that suggested to her that Dr. Wang might be manufacturing herbs without proper authority. Firstly, the manufacture of herbs does not fall within the regulatory scope of the CTCMA and, therefore, could not be grounds to suspend Dr. Wang's registration. Secondly, Dr. Stevens was incorrect in her conclusion. Health Canada, the regulatory body with authority, did review Dr. Wang's facility and found that no breach of law or regulation was being committed.

The suspension remained in place for over two years despite the fact that it was evident early on in the investigation that the suspension was no longer necessary to protect the public and the enquiry committee was required by section 35 (4) of the *Act* to cancel the suspension.

In fact, the CTCMA refused, in spite of repeated requests, to lift the suspension unless Dr. Wang agreed to enter into a consent order which would have placed severe restrictions on his ability to practice. The CTCMA went so far as to propose that Dr. Wang surrender his registration and give up his right to practice.

The harm caused to Dr. Wang by the CTCMA's actions is considerable. Dr. Wang's suspension was published on the CTCMA's website and remains there today. The CTCMA has never acknowledged that there was no justification for the suspension in the first place or for the length of time that the suspension was kept in place. Dr. Wang intends to seek redress for the damage done to him and his practice.

Turning to the matters raised in your recent correspondence, firstly, we disagree that Dr. Wang is not entitled to use the designation Dr. (Doctor) or Doctor of traditional Chinese medicine. Pursuant to section 3(5) of the *Traditional Chinese Medicine Practitioners and Acupuncturists Regulation* Dr. Wang's training in traditional Chinese medicine gives him the educational designation to use those titles.

Further, a review of Dr. Wang's website shows that he is not using the designated titles acupuncturist or traditional Chinese medicine practitioner.

In the attachments to your letter of July 7, 2014, you have highlighted the words "herbal medicine, herbs, herbal treatments and Chinese herbal medicine". None of these terms have a designated meaning under the *Act* or *Regulation*. Section 5(b) of the *Regulation* provides that no person other than a traditional Chinese medical practitioner or herbalist may prescribe those herbal formulas

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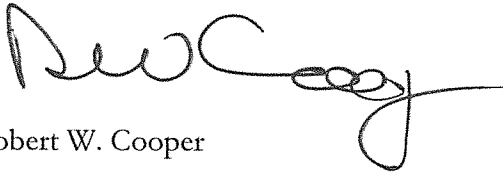
listed in a schedule to the bylaws of the College. I have reviewed the CTCMA's bylaws and attached schedules found on the CTCMA's website. There is no schedule of Chinese herbal formula appended to this version of the bylaws. If one exists, can you please provide me with a copy so that we may review its provisions.

In short, there is no basis to assert that Dr. Wang is misusing the title Dr. (Doctor), or Doctor of traditional Chinese medicine. Further, we are not in a position at this point to respond to your assertion that the references to herbs or herbal treatments in Dr. Wang's website is evidence that he is engaged in the unauthorised practice of traditional Chinese medicine.

We do acknowledge that the reference in Dr. Wang's biography to his membership in the CTCMA is inaccurate because he has not renewed his registration. Dr. Wang is prepared to address the renewal of his registration if the CTCMA is willing to acknowledge that the suspension of his registration in 2011 was made without justification and apologise for its actions. As well, Dr. Wang's concern that his practice will not be subject to the punitive terms and conditions that the CTCMA sought to impose on Dr. Wang through its consent orders needs to be addressed. We wish to avoid repeating the confrontational approach that began the investigation into Dr. Wang and remain open to having productive discussions with the CTCMA to resolve this matter.

Yours truly,

Cooper Litigation



Robert W. Cooper

RWC/jm