

**SUMMARY of the Decision of the Inquiries, Complaints and Reports Committee
(the Committee)**
(Information is available about the complaints process [here](#) and about the Committee [here](#))

**Dr. Howard Wu (CPSO #67746)
(the Respondent)**

INTRODUCTION

The Complainant's medical history includes high cholesterol, hypertension, asthma, and diabetes. She was a patient of the Respondent from January 2011 to January 2014. The Complainant contacted the College of Physicians and Surgeons of Ontario (the College) to express concern about the Respondent's care and conduct.

COMPLAINANT'S CONCERNS

The Complainant is concerned about the medical care and management and unprofessional behaviour of the Respondent while she was a patient under his care. In particular, the Complainant is concerned that the Respondent:

- **failed to maintain his office in professional condition**
- **failed to adequately assess, investigate, refer, diagnose, treat and monitor her for her cholesterol, high blood pressure, asthma and diabetes**
- **refused to provide a receipt for the supplements she was going to purchase.**

The Complainant is also concerned that the Respondent's staff were more concerned with pushing her to buy supplements from the Respondent rather than having the Respondent treat her.

COMMITTEE'S DECISION

A General Panel of the Committee considered this matter at its meeting of March 28, 2019. The Committee required the Respondent to attend at the College to be cautioned in person with respect to: 1) infection prevention and control (IPAC) deficiencies and the time it took to rectify them; and 2) conflict of interest related to selling products to patients from which he derives a financial benefit. In addition, the Committee requested that the Respondent reflect on the seriousness of IPAC deficiencies in his practice and on the principle of conflict of interest as it relates to physicians and their recommendations to patients.

COMMITTEE'S ANALYSIS

Failed to maintain his office in a professional condition

- While the Committee was satisfied that the Respondent addressed the IPAC deficits, it took some time for him to do so and required ongoing follow-up from the College. The deficits were highly concerning and for this reason the Committee decided to caution the Respondent and request that he reflect on this aspect of his practice and how to prevent similar deficits in future.

Failed to adequately assess, investigate, refer, diagnose, treat and monitor cholesterol, high blood pressure, asthma and diabetes

- The Committee determined that the Respondent's charting supported his response that he did address the Complainant's care concerns adequately.
- The Committee noted, however, that the Respondent's charting was limited and may have been completed by assistants, rather than the Respondent.
- The Committee also noted that, since his involvement in the Complainant's care, the Respondent has undergone intervention through another College process with respect to his care and record-keeping. The Committee determined therefore that any issues relating to the Complainant's care were no longer necessarily at issue. Given that the Respondent's care and record-keeping has been supervised, and with the knowledge that following the period of supervision he would have been required to undergo a reassessment, the Committee did not believe further action on this aspect of the complaint was required in the present case.

Refused to supply receipts for supplements to be purchased

- The College expended significant resources to obtain information about the Respondent's practice, and the investigation was prolonged due to the Respondent's not having provided requested information in a timely manner. Based on the information obtained, it was evident to the Committee that the Respondent's involvement in sales of supplements to patients through his office was a clear conflict of interest (in particular, as set out in sub-sections 16 (a)(i) and 16(a)(ii) of Part IV, Conflict of Interest, Ontario Regulation 114/94 made under the *Medicine Act, 1991*). The fact that the Respondent derived a benefit from the sale of the supplements was a contravention of the conflict of interest regulation. The Committee wished to emphasize to the Respondent that sales of supplements to patients should not form part of his practice in future, no matter the ownership structure of his interest in the supplement business.

- Given the Respondent's contravention of the regulation, the Committee decided to caution him in this regard as well, and also request that he reflect on his obligation to avoid conflicts of interest in his practice.