

SUMMARY

DR. CHRISTOPHER JYU (CPSO #52287)

1. Disposition

On January 17, 2018, the Inquiries, Complaints and Reports Committee (the Committee) required family physician Dr. Jyu to appear before a panel of the Committee to be cautioned with respect to hugging a patient.

In addition, the Committee ordered Dr. Jyu to complete a specified continuing education and remediation program (SCERP). The SCERP requires Dr. Jyu to:

- Attend and successfully complete the next available session of the Probe Canada Course – Ethics and Boundaries.

2. Introduction

A patient complained to the College that Dr. Jyu hugged and kissed him on approximately four occasions in his office.

Dr. Jyu responded that he hugged the patient for therapeutic purposes on three occasions. He indicated that he discussed hugs with the patient as being therapeutic and offered them only when the patient was agitated and angry. Dr. Jyu strongly denied ever kissing the patient and stated that he simply used the phrase “hugs and kisses” to describe the act of providing therapeutic hugs to the patient.

3. Committee Process

A General Panel of the Committee, consisting of public and physician members, met to review the relevant records and documents related to the complaint. The Committee always has before it applicable legislation and regulations, along with policies that the College has developed, which reflect the College’s professional expectations for physicians practising in

Ontario. Current versions of these documents are available on the College's website at www.cpsso.on.ca, under the heading "Policies & Publications."

4. Committee's Analysis

The Committee considered whether a referral to the College's Discipline Committee was warranted in this matter on the basis that Dr. Jyu acknowledged hugging the patient on several occasions and the patient clearly considered there to be a sexual component to Dr. Jyu's conduct toward him.

The Committee ultimately decided that a referral for a Discipline hearing was not warranted. The medical record indicated that Dr. Jyu discussed with the patient that he felt there was therapeutic value to hugging and that he asked for the patient's consent for the contact. Dr. Jyu documented on more than one occasion that the hugs appeared to benefit the patient.

In addition, there was no information before the Committee to confirm that Dr. Jyu kissed the patient, and Dr. Jyu denied that he had done so. If kissing occurred, it must have been fleeting, as the patient indicated (during a telephone conversation with Dr. Jyu that the patient recorded) that he did not know Dr. Jyu had kissed him until Dr. Jyu used the phrase "hugs and kisses" in reference to his conduct toward the patient.

Nevertheless, the Committee considered it inappropriate for Dr. Jyu to hug the patient at the end of sessions. This non-therapeutic physical contact is not a reasonable component of psychiatric treatment and is not in keeping with the College policy, *Maintaining Appropriate Boundaries and Preventing Sexual Abuse*.

The Committee also concluded that Dr. Jyu failed to demonstrate appropriate boundaries by telephoning the patient upon learning of the complaint to the College. During that conversation, Dr. Jyu repeatedly apologized to the patient and called him "a friend."

In light of this, the Committee decided that the two-fold disposition set out above was warranted.