

**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. William Hong Yuan Lu (CPSO# 59647)
(the Respondent)**

INTRODUCTION

The College received information raising concerns about the Respondent's involvement with a pedorthist who operated a medical assistive device¹ business. The Respondent signed prescriptions that had been pre-filled by the pedorthist, who then used the prescriptions to submit false claims for health appliances (such as compression stockings and orthotics) for employees of various organizations, thereby defrauding insurance companies and the employers. The pedorthist split the insurance monies for the fraudulent claims between himself, the clients, and others. The pedorthist was charged with fraud in 2015 and was later convicted. Subsequently, the Committee approved the Registrar's appointment of investigators to conduct a broad review of the Respondent's practice.

COMMITTEE'S DECISION

A General Panel of the Committee considered this matter at its meeting of April 1, 2020. The Committee required the Respondent to attend at the College to be cautioned in person with respect to conflicts of interest, receiving gift cards, prescribing medical devices without appropriate assessment or medical indication, and excessive prescribing of medical devices. The Committee also directed that the Respondent enter into an undertaking involving remediation of his practice. In addition, the Committee referred concerns to the General Manager of OHIP.

COMMITTEE'S ANALYSIS

As part of this investigation, the Registrar appointed an independent Assessor to review a number of the Respondent's patient charts, interview the Respondent, and submit a written report to the Committee. On review of 30 patient charts and interview with the Respondent, the Assessor opined that the Respondent did not meet the standard of practice of the profession in all charts reviewed, predominantly because of insufficient information in the chart notes. The Assessor also opined that the Respondent showed: a lack of skill in proper charting, which did not meet the standard; a lack of knowledge with respect to the clinical need for compression stockings, arm sleeves, and knee braces; a lack of judgement in the liberal prescribing of the devices without sufficient clinical judgement in the majority of his assessments. The Assessor did not find that the Respondent's clinical practice, behaviour, or conduct exposed or was likely to expose his patients to harm or injury while noting that it was not clear from the chart

notes whether there was any contraindication in any patient for the prescribed devices. The Assessor also reviewed the Respondent's OHIP billing practices and found 23 instances where the OHIP billing was not appropriate when a visit appeared to be for a prescription for a device.

The Respondent acknowledged accepting gift cards from the pedorthist on two occasions but denied any wrongdoing and maintained he received no financial gain or benefit such as a kickback or payment from any prescription. He pointed out that he has not been charged with any crime. He noted that on several of the prescriptions in question, the stamp used was not his own. He maintained that it was appropriate to bill OHIP for the services provided. He has since taken courses with respect to practice standards and medical record keeping.

The Committee noted that the investigation showed that the Respondent issued 779 prescriptions, primarily for arm sleeves and compression stockings, with claims valued at over one million dollars. The Committee was very concerned by statements from the pedorthist's staff member that if someone did not have their own doctor, she was told to refer them to the Respondent and give them a prescription on which she herself would often write the diagnosis, and the Respondent would sign prescriptions for compression socks and arm sleeves. The police discovered that the pedorthist's business also had the Respondent's stamp. In addition, many of the patients were relatives of the employees and went to the Respondent's clinic despite its distant location from their homes. The Respondent stated that those patients went to his walk-in clinic because it was close to the employees' place of employment.

The Committee was concerned about the Respondent's approach to the patients sent to him by the pedorthist, and his statement that he had no idea that there was anything irregular about the referrals, particularly in light of the high volume of such patients. The Committee noted with concern that the Respondent acknowledged accepting gift cards from the pedorthist for fairly substantial sums, which at the very least represented a conflict of interest as it appeared the Respondent received some benefit as a result of writing prescriptions for clients of the pedorthist's business.

Given the above determination and considering its concerns about the Respondent's conflicts of interest, receiving gift cards, prescribing medical devices without appropriate assessment or medical indication, and excessive prescribing of medical devices, the Committee required the Respondent to attend at the College to be cautioned.