BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the First Amended Petition to Revoke Probation Against: Arthur Kwok-Kwong Chiu, M.D. Physician's and Surgeon's Certificate No. G 56073 Respondent.	Case No. 800-2022-094056

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on February 9, 2024.

IT IS SO ORDERED January 12, 2024.

MEDICAL BOARD OF CALIFORNIA

JENNA JONES FOR

Reji Varghese
Executive Director

ROB BONTA
Attorney General of California
GREG W. CHAMBERS
Supervising Deputy Attorney General
KENDRA S. RIVAS
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Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the First Amended Petition to Revoke Probation Against: **ARTHUR KWOK-KWONG CHIU, M.D.** **227 Elmwood Avenue** **North York, Ontario M2N 3 M8** **CANADA** **Physician's and Surgeon's Certificate No. G 56073** Respondent.	Case No. 800-2022-094056 **STIPULATED SURRENDER OF LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Reji Varghese (Complainant) is the Executive Director of the Medical Board of California (Board). He brought this action solely in his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State of California, by Kendra S. Rivas, Deputy Attorney General.

2. ARTHUR KWOK-KWONG CHIU, M.D. (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about September 23, 1985, the Board issued Physician's and Surgeon's Certificate No. G 56073 to Respondent. That license expired on October 31, 2020, and has not been renewed.

JURISDICTION

4. On June 5, 2023, Petition to Revoke Probation No. 800-2022-094056 was filed and served on Respondent. Subsequently, on July 21, 2023, First Amended Petition to Revoke Probation No. 800-2022-094056 was filed before the Board, and is currently pending against Respondent. The First Amended Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent. Respondent timely filed his Notice of Defense contesting the Petition to Revoke Probation. A copy of Petition to Revoke Probation No. 800-2022-094056 and First Amended Petition to Revoke Probation No. 800-2022-094056 are attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Petition to Revoke Probation No. 800-2022-094056. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Petition to Revoke Probation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Petition to Revoke Probation No. 800-2022-094056, agrees that cause exists for discipline and hereby surrenders his Physician's and Surgeon's Certificate No. G 56073 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Physician's and Surgeon's Certificate without further process.

CONTINGENCY

10. Business and Professions Code section 2224, subdivision (b), provides, in pertinent part, that the Medical Board "shall delegate to its executive director the authority to adopt a ... stipulation for surrender of a license."

11. Respondent understands that, by signing this stipulation, he enables the Executive Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his Physician's and Surgeon's Certificate No. G 56073 without further notice to, or opportunity to be heard by, Respondent.

12. This Stipulated Surrender of License and Disciplinary Order shall be subject to the approval of the Executive Director on behalf of the Board. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be submitted to the Executive Director for his consideration in the above-entitled matter and, further, that the Executive Director shall have a reasonable period of time in which to consider and act on this Stipulated Surrender of License and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation prior to the time the Executive Director, on behalf of the Medical Board, considers and acts upon it.

13. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the Executive Director on behalf of the Board, except for this paragraph, which shall remain in full force and effect. Respondent fully understands and agrees that in deciding whether or not to

approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive Director and/or the Board may receive oral and written communications from its staff and/or the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the Executive Director, the Board, any member thereof, and/or any other person from future participation in this or any other matter affecting or involving respondent. In the event that the Executive Director on behalf of the Board does not, in his discretion, approve and adopt this Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party hereto. Respondent further agrees that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason by the Executive Director on behalf of the Board, Respondent will assert no claim that the Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or of any matter or matters related hereto.

ADDITIONAL PROVISIONS

14. This Stipulated Surrender of License and Disciplinary Order is intended by the parties herein to be an integrated writing representing the complete, final and exclusive embodiment of the agreements of the parties in the above-entitled matter.

15. The parties agree that copies of this Stipulated Surrender of License and Disciplinary Order, including copies of the signatures of the parties, may be used in lieu of original documents and signatures and, further, that such copies shall have the same force and effect as originals.

16. In consideration of the foregoing admissions and stipulations, the parties agree the Executive Director of the Board may, without further notice to or opportunity to be heard by Respondent, issue and enter the following Disciplinary Order on behalf of the Board:

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ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 56073, issued to Respondent ARTHUR KWOK-KWONG CHIU, M.D., is surrendered and accepted by the Board.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a Physician and Surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Petition to Revoke Probation No. 800-2022-094056 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Petition to Revoke Probation No. 800-2022-094056 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: September 26, 2023

ARTHUR KWOK-KWONG CHIU, M.D.
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

DATED: September 28, 2023

Respectfully submitted,

ROB BONTA
Attorney General of California
GREG W. CHAMBERS
Supervising Deputy Attorney General

/s/ Kendra Rivas

KENDRA S. RIVAS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Petition to Revoke Probation No. 800-2022-094056

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Supervising Deputy Attorney General
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Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the First Amended Petition to Revoke Probation Against: **ARTHUR KWOK-KWONG CHIU, M.D.** **227 Elmwood Avenue** **North York, Ontario M2N 3M,** **CANADA** **Physician's and Surgeon's Certificate No. G 56073,** Respondent.	Case No. 800-2022-094056 **FIRST AMENDED PETITION TO REVOKE PROBATION**

PARTIES

1. Reji Varghese (Complainant) brings this First Amended Petition to Revoke Probation solely in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about September 23, 1985, the Medical Board of California issued Physician's and Surgeon's Certificate Number G 56073 to Arthur Kwok-Kwong Chui, M.D. (Respondent). The Physician's and Surgeon's Certificate expired on October 31, 2020, and has not been renewed.

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3. In a disciplinary action titled "In the Matter of the Accusation Against Arthur Kwok-Kwong Chiu, M.D.," Case No. 800-2016-023573, the Medical Board of California, issued a decision, effective April 14, 2017, in which Respondent's Physician's and Surgeon's Certificate was revoked. However, the revocation was stayed and Respondent's Physician's and Surgeon's Certificate was placed on probation for a period of three years with certain terms and conditions. Those terms and conditions included, but were not limited to, enrollment and successful completion of a clinical training program; practice monitor; solo practice probation; submitting proof of notification of Decision to required parties, submitting quarterly declarations of compliance with all conditions of probation, complying with the Board's probation unit, and paying costs associated with probation monitoring. A copy of that decision is attached to Exhibit A and is incorporated by reference.

JURISDICTION

4. This First Amended Petition to Revoke Probation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 2221 of the Code states:

"(a) The board may deny a physician's and surgeon's certificate or postgraduate training authorization letter to an applicant guilty of unprofessional conduct or of any cause that would subject a licensee to revocation or suspension of his or her license. The board in its sole discretion, may issue a probationary physician's and surgeon's certificate to an applicant subject to terms and conditions, including, but not limited to, any of the following conditions of probation:

"(1) Practice limited to a supervised, structured environment where the licensee's activities shall be supervised by another physician and surgeon.

"(2) Total or partial restrictions on drug prescribing privileges for controlled substances.

"(3) Continuing medical or psychiatric treatment.

"(4) Ongoing participation in a specified rehabilitation program.

"(5) Enrollment and successful completion of a clinical training program.

"(6) Abstention from the use of alcohol or drugs.

"(7) Restrictions against engaging in certain types of medical practice.

"(8) Compliance with all provisions of this chapter.

"(9) Payment of the cost of probation monitoring."

6. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

7. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

8. Section 2228 of the Code states:

"The authority of the board or the California Board of Podiatric Medicine to discipline a licensee by placing him or her on probation includes, but is not limited to, the following:

"(a) Requiring the licensee to obtain additional professional training and to pass an examination upon the completion of the training. The examination may be written or oral, or both, and may be a practical or clinical examination, or both, at the option of the board or the administrative law judge.

"(b) Requiring the licensee to submit to a complete diagnostic examination by one or more physicians and surgeons appointed by the board. If an examination is ordered, the board shall receive and consider any other report of a complete diagnostic examination given by one or more physicians and surgeons of the licensee's choice.

"(c) Restricting or limiting the extent, scope, or type of practice of the licensee, including requiring notice to applicable patients that the licensee is unable to perform the indicated treatment, where appropriate.

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"(d) Providing the option of alternative community service in cases other than violations relating to quality of care."

9. Under the terms of the 2017 Decision, Respondent's failure to comply with any term or condition of probation is a violation of probation. If Respondent violates probation, the Board, after giving notice and opportunity to be heard, may revoke probation and impose all or any portion of the disciplinary order that was stayed. If a Petition to Revoke Probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

CAUSE TO REVOKE PROBATION

(Violation of Terms and Conditions of Probation)

10. Respondent's probation is subject to revocation because he failed to comply with Probation Condition No. 7 (Quarterly Declaration); Probation Condition No. 8 (General Probation Requirements); Probation No. 10 (Non-Practice While on Probation); and Probation Condition No. 12 (Failure to Comply with Probationary Terms) of the Decision in Case No. 800-2016-023573. The facts and circumstances regarding these violations are as follows:

11. Pursuant to Probation Condition No. 7, Respondent is required to submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probations. Respondent is required to submit quarterly declarations no later than ten calendar days after the end of the preceding quarter. Respondent has not submitted quarterly declaration to the Board since April 1, 2019.

12. Pursuant to Probation Condition No. 8, Respondent is required to maintain a current and renewed California Physician's and Surgeon's Certificate during the period of probation. Respondent's Physician's and Surgeon's Certificate expired on October 31, 2020, and has not been renewed.

13. Pursuant to Probation Condition No. 10, Respondent's period of non-practice of medicine while on probation cannot exceed 2 years without being in violation of probation. If Respondent's period of non-practice exceeds 18 months, Respondent must successfully complete the Federation of State Medical Board's Special Purpose Examination, or at the Board's

discretion, a clinical assessment program. On January 10, 2021, Respondent's period of non-practice exceeded 18 months. On July 10, 2021, Respondent's period of non-practice exceeded two years. Respondent has not completed the Federation of State Medical Board's Special Purpose Examination, or the required clinical assessment program.

14. Pursuant to Probation Condition No. 12, Respondent's failure to comply with any terms or conditions of probation is itself a violation of probation. Respondent's failure to comply with Probation Conditions No. 8 and 10 are violations of Probation Condition No. 12.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking the probation that the Board granted in Case No. 800-2016-023573 and imposing the disciplinary order that was stayed thereby revoking Physician's and Surgeon's Certificate No. G 56073 issued to Arthur Kwok-Kwong Chiu, M.D.;

2. Revoking or suspending Physician's and Surgeon's Certificate No. G 56073, issued to Respondent, Arthur Kwok-Kwong Chiu, M.D.;

3. Revoking, suspending or denying approval of Respondent, Arthur Kwok-Kwong Chiu, M.D.'s authority to supervise physician's assistants, pursuant to section 3527 of the Code; and

4. Taking such other and further action as deemed necessary and proper.

DATED: JUL 21 2023

REJI VARGHESE
Executive Director Medical
Board of California Department
of Consumer Affairs State of
California *Complainant*

Exhibit A

Decision and Order

Medical Board of California Case No. 800-2016-023573

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	
ARTHUR KWOK-KWONG CHIU, M.D.	Case No. 8002016023573
Physician's and Surgeon's Certificate No. G56073	
Respondent	

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on April 14, 2017.

IT IS SO ORDERED: March 17, 2017.

MEDICAL BOARD OF CALIFORNIA

Jamie Wright, J.D., Chair
Panel A

MEDICAL BOARD OF CALIFORNIA
I do hereby certify that this document is a true and correct copy of the original on file in this office.
Signature
For Custodian of Records
Title
12-16-2022
Date

KATHLEEN A. KENEALY
Acting Attorney General of California
JANE ZACK SIMON (SBN 116564)
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Attorneys for Complainant
Medical Board of California

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: ARTHUR KWOK-KWONG CHIU, M.D. 227 Elmwood Avenue North York ON M2N 3M CANADA Physician's and Surgeon's Certificate No. G56073	Case No.: 800-2016-023573 STIPULATED SETTLEMENT AND DISCIPLINARY ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board of California. This action has been at all times brought and maintained solely in the official capacity of the Medical Board's Executive Director, who is represented in this matter by Kathleen A. Kenealy, Acting Attorney General of the State of California, by Jane Zack Simon, Supervising Deputy Attorney General.

2. Arthur Kwok-Kwong Chiu, M.D. (Respondent) is representing himself in this proceeding.

3. On September 23, 1985, the Medical Board of California issued Physician's and Surgeon's Certificate No. G56073 to Respondent. The certificate is renewed and current.

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4. Accusation No. 800-2016-023573 was duly filed before the Medical Board of California (Board), properly served on Respondent, and is currently pending against Respondent. A copy of the Accusation is attached as Exhibit A.

5. Respondent has carefully read and understands the charges and allegations in the Accusation. Respondent has also carefully read and understands the effects of this Stipulated Settlement and Disciplinary Order (Stipulation).

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him, the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. For the purpose of resolving the charges and allegations in the Accusation, without the expense and uncertainty of further proceedings, Respondent agrees that based on the action taken by the College of Physicians and Surgeons of Ontario, cause exists to discipline his California Physician's and Surgeon's certificate pursuant to Business and Professions Code section 141. Respondent agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

8. The admissions made by Respondent herein are only for the purposes of this proceeding or any other proceedings in which the Medical Board of California or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceedings.

9. This Stipulation shall be subject to the approval of the Board. Respondent understands and agrees that Board staff and counsel for Complainant may communicate directly with the Board regarding this Stipulation, without notice to or participation by Respondent. If the Board fails to adopt this Stipulation as its Order in this matter, the Stipulation shall be of no force or effect; it shall be inadmissible in any legal action between the parties; and the Board shall not

be disqualified from further action in this matter by virtue of its consideration of this Stipulation. Respondent also understands and agrees that he will not be able to withdraw or modify this Stipulation while it is before the Board for consideration

10. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

11. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate number G56073 issued to respondent Arthur Kwok-Kwong Chiu, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

1. Clinical Training Program

Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a clinical training or educational program equivalent to the Physician Assessment and Clinical Education Program (PACE) offered at the University of California - San Diego School of Medicine (Program).

Respondent shall successfully complete the Program not later than six (6) months after Respondent's initial enrollment unless the Board or its designee agrees in writing to an extension of that time. The Program shall consist of a Comprehensive Assessment program comprised of a two-day assessment of Respondent's physical and mental health; basic clinical and communication skills common to all clinicians; and medical knowledge, skill and judgment pertaining to Respondent's area of practice in which Respondent was alleged to be deficient, and at minimum, a 40 hour program of clinical education in the area of practice in which Respondent was alleged to be deficient and which takes into account data obtained from the assessment,

Decision(s), Accusation(s), and any other information that the Board or its designee deems relevant. Respondent shall pay all expenses associated with the clinical training program.

Based on Respondent's performance and test results in the assessment and clinical education, the Program will advise the Board or its designee of its recommendation(s) for the scope and length of any additional educational or clinical training, treatment for any medical condition, treatment for any psychological condition, or anything else affecting Respondent's practice of medicine. Respondent shall comply with Program recommendations.

At the completion of any additional educational or clinical training, Respondent shall submit to and pass an examination. Determination as to whether Respondent successfully completed the examination or successfully completed the program is solely within the program's jurisdiction.

Respondent's successful completion of the Clinical Supervision, Professional Education and Practice Reassessment provisions of the Undertaking issued by the College of Physicians and Surgeons of Ontario, may at the discretion of Board or its designee, satisfy this requirement.

If Respondent fails to enroll, participate in, or successfully complete the clinical training program within the designated time period, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. Respondent shall not resume the practice of medicine until enrollment or participation in the outstanding portions of the clinical training program have been completed. If Respondent did not successfully complete the clinical training program, the Respondent shall not resume the practice of medicine until a final decision has been rendered on an accusation and/or a petition to revoke probation. The cessation of practice shall not apply to the reduction of the probationary time period.

2. **Practice Monitor**

Within thirty (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for prior approval as a practice monitor, the name and qualifications of one or more licensed physicians and surgeons whose licenses are valid and in good standing, and who are preferably American Board of Medical Specialties (ABMS) certified. A monitor shall have no prior or current business or personal relationship with Respondent, or

other relationship that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the Board, including but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree to serve as Respondent's monitor. Respondent shall pay all monitoring costs. The Board or its designee shall provide the approved monitor with copies of the Decision(s) and Accusation(s), and a proposed monitoring plan. Within fifteen (15) calendar days of receipt of the Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the signed statement for approval by the Board or its designee.

Within sixty (60) calendar days of the effective date of this Decision, and continuing throughout probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall make all records available for immediate inspection and copying on the premises by the monitor at all times during business hours and shall retain the records for the entire term of probation. If Respondent fails to obtain approval of a monitor within sixty (60) calendar days of the effective date of the Decision, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. Respondent shall cease the practice of medicine until a monitor is approved to provide monitoring responsibility.

The monitor shall submit a quarterly written report to the Board or its designee which includes an evaluation of Respondent's performance, indicating whether Respondent's practices are within the standards of practice of medicine, and whether Respondent is practicing medicine safely. It shall be the sole responsibility of Respondent to ensure that the monitor submits the quarterly written reports to the Board or its designee within 10 calendar days after the end of the preceding quarter.

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If the monitor resigns or is no longer available, Respondent shall, within five (5) calendar days of such resignation or unavailability, submit to the Board or its designee, for prior approval, the name and qualifications of a replacement monitor who will be assuming that responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a replacement monitor within thirty (30) calendar days of the resignation or unavailability of the monitor, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. Respondent shall cease the practice of medicine until a replacement monitor is approved and assumes monitoring responsibility.

3. **Solo Practice Prohibition**

Respondent is prohibited from engaging in the solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice where: 1) Respondent merely shares office space with another physician but is not affiliated for purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that location.

Respondent shall not practice medicine in California until Respondent has demonstrated to the Board or its designee that he has established a practice with another physician or secured employment in an appropriate practice. In the event Respondent fails to demonstrate compliance with this provision, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. The Respondent shall not resume practice until an appropriate practice setting is established and approved by the Board or its designee.

If, during the course of the probation, the Respondent's practice setting changes and the Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent shall notify the Board or its designee within 5 calendar days of the practice setting change. If Respondent fails to establish a practice with another physician or secure employment in an appropriate practice setting within 60 calendar days of the practice setting change, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. The Respondent shall not resume practice until an appropriate practice setting is established.

4. **Notification**

Within seven (7) days of the effective date of this Decision, Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to Respondent, at any other facility where Respondent engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage to respondent. Respondent shall submit proof of compliance to the Board or its designee within fifteen (15) calendar days. This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

5. **Supervision of Physician Assistants**

During probation, Respondent is prohibited from supervising Physician Assistants.

6. **Obey all Laws**

Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California, and remain in full compliance with any court ordered criminal probation, payments and other orders.

7. **Quarterly Declarations**

Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation. Respondent shall submit quarterly declarations not later than ten (10) calendar days after the end of the preceding quarter.

8. **General Probation Requirements**

Respondent shall cooperate and comply with the Board's probation unit and all terms and conditions of this Decision. Respondent shall, at all times, keep the Board informed of Respondent's business and residence addresses, email address (if available) and telephone number(s). Changes of such information shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021(b). Respondent shall not engage in the practice of medicine in Respondent's or patient's place of residence, unless the

patient resides in a skilled nursing facility or other similar license facility. Respondent shall maintain a current and renewed California physician's and surgeon's license. Respondent shall immediately inform the Board, or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than 30 calendar days. In the event Respondent should leave the State of California to reside or to practice Respondent shall notify the Board or its designee in writing thirty (30) calendar days prior to the dates of departure and return.

9. Interview With the Board, or its Designee

Respondent shall be available in person upon request for interviews either at Respondent's place of business or at the probation unit office, with or without prior notice throughout the term of probation.

10. Non-Practice While on Probation

Respondent shall notify the Board or its designee in writing within fifteen (15) calendar days of any periods of non-practice lasting more than thirty (30) days and within fifteen (15) calendar days of Respondent's return to practice. Non-practice is defined as any period of time Respondent is not practicing medicine in California as defined in Business and Professions Code sections 2051 and 2052 for at least forty (40) hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board or its designee. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice. Practicing medicine in another state of the United States, Federal Jurisdiction or in another country, while on probation with the medical licensing authority of that state, jurisdiction or country, shall not be considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice. In the event Respondent's period of non-practice while on probation exceeds 18 calendar months, Respondent shall successfully complete a clinical training program that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine. Respondent's period of non-practice while on probation shall not exceed two (2) years. Periods of non-practice will not apply to the

reduction of the probationary term. Periods of non-practice will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Notification; Obey All Laws; and General Probation Requirements.

11. **Completion of Probation**

Respondent shall comply with all financial obligations (e.g., restitution, probation costs) not later than one hundred twenty (120) calendar days prior to the completion of probation. Upon successful completion of probation, Respondent's certificate shall be fully restored.

12. **Violation of Probation**

Failure to fully comply with any term or condition of probation is a violation of probation. If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, Petition to Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

13. **License Surrender**

Following the effective date of this Decision, if Respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request to surrender of his or her license. The Board reserves the right to evaluate Respondent's request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within fifteen (15) calendar days deliver Respondent's wallet and wall certificate to the Board or its designee and Respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

14. **Probation Monitoring Costs**

Respondent shall pay the costs associated with probation monitoring each and every year

of probation, as designated by the Board and which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order. I understand the Stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: January 24, 2017

ARTHUR KWOK-KWONG CHIU, M.D.
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

DATED: February 3, 2017

KATHLEEN A. KENEALY
Acting Attorney General of the State of California

JANE ZACK SIMON
Supervising Deputy Attorney General
Attorneys for Complainant

EXHIBIT A

KAMALA D. HARRIS
Attorney General of California
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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Dec 6 20 16
BY _____ ANALYST

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **Arthur Kwok-Kwong Chiu, M.D.** 227 Elmwood Avenue North York ON M2N 3M CANADA Physician's and Surgeon's Certificate No. G56073, Respondent.	Case No. 800-2016-023573 ACCUSATION

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On September 23, 1985, the Medical Board issued Physician's and Surgeon's Certificate Number G56073 to Arthur Kwok-Kwong Chiu, M.D. (Respondent). The certificate is renewed and current, with an expiration date of October 31, 2016.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

///

4. Section 141 of the Code states:

"(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

"(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

FIRST CAUSE FOR DISCIPLINE

(Discipline Imposed by Another Jurisdiction)

5. On June 5, 2016, the College of Physicians and Surgeons of Ontario (Ontario College) issued an Undertaking, Acknowledgement and Consent (Undertaking) regarding Respondent's license to practice medicine. Under the terms of the Undertaking, Respondent agreed not to perform Thyroid or Parathyroid surgery, to practice and participate in an educational program under the guidance of an approved clinical supervisor and complete professional education. After completion of a period of supervision, Respondent will undergo a reassessment of his practice, which may include chart review, direct observation of practice, interviews with colleagues and co-workers, patient feedback, and other tools deemed necessary by the Ontario College. Respondent will also have a practice monitor. A copy of the Undertaking issued by the Ontario College is attached as Exhibit A.

6. Respondent's conduct and the action of the College of Physicians and Surgeon's of Ontario as set forth in Paragraph 5, above, constitute unprofessional conduct and cause for discipline pursuant to Section 141 of the Code.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number G56073, issued to Arthur Kwok-Kwong Chiu, M.D.;

2. Revoking, suspending or denying approval of Arthur Kwok-Kwong Chiu, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;

3. Ordering Arthur Kwok-Kwong Chiu, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

4. Taking such other and further action as deemed necessary and proper.

DATED: October 6, 2016

KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

SF2016201614
41596501

EXHIBIT A

CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL
COPIE AUTHENTIQUE CERTIFÉE ET CONFORME À L'ORIGINAL
July 19, 2016
THE COLLEGE OF PHYSICIANS & SURGEONS OF ONTARIO
Alice Cowtan

UNDERTAKING, ACKNOWLEDGEMENT AND CONSENT
("Undertaking")

of

DR. ARTHUR KWOK-KWONG CHIU
("Dr. Chiu")

to

COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO
(the "College")

A. PREAMBLE

(1) In this Undertaking:

"Code" means the Health Professions Procedural Code, which is Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18, as amended;

"ICR Committee" means the Inquiries, Complaints and Reports Committee of the College;

"NMS" means the Drug Program Services Branch, the Narcotics Monitoring System implemented under the *Narcotics Safety and Awareness Act, 2010*;

"OHIP" means the Ontario Health Insurance Plan.

(2) I, Dr. Chiu, certificate of registration number 66149, am a member of the College. The College has received information regarding my standard of practice.

(3) I, Dr. Chiu, acknowledge that the College initiated an investigation bearing File Number 7214764 (the "Investigation") into my standard of practice.

B. UNDERTAKING

(4) I, Dr. Chiu, acknowledge and agree that I am bound by this Undertaking from the date on which I sign it.

(5) *Practice Restrictions*

(a) I, Dr. Chiu, undertake that, effective immediately, I will not perform Thyroid or Parathyroid surgery.

(6) *Clinical Supervision*

(a) I, Dr. Chiu, undertake to practise under the guidance of a clinical supervisor(s) acceptable to the College (the "Clinical Supervisor(s)"), who has signed an undertaking in the form attached at Appendix "B" to this Undertaking, and to participate in an educational program under the guidance of the Clinical Supervisor as outlined below and as further described in the education plan attached as Appendix "A" to this Undertaking:

Phase 1 – High Level Supervision

i) For a minimum of six weeks, Dr. Chiu will meet with the Clinical Supervisor weekly.

ii) The Clinical Supervisor will review a minimum of 10 charts a week and will report to the College after four weeks.

iii) During the first month there will be a minimum of 1 full day of observation each week.

Phase 2 – Moderate Level Supervision

iv) After a minimum of six weeks of high level supervision, if the Clinical Supervisor recommends and the College approves, Dr. Chiu will practise under moderate supervision.

v) The moderate supervision will last for a minimum of six weeks, during which the Clinical Supervisor and Dr. Chiu will meet every two weeks and will review a minimum of 10 charts every meeting, with a report to the College once a month.

Phase 3 – Low Level Supervision

vi) After a minimum of six weeks of moderate supervision, if the Clinical Supervisor recommends and the College approves, Dr. Chiu will practise under low level supervision.

vii) The low level supervision will last for a minimum of six months, during which the Clinical Supervisor will meet with Dr. Chiu and review 10 of Dr. Chiu's charts monthly and report to the College once every three months.

viii) After a minimum of six months of low-level supervision, if the Clinical Supervisor recommends and the College approves, Dr. Chiu's Clinical Supervision will terminate.

(b) I, Dr. Chiu, acknowledge that I have reviewed the Clinical Supervisor(s) Undertaking attached hereto as Appendix "B", and understand what is required of the Clinical Supervisor(s), including reports to the College.

(c) I, Dr. Chiu, shall fully cooperate with the education facilitated by the Clinical Supervisor as set out in this Undertaking and Appendix "A" attached, and to abide by any recommendations of my Clinical Supervisor(s), including but not limited to any recommended practice improvements and any recommendations that I participate in further educational opportunities.

(d) I, Dr. Chiu, undertake to ensure that Appendix "B" to this Undertaking is signed and delivered to the College within thirty (30) days of the date I execute this Undertaking.

(e) I, Dr. Chiu, undertake that if a person who has given an undertaking in Appendix "B" to this Undertaking is unable or unwilling to continue to fulfill its terms, I shall, within twenty (20) days of receiving notice of same, obtain an executed undertaking in the same form from a similarly qualified person who is acceptable to the College and ensure that it is delivered to the College within that time.

(f) I, Dr. Chiu, agree that if I am unable to obtain a Clinical Supervisor on the terms set out under B(6)(d) and/or B(6)(e) above, I will cease practising medicine until such time as I have obtained a Clinical Supervisor acceptable to the College.

(g) I, Dr. Chiu, agree that if I am required to cease practice as a result of paragraph B(6)(f) above this will constitute a term, condition or limitation on my Certificate of Registration and said term, condition and limitation will be included on the public register.

(7) *Professional Education*

(a) I, Dr. Chiu, undertake to participate in and successfully complete the following professional education:

(i) all aspects of the detailed IEP, attached hereto as Appendix "A"; and

(ii) any additional professional education recommended by my Clinical Supervisor(s).

(b) I, Dr. Chiu, acknowledge that a report or reports may be provided to the College regarding my progress and compliance with the professional education set out in section (7)(a).

(8) *Reassessment of Practice*

(a) I, Dr. Chiu, undertake that, approximately six (6) months after the completion of the Clinical Supervision set out in section (6) above and Appendix "B" attached, I will submit to a Reassessment of my practice ("the Reassessment") by an assessor or assessors selected by the College (the "Assessor(s)"). I acknowledge and agree that the Reassessment may include a chart review, direct observation of my care, interviews with colleagues and co-workers, feedback from patients and any other tools deemed necessary by the College.

(b) I, Dr. Chiu, undertake to co-operate fully with the Reassessment, conducted under the term of this Undertaking, and to abide by those recommendations of the Assessor(s) that are approved by the ICR Committee.

(c) I, Dr. Chiu, acknowledge and agree that my Clinical Supervisor(s) may receive and review the findings of the Assessor(s), and may discuss with the Assessor(s) any issues or concerns arising from the Reassessment. I also acknowledge that the results of the Reassessment will be provided to me and reported to the College and the report may form the basis of further action by the College.

(d) I, Dr. Chiu, understand and agree that if I am of the view that any of the Assessor(s)'s recommendations are unreasonable, I will have thirty (30) days following my receipt of the recommendations within which to provide the College with my submissions in this regard. I further understand and agree that thereafter, the ICR Committee will consider my submissions and make a determination regarding whether or not the recommendations, or any of them, are reasonable and if so, whether they, or any of them, constitute limitations or restrictions on my practice, and that decision will be provided to me.

(e) I, Dr. Chiu, undertake that, following the decision referenced in section (8)(d) above, I will abide by those recommendations of the Assessor(s) that the ICR Committee has determined are reasonable.

(f) I, Dr. Chiu, hereby consent to any of the following being included on the public register as terms, conditions or limitations on my certificate of registration, for the purposes of section 23 of the Code:

(i) any recommendations of the Assessor(s) which are terms, conditions or limitations on my practice;

(ii) any recommendations of the Assessor(s) which the ICR Committee has identified in its decision referenced in section (8)(d) as terms, conditions or limitations on my practice.

(9) *Monitoring*

(a) I, Dr. Chiu, undertake to inform the College of each and every location that I practise or have privileges, including, but not limited to, hospital(s), clinic(s) and office(s), in any jurisdiction (collectively my "Practice Location(s)"), within fifteen (15) days of executing this Undertaking. Going forward, I further undertake to inform the College of any and all new Practice Locations within fifteen (15) days of commencing practice at that location.

(b) I, Dr. Chiu, undertake and agree that I will submit to, and not interfere with, unannounced inspections of my Practice Location(s) and patient records by a College representative for the purposes of monitoring my compliance with the provisions of this Undertaking.

(c) I, Dr. Chiu, give my irrevocable consent to the College to make appropriate enquiries of OHIP, and/or any person who or institution that may have relevant information, in order for the College to monitor my compliance with the provisions of this Undertaking.

(d) I, Dr. Chiu, acknowledge that I have executed the OHIP consent form(s), attached hereto as Appendix "C".

(10) I, Dr. Chiu, undertake to comply with this Undertaking and acknowledge that a breach by me of any provision of this Undertaking may constitute an act of professional misconduct and/or incompetence, and may result in a referral of specified allegations to the Discipline Committee of the College.

C. ACKNOWLEDGEMENT

(11) I, Dr. Chiu, acknowledge that all appendices attached to or referred to in this Undertaking form part of this Undertaking.

(12) I, Dr. Chiu, acknowledge that I shall be solely responsible for payment of all fees, costs, charges, expenses, etc. arising from the implementation of any of the provisions of this Undertaking.

(13) I, Dr. Chiu, acknowledge and confirm that I have read and understand the provisions of this Undertaking and that I have obtained independent legal counsel in reviewing and executing this Undertaking, or have waived my right to do so.

(14) I, Dr. Chiu, acknowledge that this entire Undertaking constitutes terms, conditions, and limitations on my certificate of registration for the purposes of section 23 of the

Code. I understand that this Undertaking shall be information on the College's Register that is available to the public during the time period that the Undertaking remains in effect.

(15) I, Dr. Chiu acknowledge that the following summary will appear on the College's Register that is available to the public during the time period that this Undertaking remains in effect:

> Dr. Chiu was the subject of a College investigation into his standard of practice. As a result of the investigation:
>
> - Dr. Chiu must not perform thyroid or parathyroid surgery
> - Dr. Chiu will practise under the guidance of a Clinical Supervisor acceptable to the College for a minimum of nine months.
> - Dr. Chiu's practice will be reassessed by an assessor selected by the College within 6 months of the end of the period of Clinical Supervision.

D. CONSENT

(16) I, Dr. Chiu, give my irrevocable consent to the College to provide the following information to any person who requires this information for the purposes of facilitating my completion of the professional education set out in section (7) above and to all Clinical Supervisors, and/or Assessors:

(a) any information the College has that led to the circumstances of my entering into this Undertaking;

(b) any information arising from any investigation into, or assessment of, my practice; and

(c) any information arising from the monitoring of my compliance with this Undertaking.

(17) I, Dr. Chiu, give my irrevocable consent to the College to provide this Undertaking to any Chief(s) of Staff, or a colleague with similar responsibilities approved by the College, at any Practice Location ("Chief(s) of Staff"), and to provide said Chief(s) of Staff with any information the College has that led to the circumstances of my entering into this Undertaking and/or any information arising from the monitoring of my compliance with this Undertaking.

(18) I, Dr. Chiu, give my irrevocable consent to any person who facilitates my completion of the professional education set out in section (7) above, and to all Clinical Supervisors, Chiefs of Staff and Assessors, to disclose to the College, and to one another, any information:

(a) relevant to this Undertaking;

(b) relevant to the provisions of the Clinical Supervisor's undertaking set out at Appendix "B";

(c) relevant to the Reassessment;

(d) relevant for the purposes of monitoring my compliance with this Undertaking; and/or

(e) which comes to his or her attention in the course of providing the professional education set out in section (7) above and which he or she reasonably believes indicates a potential risk of harm to my patients.

Dated at Toronto, this 5 day of June 2016.

Arthur Chiu

DR. ARTHUR KWOK-KWONG CHIU

Jena CHIU

Witness *(print name)*

Witness *(Signature)*

APPENDIX "A"

TO THE UNDERTAKING OF DR. ARTHUR KWOK-KWONG CHIU
("Dr. Chiu")

to

COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO
(the "College")

INDIVIDUALIZED EDUCATION PLAN FOR DR. CHIU

APPENDIX "B"

TO THE UNDERTAKING OF DR. ARTHUR KWOK-KWONG CHIU

("Dr. Chiu")

to

COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO
(the "College")

UNDERTAKING OF DR. Kevin Wong TO THE COLLEGE

1. I am a practising member of the College, certificate of registration number 52049.

2. I have read the Undertaking of Dr. Chiu made with the College on the 5 day of June 2016.

3. I acknowledge that I have reviewed, or will review as soon as practicable, the materials regarding Dr. Chiu's practice provided to me by the College including the report of the medical inspector, dated January 4, 2015 as well as the College's Guidelines for College-Directed Clinical Supervision.

4. I agree that commencing from the date I sign this undertaking, I shall act as Clinical Supervisor for Dr. Chiu ("Clinical Supervisor"), for at least nine months ("Clinical Supervision"). The Clinical Supervision shall cease only upon approval from the College.

5. I agree that during the period of Clinical Supervision, I will, at minimum:

   (a) Facilitate the education program set out in the Individualized Education Plan ("IEP") attached as Appendix "A" to Dr. Chiu's Undertaking;
   (b) Maintain a log with respect to chart reviews including the following information: patient name and identifiers, and type of procedure observed if applicable

Phase 1 – High Level Supervision

- For a minimum of six weeks, meet with the Dr. Chiu weekly.
- Review a minimum of 10 charts a week.
- Report to the College after four weeks.

- During the first month there will be a minimum of 1 full day of observation each week as set out in Dr Choi's Individualized Education Plan, Appendix "A".

Phase 2 – Moderate Level Supervision

- After a minimum of six weeks of high level supervision, if I recommend and the College approves, Dr. Chiu will practise under moderate supervision,
- The moderate supervision will last for a minimum of six weeks, during which I will meet with Dr. Chiu every two weeks and I will review a minimum of 10 charts every meeting, with a report to the College once a month.

Phase 3 – Low Level Supervision

- After a minimum of six weeks of moderate supervision, if I recommend and the College approves, Dr. Chiu will practise under low level supervision,
- The low level supervision will last for a minimum of six months, during which the I will meet with and review 10 of Dr. Chiu's charts monthly and report to the College once every three months.
- After a minimum of six months of low-level supervision, if I recommend and the College approves, Dr. Chiu's Clinical Supervision will terminate.

1. I will be solely responsible for selecting all charts to be reviewed by me, independent of Dr. Chiu's participation, on the basis of the educational needs identified in the IEP set out at Appendix "A" to Dr. Chiu's Undertaking, as well as the areas of concern identified in the medical inspector's report, and any concerns that arise during the period of Clinical Supervision;

2. Discuss with Dr. Chiu any concerns arising from such chart reviews;

3. Make recommendations to Dr. Chiu for practice improvements and ongoing professional development and inquire into Dr. Chiu's compliance with my recommendations;

4. Perform any other duties, such as reviewing other documents or conducting interviews with staff or colleagues that I deem necessary to Dr. Chiu's Clinical Supervision.

5. I agree to submit a written report to the College, as set out above. Such reports shall be in reasonable detail, and shall contain all information I believe might assist the College in evaluating Dr. Chiu's standard of practice, as well as Dr. Chiu's participation in and compliance with the

requirements set out in Dr. Chiu's Undertaking.

6. I agree that if I am concerned that Dr. Chiu's practice may fall below the standard of practice of the profession, or that Dr. Chiu may not be in compliance with the provisions of his Undertaking with the College, and/or that his patients may be exposed to risk of harm or injury, then I shall immediately notify the College.

7. I acknowledge that Dr. Chiu has consented to my disclosure to the College and all other Clinical Supervisors and Assessors of all information relevant to Dr. Chiu's Undertaking to the College, relevant to the provisions of this, my Clinical Supervisor's undertaking, relevant to any Reassessment of Dr. Chiu's practice and/or relevant for the purposes of monitoring Dr. Chiu's compliance with his Undertaking to the College.

8. I acknowledge that all information that I become aware of in the course of my duties as Dr. Chiu's Clinical Supervisor is confidential information and that I am prohibited, both during and after the period of Clinical Supervision, from communicating it in any form and by any means except in the limited circumstances set out in sections 36(1)(a) through 36(1)(j) of the *Regulated Health Professions Act*, 1991, S.O. 1991, c. 18 (the "RHPA").

9. I undertake to notify the College and Dr. Chiu in advance wherever possible, but in any case immediately following, any communication of information under section 36(1) of the RHPA.

10. I agree to immediately inform the College in writing if Dr. Chiu and I have terminated our Clinical Supervision relationship, or if I otherwise cannot fulfill the provisions of my undertaking.

Dated at Toronto, this 5th day of June, 2016.

Arthur Chiu
DR. ARTHUR KWOK-KWONG CHIU

Jena CHIU
Witness *(print name)*

Witness *(Signature)*

THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO

CONSENT AND DIRECTION
FOR THE RELEASE OF INFORMATION FROM THE
ONTARIO HEALTH INSURANCE PLAN

****

I, Dr. Arthur Kwok-Kwong Chiu, consent to the release of billing information by the Ontario Health Insurance Plan to the COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO for:

1. Name of Physician: DR. ARTHUR KWOK-KWONG CHIU
2. OHIP billing number:
3. CPSO #: 66149
4. Date(s) or Time Period: 2016 onward

Dated at Toronto, this 5 day of June, 2016.

DR. ARTHUR KWOK-KWONG CHIU

Jena Chiu
Witness *(print name)*

Witness *(Signature)*