

**Facilitated Resolution
Agreement and Undertaking
(Third party names redacted for publication)**

BETWEEN:

Brian Wong, RO, Lic. # 1437

("Investigated Person")

- and-

Julie Therou Zechel

("Complaints Director")

-and-

[REDACTED]

("Complainant")

WHEREAS:

- a) The College of Opticians of Alberta (the "College") is a corporation pursuant to the *Health Professions Act*, R.S.A. 2000, c. H-7 ("HPA").
- b) The Investigated Person is a regulated member of the College and was a regulated member at all material times.
- c) On April 3, 2019, the College received a written complaint (the "Complaint") dated April 3, 2019, from the Complainant indicating that the Investigated Person may have engaged in unprofessional conduct including but not limited to incorrect billing practices.
- d) The Complainant, on behalf of Alberta Blue Cross, sent investigation documents that indicated that the Investigated Person had been submitting incorrect insurance claims. The investigation by Blue Cross included signed statements from patients indicating that they had received non-prescription sunglasses but the Investigated Person had billed Alberta Blue Cross for prescription lenses/frames.
- e) During the COA's follow-up investigation, it was also discovered that the Investigated Person's records were inaccurate, incomplete, or both in several instances. Additionally, the Investigated Person's patient files were temporarily transferred to a new custodian without first submitting an updated privacy impact assessment to the Information and Privacy Commissioner for review.
- f) The Complaints Director, under the authority of s. 55(2)(a.1) of the HPA, has obtained consent from the Complainant and the Investigated Person to attempt to resolve the Complaint as an alternative to this matter proceeding to a hearing.

IN CONSIDERATION OF the terms and conditions set out herein, the parties hereby agree as follows:

1. The Investigated Person Hereby acknowledges that:
 - a. He submitted false claims for prescription eyewear to third party insurers by creating and submitting invoices for prescription lenses and frames to Alberta Blue Cross and Great West Life, when the patient purchased non-prescription sunglasses that would not be insured;
 - b. He failed to keep full and accurate patient records; and
 - c. He failed to submit a Privacy Impact Assessment to the Office of the Information and Privacy Commissioner before transferring custodianship of files.
 - d. His conduct constitutes "unprofessional conduct" and more particularly, the conduct:
 - i. Harms the integrity of the Opticianry profession and contravenes the HPA;
 - ii. Contravenes the COA Standards of Practice and Code of Ethics; and
 - iii. Contravenes the *Health Information Act*
 - e. Alberta Blue Cross required the Investigated Person to pay \$4,352.28 in recovery costs; this balance is still outstanding.
2. The Investigated Person hereby acknowledges and agrees that:
 - a. His practice permit shall be suspended for a period of three (3) months, which suspension shall be served in one single, continuous period within one year of signing this agreement at a time to be mutually determined by him and the Complaints Director.
 - b. During the period of suspension he shall not engage in the practice of Opticianry.
 - c. Prior to the reinstatement of his practice permit he will demonstrate his successful completion of Jurisprudence and Records Management courses assigned by the College at his own cost where costs are applicable.
 - d. Prior to the reinstatement of his practice permit he will pay a fine to the COA of \$5000.
 - e. Prior to the reinstatement of his practice permit he will pay Alberta Blue Cross the outstanding balance owed to them of \$4,352.28.
3. Pursuant to s. 119 of the HPA, the College will comply with its disclosure obligations and may publish information related to the Complaint and this Agreement and Undertaking in the College's Annual Report or other College publications.
4. The Investigated Person acknowledges that if a further complaint is received by the College after the date of this Agreement and Undertaking, and that complaint results in a hearing before a Hearing Tribunal with a finding of unprofessional conduct, that the circumstances surrounding the Complaint and this Agreement and Undertaking may be considered by the Hearing Tribunal for the purposes of determining penalty, regardless of the passage of time.
5. If the Investigated Person fails to comply with the terms of this Agreement and Undertaking, the Complaints Director may treat the non-compliance as the basis for a new complaint pursuant to s. 56 of the HPA and act on the new complaint pursuant to s. 55.

