

**DISCIPLINE COMMITTEE OF THE  
COLLEGE OF TRADITIONAL CHINESE MEDICINE  
PRACTITIONERS AND ACUPUNCTURISTS OF ONTARIO**

IN THE MATTER OF  
the *Regulated Health Professions Act*, 1991, S.O. 1991, c. 18,  
and the *Traditional Chinese Medicine Act*, S.O. 2006, c.27

B E T W E E N:

COLLEGE OF TRADITIONAL CHINESE MEDICINE  
PRACTITIONERS AND ACUPUNCTURISTS OF ONTARIO

-and-

LUK KEE CHAN

**NOTICE OF HEARING**

TO: **Luk Kee Chan**  
165 Mallory Ave.  
Markham, ON L3R 8P3

**THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE OF THE COLLEGE OF TRADITIONAL CHINESE MEDICINE PRACTITIONERS AND ACUPUNCTURISTS OF ONTARIO** (the "College") has directed that specified allegations of professional misconduct be referred to the Discipline Committee of the College, in accordance with section 26(1) para 1 of the *Health Professions Procedural Code* (the "Code"), which is Schedule 2 to the *Regulated Health Professions Act*, 1991, S.O. 1991, C. 18 (the "RHPA"). The statement of specified allegations is attached to this Notice of Hearing as Schedule "A".

**IT IS ALLEGED** that you are guilty of professional misconduct under the *Traditional Chinese Medicine Act*, 2006 (the "Act"), S.O. 2006, c. 27 and the Regulations thereto, all as amended.

**THE ALLEGATIONS** of professional misconduct are that you:

1. Contravened, by act or omission, a standard of practice of the profession or failed to maintain the standard of practice of the profession, contrary to section 1(1) of *Ontario Regulation 318/12*;

2. Recommended or provided unnecessary treatment when you knew or ought to have known that the recommendation or the provision of treatment was unnecessary, contrary to section 1(7) of *Ontario Regulation 318/12*;
3. Treated or attempted to treat a condition that you knew or ought to have known that you did not have the knowledge, skills or judgment to treat, contrary to section 1(8) of *Ontario Regulation 318/12*;
4. Failed to advise a patient or the patient's authorized representative to consult another member of a health profession within the meaning of the *Regulated Health Professions Act, 1991*, where you knew or ought to have known that the patient required a service that you did not have the knowledge, skills or judgment to offer or is beyond your scope of practice, contrary to section 1(9) of *Ontario Regulation 318/12*;
5. Charged a fee that would be regarded by members as excessive in relation to the service provided, contrary to section 1(20) of *Ontario Regulation 318/12*;
6. Failed to keep records in accordance with the standards of the profession, contrary to section 1(25) of *Ontario Regulation 318/12*;
7. Made a claim about a remedy, treatment, device or procedure other than a claim that can be supported as reasonable professional opinion, contrary to section 1(28) of *Ontario Regulation 318/12*;
8. Permitted the advertising of you or your practice in a manner that is false or misleading or that includes statements that are not factual and verifiable, contrary to section 1(29) of *Ontario Regulation 318/12*;
9. Permitted the use of testimonials in respect of your practice, contrary to section 1(30) of *Ontario Regulation 318/12*;
10. Contravened, by act or omission, a provision of the *Traditional Chinese Medicine Act*, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts, contrary to section 1(39) of *Ontario Regulation 318/12*;
11. Contravened, by act or omission, a law if,
  - a. the purpose of the law is to protect or promote public health,
  - or

- b. the contravention is relevant to the member's suitability to practise contrary to section 1(40) *Ontario Regulation* 318/12;

12. Held yourself out as a person who is qualified to practise in Ontario as a traditional Chinese medicine practitioner or acupuncturist or in a specialty of traditional Chinese medicine, contrary to section 8(2) of the *Traditional Chinese Medicine Act*; and

13. Engaged in conduct or performed an act relevant to the practice of the profession which, having regard to all the circumstances would reasonably be regarded by a member as disgraceful, dishonourable, or unprofessional, contrary to section 1(48), of *Ontario Regulation* 318/12.

**A PANEL OF THE DISCIPLINE COMMITTEE WILL HOLD A HEARING** under the authority of sections 38 to 56 of the Code for the purpose of deciding whether the allegations are true.

**TAKE NOTICE THAT** you are required to appear in person or be represented before a panel of the Discipline Committee of the College on a date to be determined by the College at the College, 55 Commerce Valley Drive West, Suite 705, Thornhill, Ontario. The panel may, on that date, either hear evidence and make its determination respecting the allegations set out above or set a further date for such hearing and determination.

**YOU ARE ENTITLED** to be present at the Hearing, and to be represented by legal counsel. If you fail to attend at the time and place set for the Hearing, the Hearing may proceed in your absence and you will not be entitled to any further notice of the proceedings.

**SUBSECTION 51(2) OF THE CODE PROVIDES THAT** if the panel of the discipline panel finds you guilty of professional misconduct, it may make an order, doing one or more of the following:

1. Directing the Registrar to revoke your certificate of registration.
2. Directing the Registrar to suspend your certificate of registration for a specific period of time.
3. Directing the Registrar to impose specified terms, conditions and limitations on your certificate of registration for a specified or indefinite period of time.
4. Requiring you to appear before the panel to be reprimanded.
5. Requiring you to pay a fine of not more than \$35,000 to the Minister of Finance.

- 5.1 If the act of professional misconduct was the sexual abuse of a patient, requiring you to reimburse the College for funding provided for that patient under the program required under section 85.7.
- 5.2 If the panel makes an order under paragraph 5.1, requiring you to post security acceptable to the College to guarantee the payment of any amounts you may be required to reimburse under the order under paragraph 5.1 1991, c. 18, Sched. 2, s. 51 (2); 1993, c. 37, s. 14 (2).

**TAKE NOTICE** that, pursuant to paragraph 53.1 of the Code, the Discipline Panel may make an order requiring you to pay all or part of the College's legal costs and expenses, including the College's costs and expenses incurred in investigating the matter and incurred in conducting the Hearing.

**AND TAKE NOTICE** that the College intends to introduce any writings and/or records that were made in the usual and ordinary course of business as business records under section 35 of the *Evidence Act*, R.S.O. 190, c. E.23, as amended.

**YOU ARE ENTITLED**, as a member whose conduct is being investigated in proceedings before a Discipline panel, to disclosure of evidence under ss. 42(1) of the Code. You or your representative may contact counsel for the College in this matter for this purpose:

Jaan Lilles  
Lenczner Slaght Royce Smith Griffin LLP  
130 Adelaide Street West, Suite 2600  
Toronto, Ontario, M5H 3P5  
(416) 865-3552

DATED at Toronto this 16<sup>th</sup> day of March, 2016.



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INTERIM REGISTRAR  
THE COLLEGE OF TRADITIONAL  
CHINESE MEDICINE PRACTITIONERS AND  
ACUPUNCTURISTS OF ONTARIO

## SCHEDULE "A"

1. Mr. Luk Kee Chan ("Mr. Chan") holds a R. TCMP certificate of registration in the grandparented class. Mr. Chan's primary practice location is 165 Mallory Ave., Markham, Ontario, L3R 8P3. Mr. Chan's clinic name is "International Cancer Saver Co."
2. Mr. Chan became a member of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (the "College") on or about February 25, 2015.
3. Prior to becoming a member of the College, from approximately November 7, 2014 to December 31, 2014, Mr. Chan held himself out as a person qualified to practise traditional Chinese medicine and provided treatment to L.C. L.C. suffered from cancer.
4. Mr. Chan's clinic website is [www.cancersaver.com](http://www.cancersaver.com).
5. During the period of time Mr. Chan treated LC and following his membership with the College, Mr. Chan's website included patient testimonials.
6. During the period of time Mr. Chan treated LC and following his membership with the College, Mr. Chan's website is primary in Chinese text, he claims on his website and to his patients, that he can treat and cure cancer. Below are some example excerpts:
  - "successfully treated patients with lung cancer"
  - "successfully treated breast cancer patients"
  - "successfully treated nasopharyngeal carcinoma metastasis to the brain".
7. Mr. Chan treated L.C.'s cancer using a poultice wrap that he created. The poultice wrap contained several herbs including calculus bolvis and others that he was not willing to reveal to L.C. or the College.
8. Calculus bolvis is a natural health product that is regulated by the Food and Drugs Act. Mr. Chan imported, or abetted in the importation, of calculus bolvis without a Health Canada site license.
9. Mr. Chan charged L.C. approximately \$8,000 per poultice wrap treatment plus additional costs for ointments and herbal teas. L.C. had at least 4 poultice wrap treatments.
10. Mr. Chan does not have copies of receipts or billing records for these services to L.C.

11. At no point in time did Mr. Chan advise L.C. to consult with a health professional who could treat L.C.'s cancer.
12. Mr. Chan in his application for registration with the College indicated that he had not practiced traditional Chinese medicine since April 2014.