

**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-

YATWEH CHEUNG

NOTICE OF HEARING

TO: Yatweh Cheung
763 Gerrard Street East
Toronto, ON M4M 1Y5

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").

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

THE ALLEGATIONS of professional misconduct are that you have engaged in the following acts of professional misconduct:

1. Contravening, by act or omission, a standard of practice of the professional or failing to maintain the standard of practice of the profession, contrary to Section 1(1) of *Ontario Regulation 318/12*.

2. Using a prohibited title, contrary to Section 33(1) of the Act and Section 1(32) and (39) of Ontario Regulation 318/12.
3. Implying an unauthorized specialization in an area of practice, contrary to Section 1(33) of Ontario Regulation 318/12.
4. Treating a condition that you not have the knowledge, skills or judgment to treat, contrary to Section 1(8) of Ontario Regulation 318/12.
5. Charging 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. Making a claim about a treatment that cannot be supported as reasonable professional opinion, contrary to Section 1(28) of Ontario Regulation 318/12.
7. Advertising you and your practice in a manner that is false or misleading and includes statements that are not factual and verifiable, contrary to Section 1(29) of Ontario Regulation 318/12.
8. Using testimonials in respect of your practice, contrary to Section 1(30) of Ontario Regulation 318/12.
9. Failing to keep records in accordance with the standards of the profession, contrary to Section 1(25) of Ontario Regulation 318/12.
10. Engaging in conduct or performing an act of relevant to the practice of the profession which having regard to all the circumstances would reasonably be regarded by a member as disgraceful, dishonorable or unprofessional, contrary to Section 1(48) of Ontario Regulation 318/12.

THE PARTICULARS OF THE ALLEGATIONS are that:

1. You operate a public website called (<http://uniquepowerfulsecretqigong.com>) ("the Website") on which you, among other things,
 - a) have used and continue to use the prohibited titles "Master" and "Grandmaster" in relation to your Traditional Chinese Medicine practice;
 - b) claim that you have a specialization in the areas of qigong, sexual dysfunction, kidney dysfunction and liver dysfunction;
 - c) advertise your practice using testimonials which you claim were written by patients;

- d) claim to have the ability to “cure” sexual dysfunction, enlarged prostate, kidney dysfunction and liver dysfunction, including preventing dialysis;
- e) claim to be the “No.1” and the only instructor in the world of qigong for sexual dysfunction;
- f) claim that your qigong treatment has a “99.9%” success rate;
- g) claim that your qigong treatment outperforms other impotence treatment;
- h) post articles falsely claimed to be authored by a person named “Mei”;
- i) advertise the ability to treat kidney and liver dysfunction, which you do not have the knowledge, skills or judgment to treat;

2. You admitted to College investigators that you, among other things,

- a) have used and continue to use the prohibited titles “Master” and “Grandmaster” in relation to your Traditional Chinese Medicine practice;
- b) claim that you have a specialization in the areas of qigong, sexual dysfunction, kidney dysfunction and liver dysfunction;
- c) advertise your practice using testimonials which you claim were written by patients, who’s consent was not obtained;
- d) claim to have the ability to “cure” sexual dysfunction, enlarged prostate, kidney dysfunction and liver dysfunction, including hepatitis;
- e) claim to be the founder and only instructor in the world of qigong for sexual dysfunction;
- f) advise patients that your qigong treatment has a “100%” success rate;
- g) claim that your qigong treatment outperforms other impotence treatment;
- h) treat diseases of the liver and kidney, including Hepatitis, which you do not have the knowledge, skills or judgment to treat;
- i) you treat liver and kidney diseases using a liquid which is mixed with the patient’s urine;

3. In exchange for providing instruction in the qigong breathing technique, you charge a fee of \$1,500;
4. You offered the College investigator an insurance receipt for acupuncture in the amount of \$1,500, even though no acupuncture services were to be provided, and asked the investigator that he not tell anyone;
5. Between the period of January 1, 2015 to December 31, 2015, you failed to keep records in accordance with the standards of the profession including by:
 - a) Maintaining a written or electronic daily appointment log that outlines the date, name and time of the appointment for each respective patient;
6. Between the period of June 6, 2015 to September 12, 2015, you failed to keep records in accordance with the standards of the profession in respect of patients who include patient T. H. and unidentified patient with treatment dated September 12, 2015, including by:
 - a) Maintaining a complete and legible Patient Health Summary for each patient; and
 - b) Maintaining a complete and legible Patient Health Record for each patient.
7. Between the period of January 1, 2015 to December 31, 2015, you failed to keep records in accordance with the standards of the profession in respect of patients patients T.H., B.J.C., L.Y., W.Y., C.Q.Y., G.L., J.L., R.G., D.W.,M.C. and V.F, including by:
 - a) Maintaining complete and legible Patient Billing Records.
8. As a result of the above, you engaged in conduct and/or performed an act relevant to the practice of the profession that, having regard to all the circumstances, would be regarded by the profession as disgraceful, dishonourable or unprofessional

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 the hearing will be held before a panel of the Discipline Committee (the "Panel") at a place, date and time to be determined by the Registrar of the College. You may have a representative appear on your behalf. 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 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 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 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 day of,

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