

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE)
JUSTICE *MATHISON*)

Tuesday, THE *19th*
DAY OF *Jan.*, 2016

BETWEEN:

(Court Seal)

COLLEGE OF TRADITIONAL CHINESE MEDICINE PRACTITIONERS AND
ACUPUNCTURISTS OF ONTARIO

Applicant

and

JIE DONG WANG a.k.a. YAXUAN WANG

Respondent

APPLICATION UNDER Section 87 of the *Health Professions Procedural Code*, being Schedule
2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18

ORDER

THIS APPLICATION, made by the Applicant, the College of Traditional Chinese
Medicine Practitioners and Acupuncturists of Ontario (the “College”), for declarations that the
Respondent has violated the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18 (the
“*RHPA*”) and the *Traditional Chinese Medicine Act, 2006*, S.O. 2006, c. 27 (the “*TCMA*”) and for
a permanent injunction against the Respondent was heard on this day at the Court House, 393
University Avenue, Toronto, Ontario, M5G 1E6.

ON READING the Application Record, Factum and Book of Authorities and on hearing the submissions of counsel for the College and the Respondent;

1. THIS COURT DECLARES that the Respondent has violated sections 3, 4 and 8 of the *Traditional Chinese Medicine Act, 2006*, S.O. 2006, c. 27 (the “*TCMA*”) by:

- (a) unlawfully performing controlled acts limited to members of the College;
- (b) unlawfully using the titles “traditional Chinese medicine practitioner” or “acupuncturist”, a variation or abbreviation or an equivalent in another language; and
- (c) unlawfully holding himself 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;

2. THIS COURT FURTHER DECLARES that the Respondent has breached sections 27 and 33 of the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18 (the “*RHPA*”) by performing controlled acts limited to members of the College, and by using the title “Doctor” in the course of providing or offering to provide, in Ontario, health care to individuals;

3. THIS COURT FURTHER DECLARES that the Respondent has breached section 30(1) of the *RHPA* by treating or advising persons with respect to their health in circumstances in which it was reasonably foreseeable that serious bodily harm may result from the treatment or advice or from an omission from them;


4. **THIS COURT FURTHER DECLARES** that the Respondent has breached section 34(2) of the *RHPA* by holding himself as a member, employee or agent of a body that he falsely represents as or knows is falsely represented as regulating, under statutory authority, individuals who practise traditional Chinese medicine or acupuncture in Ontario;

5. **THIS COURT ORDERS** that the Respondent shall:

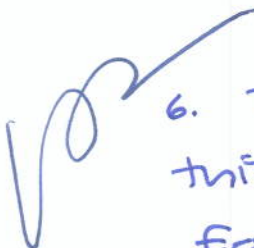
- (a) immediately cease and desist performing controlled acts limited to members of the College, in contravention of sections 3 and 4 of the *TCMA* and section 27 of the *RHPA*, specifically:
 - (i) performing a procedure on tissue below the dermis and below the surface of a mucous membrane for the purpose of performing acupuncture; and
 - (ii) communicating a traditional Chinese medicine diagnosis identifying a body system disorder as the cause of a person's symptoms using traditional Chinese medicine techniques;
- (b) immediately cease and desist using the titles "traditional Chinese medicine practitioner" or "acupuncturist", a variation or abbreviation or an equivalent in another language, pursuant to section 87 of the Code;
- (c) immediately cease and desist holding himself out as a person who is qualified to practice in Ontario as a traditional Chinese medicine practitioner or acupuncturist or in a specialty of traditional Chinese medicine, pursuant to section 87 of the Code;

- (d) immediately cease and desist using the title "Doctor", or any abbreviation thereto, contrary to section 33(1) of the *RHPA*;
- (e) immediately cease and desist advising persons with respect to their health in circumstances in which it is reasonably foreseeable that serious physical harm may result from a treatment or advice or from an omission from them, in contravention of section 30(1) of the *RHPA*; and
- (f) immediately cease and desist holding himself as a member, employee or agent of a body that he falsely represents as or knows is falsely represented as regulating, under statutory authority, individuals who practise traditional Chinese medicine or acupuncture in Ontario, in contravention of section 34(2) of the *RHPA*;

7.6. THIS COURT ORDERS that the Respondent shall pay costs to the College in the sum of \$2,500, inclusive of disbursements and HST, which amount is due and payable within thirty days of the date of this Order.



 (Signature of Judge)


 6. THIS COURT ORDERS that Paragraph 5 of this Order does not prohibit the Respondent from applying for a certificate of registration with the College. In the event the Respondent is granted a certificate of registration, the Respondent may practice traditional Chinese Medicine and/or acupuncture pursuant to the terms of any such certificate of registration and applicable legislation.

~~Paragraph 5 does not affect the Respondent's ability to apply for a certificate of registration.~~

COLLEGE OF TRADITIONAL CHINESE MEDICINE
PRACTITIONERS AND ACUPUNCTURISTS OF ONTARIO
Applicant

-and- JIE DONG WANG a.k.a. YAXUAN WANG
Respondent

Court File No.: CV-15-540042

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT TORONTO

ORDER

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