

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

Indexed as: Ontario (College of Traditional Chinese Medicine Practitioners &
Acupuncturists of Ontario) v Mai Thi Tuyet Pham, 2026 ONCTCMPAO 34

Date: 20260817

BETWEEN:

THE COLLEGE OF TRADITIONAL CHINESE MEDICINE PRACTITIONERS AND
ACUPUNCTURISTS OF ONTARIO

- and -

MAI THI TUYET PHAM

PANEL:	Kimberley Bishop	Chair, Public Member
	Christine Lang	Professional Member
	Iftikhar Choudry	Public Member

Appearances: Anastasia-Maria Hountalas, counsel for the College
Member, self-represented
Fredrick Schumann, Independent Legal Counsel to the Panel

Heard: In writing

DECISION AND REASONS FOR DECISION – PENALTY AND COSTS

[1] This matter was heard by a panel of the Discipline Committee (the “**Panel**”) of the College of Traditional Chinese Medicine Practitioners and Acupuncturists (the “**College**”), on March 20 and May 28, 2026.

Summary of findings of professional misconduct

[2] In our January 12, 2026 decision, we found the Member committed professional misconduct by submitting insurance claims that she knew or ought to have known were false, because they purported to relate to treatment from a registered massage therapist who had not provided the treatments as claimed, or at all.

[3] We found that the insurance claims in question were wholly or partially inaccurate. These claims related to two clinics, which we found the Member owned and controlled. The insurer in

question paid out almost \$7,000.00 on these claims, to bank accounts registered to the Member's clinics.

[4] We found that the Member either submitted the claims herself, or if she did not, bore overall responsibility as the regulated professional and clinic owner to ensure that the insurance claims that were being submitted were accurate and appropriate. Accordingly, regardless of the mechanics of actually submitting the claims, she remained accountable for any false or inaccurate insurance claims that her clinics submitted.

[5] Accordingly, we found that the Member committed professional misconduct by contravening a standard of practice of the profession, by submitting an account or charge for services that she new or ought to have known was false or misleading, by signing or issuing documents in her professional capacity that she knew or ought to have known contained a false or misleading statement, and by falsifying a record relating to her practice. For the same reasons, we found that she had engaged in conduct relevant to the practice of the profession that was disgraceful, dishonourable, or unprofessional.

Process leading to our decision

[6] We first convened for a penalty hearing in this matter on March 20, 2026. We understand that College staff repeatedly asked Ms. Pham whether she needed a Vietnamese interpreter, but she did not respond. At the hearing on March 20, she stated that she did not need an interpreter. It quickly emerged during the hearing that, in fact, she did require an interpreter, not just to understand what others were saying, but to make herself adequately understood. When no interpreter could be secured for that day, we adjourned the hearing.

[7] Although Ms. Pham raised some concerns about what her representative had done on her behalf during the previous phase of the hearing, she did not ask us to reopen our decision.

[8] After the March 20 hearing, the Member was asked about her availability for the continuation of the penalty hearing. She responded on April 6 that she was available on May 28 or May 29, and asked the College to select either day.

[9] Later in April, Ms. Pham stated that she had an MRI appointment on May 25. On April 29, she stated that she could not confirm June 4 for the penalty hearing, because she was "still waiting for [her] MRI results to determine whether [her] doctor will recommend surgery."

[10] In response, the panel made efforts to schedule the penalty hearing on May 28 or 29. College counsel was available. On May 10, Ms. Pham stated: "I cannot confirm those days because I do not know the MRI results yet, and I am still waiting for the doctor to determine whether I need surgery or not."

[11] College counsel responded: "The College maintains its position that this matter should be scheduled now. Ms. Pham has not identified any actual conflict preventing this matter from being set down. If an actual conflict arises with Ms. Pham's medical appointments, it can be addressed if and when it materializes."

[12] The panel considered this and decided to schedule the penalty hearing for May 28. This was communicated to the parties on May 13.

[13] On May 26, two days before the scheduled hearing, the College received an email from Ms. Pham, stating: "I am currently dealing with a serious medical condition. Here is a copy of my MRI and the doctor needs to schedule me for surgery asap." She included a Vietnamese MRI report dated May 26, 2026, stating that "surgical intervention" on her spine was "recommended." However, the document did not say when the surgery would occur. College counsel asked her questions to clarify the situation, but she did not respond.

[14] On May 28, ten minutes before the hearing was to commence, the College received an email from Ms. Pham's email address as follows:

Hello

My name is Nataly, and I am writing on behalf of Ms. Mai Pham.

Unfortunately, Ms. Mai is unable to attend the hearing due to her serious health condition. She is currently hospitalized and preparing for surgery. She has already provided you with her MRI results for your reference.

Once her health condition improves and she has recovered, she will inform everyone accordingly.

At this time, we kindly ask for understanding and respectfully request that no additional pressure be placed on her, as stress and anxiety are having a significant impact on her health and recovery.

[15] Twenty minutes later, the College received a second email:

Hi,

I am Ms Mai's assistant. I noticed from previous emails that Ms Mai had already sent you her MRI results regarding her medical condition.

At the moment, I am unable to speak with her directly because she is currently in the hospital preparing for surgery.

For your reference, here is the English translation/summary of the MRI report confirming her severe cervical and lumbar spine conditions, including disc herniation, nerve compression, and the recommendation for surgical intervention.

Thank you for your understanding and patience during this difficult time. Ms Mai will contact you again once her condition has stabilized and she has recovered sufficiently.

Kind regards,

Nataly

Assistant to Ms Mai

[16] At the May 28, 2026 hearing, since we had no information from Ms. Pham herself about her whereabouts or intentions, and since she had not responded to College counsel's questions, the panel decided to hear submissions on penalty and costs from College counsel.

[17] On June 1, 2026, the College received the following email from Ms. Pham's email address:

Hello All,

I was just release from the hospital and I am now recovering at home. I have sent many messages to college, to Anastasia,... saying I have an MRI scheduled for May 25th and I do not know what the doctors intend to do after. My emails were ignored and I continually have to say I do not know if I can attend the May 28th hearing. This is absolutely unfair that I missed the hearing when I have told more than once about the MRI. I am asking for the panel to schedule me a hearing so I can discuss the penalties I might have to pay...

[18] Later on June 1, the College received another email from Ms. Pham:

Hello,

I will be returning to Toronto july 21st and would like to schedule an in person meeting with the college and discipline committee and who ever else is involved in this matter. I had an emergency surgery and missed the hearing. I would like to be heard in person before a decision is made.

Please also forward my previous emails to the panel, as I have informed Anastasia numerous times by email that I would not be able to attend the hearing in May due to my MRI appointment.

I do not have the panel's email address, which is why I have been communicating through Anastasia.

Thank you

Mai Pham

[19] On June 3, ILC advised the panel as follows, and this advice was circulated to the parties for comment:

My view is that the panel should invite the member to submit evidence of her hospitalization and surgery to College counsel and the panel.

Such evidence would consist of, at a minimum, a letter from the hospital confirming the dates of her hospitalization and the date of her surgery, and the nature of the surgery, along with the name and contact number of her treating physician. The member should consent to College counsel or a College staff person contacting the treating physician to confirm the information in the letter.

She should be directed to provide that information by a certain firm date. In the interim, the panel would pause deliberations on penalty.

If the member provided that information, I would recommend that the panel consider reopening the penalty phase of the hearing to hear submissions (either by Zoom or in person). However I would require that the member provide all the dates in July on which she could be available for that hearing.

[20] College counsel agreed with this recommended course of conduct, and requested a response from Ms. Pham by June 12.

[21] On June 6, Ms. Pham emailed to state:

I will honestly try my best to obtain what I can, including translations if possible, but I cannot guarantee that everything requested can be completed by June 12, 2026. I am telling the truth about the situation because I live here and understand how difficult this process is in Vietnam.

[22] However, as of June 18, the College had received nothing further from her. On June 19, we directed Ms. Pham to provide a status update by June 22. On June 21, Ms. Pham emailed as follows:

No one has asked me to get these documents. I read it as it is the ILC advice but I did not know what I had to ask for it from the hospital until it was ordered for me to do so. These documents will cost me money to get from the hospital, if the documents might not be needed I did not order it until I see it formally requested for me to get it. Please let me know if it's an order by the panel for me to request the doctors and I will request it and pay the fees for it.

[23] This obviously contradicted her email on June 6.

[24] On June 22, the panel directed Ms. Pham to:

(a) Immediately provide the name and contact information of the treating physician. At the same time, provide consent authorizing the College to contact the treating physician.

(b) Immediately request a letter from the hospital confirming the dates of hospitalization, surgery, discharge, and the nature of the surgery. If it is not possible for the letter to be provided in English, it will be Ms. Pham's responsibility to provide a certified written translation.

(c) Immediately provide no fewer than ten available dates in July 2026 for a meeting with the Panel, should such a meeting become necessary.

(d) By Friday, June 26 at 12:00 p.m. (EST), provide an update confirming:

(i) what requests have been made; and

(ii) what responses have been received.

(e) In the event the penalty hearing is reopened, advise whether the Member intends to seek leave to tender evidence regarding penalty and/or costs, or whether the Member

intends only to make submissions. If the Member intends to tender evidence, then by Wednesday, July 1 at 5:00 p.m. (EST), the Member shall:

- (i) provide a list of witnesses and a summary of their anticipated evidence; and
- (ii) provide copies of any documents the Member intends to rely upon.

[25] On June 25, Ms. Pham provided her treating physician's name and phone number, and confirmed that she had asked her hospital for documents. On June 26, she provided further information about her requests for documents.

[26] By July 6, however, the panel had not received anything further. Accordingly, on July 7, the panel directed Ms. Pham to provide by July 10 the evidence showing that she had been hospitalized.

[27] In response, on July 7, the College received an email from Ms. Pham's email address, stating:

My name is Nataly Le and I am replying to Ms Phams emails.

Ms Pham is off and has left Vietnam to go to Toronto Ontario.

In regards to the letter from the hospital. I have contacted in on July the 3rd and they said they will have the letter ready by the 10th because they needed the head of the hospital and the surgeon to both sign and stamp the document. I also reminded them that I need that the doctor needs the letter to be in English. I have attached the flight confirmation from Ho Chi Minh City to Toronto Pearson Airport. Please see attachment of flight ticket to Toronto.

Ms Pham unfortunately will be unavailable to reply to any emails at this time.

[28] This email attached what appeared to be a flight confirmation from Vietnam to Toronto, departing on July 7 and arriving in Toronto on July 8.

[29] Since then, the panel has received nothing further from Ms. Pham.

[30] Accordingly, the panel met and deliberated on penalty and costs on July 24.

[31] On July 27, College counsel emailed the College, copying two email addresses of Ms. Pham, and asking whether the panel had deliberated. In a reply, which was also copied to two email addresses of Ms. Pham, College staff replied that the panel had continued to deliberate. Ms. Pham did not respond.

[32] While it is obviously not ideal to not hear from a Member in respect of penalty and costs, in our view, we gave Ms. Pham every opportunity to speak to us. Unfortunately, we were met with what in our respectful view was a pattern of refusal and delay. We are left in doubt as to whether Ms. Pham was actually hospitalized and whether she asked for the medical documentation she was directed to provide. Since we received emails from "Nataly" that came from Ms. Pham's email address, we cannot be sure who was, in truth, behind any of these emails.

[33] We have a duty to the public to adjudicate this disciplinary proceeding in a timely manner. At a certain point, we had no responsible choice other than to deliberate without hearing submissions from Ms. Pham. We could not afford to continue to wait.

Penalty

[34] The paramount goal of penalties under the *RHPA* is to protect the public. The penalty should also maintain public confidence in the profession and its ability to self-regulate. A penalty order should be proportionate to both the circumstances of the Member and the nature or seriousness of the misconduct. It should also meet the objectives of: (1) specific deterrence, (2) general deterrence, and (3) rehabilitation/remediation where possible and appropriate. These objectives do not necessarily require equal weight in every case.

[35] The College proposed the following penalty:

- (a) A reprimand;
- (b) A suspension starting on the date the Member returns to the active class and continuing for nine months or until she completes the requirements in subparagraphs (c)(i) and (ii) below, whichever is longer;
- (c) Terms and conditions on the Member's certificate of registration, as follows, all of which are to be completed at her own expense:
 - (i) Successful completion of the College's Record Keeping E-Webinar, to the satisfaction of the Registrar, prior to the Member's return to practise;
 - (ii) Successful completion of a Registrar-approved course on professionalism and ethics, to the satisfaction of the Registrar, prior to the Member's return to practise; and
 - (iii) Successful completion of up to two practice audits in the twelve months following the Member's return to practice after her suspension, the cost of which shall not to exceed \$600.00 per audit.

[36] To analyze proportionality, we need to consider the features of the case that weigh in favour of a more severe penalty (aggravating factors) and those that weigh in favour of a less severe penalty (mitigating factors).

Aggravating factors

[37] The aggravating factors of the case are the following:

- (a) The Member's conduct was extensive: it occurred over a long period of time (September 2019 to May 2021), a large number of patients (50) and a large number of false or partially false claims (136).
- (b) The quantum of the false claims was significant (\$7,000).

(c) The underlying conduct was dishonest, although we could not determine whether the Member was consciously dishonest or merely failed to exercise sufficient diligence to identify and prevent dishonest conduct in her clinics.

Mitigating factors

[38] The Member's lack of discipline history can be considered as the absence of an aggravating factor, or a mitigating factor.

[39] There were no other mitigating factors in the evidence before us.

Decision on penalty

[40] Having considered our findings of professional misconduct and the underlying evidence, and the case law presented by College counsel, we conclude that the College's proposed penalty is fair and reasonable. The reprimand and suspension for at least nine months will demonstrate to the Member and others that her conduct was wrong and that the profession will not tolerate it. The remedial terms – the ethics and record-keeping courses – will protect the public, since the Member cannot resume practice without completing them. They will also rehabilitate the Member. Finally, the required audits will supplement the protection of the public. Overall, in our view, the proposed penalty is proportionate to the misconduct and the Member's circumstances.

Costs decision

[41] The College requested a costs award of \$80,000 and presented affidavit evidence supporting that claim.

[42] This hearing was relatively straightforward, taking up two days for the liability phase and one half day for the penalty phase. We are aware of the Divisional Court's guidance in *Moore v College of Chiropractors*, 2025 ONSC 6190, on costs in professional discipline cases. As the Court said in that case, "[c]osts awards should not be so high as to create a real practical barrier to Members being able to defend themselves in discipline proceedings." At the same time, the College (which is funded by the profession as a whole) should be compensated to some extent for the costs incurred in investigating and prosecuting the discipline proceeding.

[43] Balancing these factors, we award the College cost in the total amount of \$60,000, with \$20,000 payable within 30 days of the release of these reasons, and \$10,000 per year payable thereafter on the subsequent four anniversaries of that date (i.e. if this decision is released on August 15, 2026, the first payment would be due on September 14, 2026, and the following four payments on September 14, 2027, 2028, 2029, and 2030).

- 9 -

I, Kimberley Bishop, sign this decision as Chairperson of the Panel and on behalf of the Panel members listed below.

Date: August 17, 2026

Signed:

Signed by:

Kimberley Bishop

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Kimberley Bishop
Christine Lang
Iftikhar Choudhry