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(Fredrick Schumann
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(Dates of Hearing: February 3, 9, and
May 11, 2026

DECISION AND REASONS FOR DECISION

[1] This matter came on for hearing before a panel of the Discipline Committee (the “**Panel**”) of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (the “**College**”), starting on February 3, 2026, via videoconference.

The allegations

[2] The Member, Ms. Yan, is a Registered Traditional Chinese Medicine Practitioner and Registered Acupuncturist with the College.

[3] This hearing occurred further to a Notice of Hearing dated May 14, 2024. The allegations were set out in a Statement of Allegations appended to the Notice of Hearing. The Statement of Allegations is reproduced as **Appendix “A”** to these reasons.

[4] The Statement of Allegations alleges three categories of professional misconduct:

- (a) failing to comply with an order of the College’s Inquiries, Complaints, and Reports Committee (“**ICRC**”);
- (b) unprofessional communications; and
- (c) failing to cooperate with an investigation.

[5] Throughout, the burden of proof is proof on a balance of probabilities, and the onus of proof is on the College. This means that, for us to make a finding of professional misconduct, we must be satisfied, on all the evidence, that it is more likely than not that the alleged act(s) occurred and that they met the definition of professional misconduct.

Overview of the evidence

[6] The College called three witnesses: Ryan Chu, Sophia Tucker, and Boqun Ma. Mr. Chu works for the College. Ms. Tucker was an investigator appointed by the College. Mr. Ma is a certified Chinese translator. The substantive evidence of each was introduced by way of affidavits, which the witness adopted in their examination-in-chief. The Member then cross-examined them. The witnesses’ affidavits authenticated and attached various documents, which were marked as exhibits in the hearing.

[7] The Member called no witnesses and did not testify herself. Although she cross-examined witnesses and made closing submissions, her questions and submissions are not evidence.

Closing submissions and issues raised by the Member

Process of receiving closing submissions

[8] At the close of the College’s evidence on February 9, 2026, College counsel made oral closing submissions and delivered written closing submissions. The Member stated that she needed more time to prepare and so the panel directed that she would deliver her closing submissions on February 12, 2026, which was the third of three dates that had been scheduled.

[9] On February 10, 2026, the Member sent the College an email. She stated that she had had trouble opening the College's written submissions. She stated: "It is not possible for me to finish these 700 pages learning and finalize into my already had in written before the Feb. 12, 2026. I am sorry."

[10] The Panel and College counsel were available on February 19, 2026. The Member did not respond until February 15, stating that she was not available until April or May. College counsel opposed adjourning the hearing until then. Accordingly, a contested adjournment motion was scheduled for February 19.

[11] On February 18, after business hours, the Member emailed to state that she was not available on February 19 for the adjournment motion. Accordingly, the Panel gave her the opportunity to deliver written closing submissions along with her comments on the advice of Independent Legal Counsel ("ILC").

[12] On March 2, 2026, ILC gave advice to the Panel on the misconduct phase of the hearing. This advice was circulated to the parties for comment. On March 6, College counsel stated that they had no comments or submissions on the advice. The Member was advised that any submission and/or comments on ILC's advice should be delivered by March 13.

[13] By March 16, 2026, the Member had not delivered any comments on ILC's advice, nor submissions, nor any proposed timeline for delivering those items.

[14] On March 17, 2026, the Member emailed the College, stating that she was not available until May "to submit my final statement to the panel."

[15] On March 19, 2026, the Panel gave the Member a two-week extension but required her written closing submissions by April 1. The Member failed to deliver anything by that date.

[16] On April 16, 2026, the Member emailed the College, claiming that she had not opened the email of March 19. She stated: "If permitted, I would like to submit my final written submission on May 6, 2026, as originally planned, either hearing in person, video or writing only." (emphasis added) College counsel opposed this, asserting that the Panel should deliberate without receiving submissions from the Member.

[17] On April 21, 2026, the Member emailed the College, offering May 11, 15, 20, or 27 for her final submission, even though she had offered May 6 only a few days earlier.

[18] On April 24, 2026, the Panel gave Ms. Yan one final opportunity to deliver any final submissions and comments on ILC's advice, in writing, by May 11. The Panel made that date peremptory to the Member.

[19] On April 27, 2026, the Member resiled from her statement on April 16 that she would deliver submissions "either hearing in person, video or writing only." She stated that her closing submissions should be presented orally.

[20] Accordingly, the Panel scheduled May 11, 2026 to hear the Member's closing submissions.

[21] However, on April 29, 2026, the Member emailed the College, stating, among other things, that the May 11 date had not yet been publicly announced. She asserted: “This would also not allow sufficient time for members of the public to obtain permission from you to observe for a public hearing.” She concluded by stating that May 20 was now her “earliest date.”

[22] On April 30, 2026, the Panel ruled that May 11 would remain in place. In our view, there is no requirement in the *Regulated Health Professionals Act, 1991* or its Procedural Code, or in the College’s Rules of Procedure, that would allow the member to object to a hearing date to which she previously agreed, simply because the hearing date had not been publicly announced. She had notice of the hearing.

[23] The Member attended on May 11, 2026 and made closing submissions. Afterwards, she said that she would deliver written submissions by the end of the week. To date, she has not done so.

The Member’s concerns about panel composition and participation of law firms

[24] Instead of written submissions, on May 14, 2026, the Member sent a letter to the College stating she would not file written submissions because of “ongoing concerns regarding the validity and constitutionality of the hearing process.” She asserted that two of the three panel members were “non-Council members” She also said that she was concerned “regarding the participation of counsel associated with Stockwoods [ILC] and Lenczner Slaght [College counsel],” however, she did not articulate what these concerns were. She asked that the matter be “re-established before a properly constituted panel”, and said that she was available for that purpose on six dates between October 28, 2026 and December 9, 2026.

[25] On May 21, 2026, College counsel responded to the Member’s letter. On May 28, ILC provided advice on the assertions in the Member’s letter. On May 28, the Member sent a letter comment on ILC’s advice. In her May 28 letter, the Member reiterated the concerns in her May 14 letter.

[26] The facts concerning the composition of the Panel are as follows. Ms. Chen was a professional member of Council when the Panel was struck on November 26, 2025. Ms. Machel was and remains a public member of Council. Ms. Yokokawa was and remains a member of the Discipline Committee but is not a member of Council. Ms. Chen was a professional member of Council until December 4, 2025, when Council convened with its new membership after the elections of fall 2025. At the meeting on December 4, Ms. Chen was appointed (as a non-Council member) to two committees of the College, but not to the Discipline Committee. When it was struck, the panel also had a second public member of Council, who did not participate in the hearing.

[27] Subsections 38(1), (2), and (3) of the RHPA Procedural Code set out the requirements for the composition of a panel. They provide:

(1) The chair of the Discipline Committee shall select a panel from among the members of the Committee to hold a hearing of allegations of a member’s professional misconduct or incompetence referred to the Committee by the Inquiries, Complaints and Reports Committee.

(2) A panel shall be composed of at least three and no more than five persons, at least two of whom shall be persons appointed to the Council by the Lieutenant Governor in Council.

(3) At least one of the members of a panel shall be both a member of the College and a member of the Council.

[28] The Panel's members were selected "from among the members of the Committee." It was composed of "at least three and no more than five persons, at least two of whom shall be persons appointed to the Council by the Lieutenant Governor in Council." And at least one of its members (Ms. Chen) was "both a member of the College and a member of the Council."

[29] After the panel is selected, s. 38(5) of the RHPA Procedural Code sets quorum requirements for the hearing. It provides: "Three members of a panel, at least one of whom must be a member who was appointed to the Council by the Lieutenant Governor in Council, constitute a quorum."

[30] These requirements were met: when the hearing began, the Panel had three members. One of them was a member who was appointed to the Council by the Lieutenant Governor in Council (Ms. Machel). That quorum remained in place throughout the hearing.

[31] In our view, s. 38(1), (2), and (3) apply at the time the panel is selected, not throughout the hearing process. Subsection 38(5) is what applies during the hearing itself.

[32] Thus, in our view, the fact that Ms. Chen is no longer a member of Council or a member of the Discipline Committee did not disqualify her from sitting on the panel, or make the panel improperly constituted. The Panel met the requirements in s. 38(1)-(3) when it was selected, and it met (and continues to meet) the requirements in s. 38(5). That is sufficient.

[33] We note that, under the College's by-laws, Council may appoint non-Council members to sit on the College's Committees. Ms. Chen was appointed at the December 4, 2025 meeting to two other committees of Council, so, evidently, she would be eligible to be appointed to the Discipline Committee as well. Since Ms. Chen was a sitting member of Council until December 4, 2025, and remains a member of the College, it is hard to see any unfairness or prejudice to the Member from Ms. Chen's participation in this discipline hearing.

[34] Ms. Yan did not raise this objection at the outset of the hearing in February, or when it continued on February 9, or at all until after she delivered oral closing submissions on May 11. Ms. Yan herself is a former member of Council. Further, according to the minutes of Council on September 17, 2025 and December 4, 2025, which College counsel filed, Ms. Yan was actually present at both Council meetings. It was apparent to Ms. Yan, on December 4, 2025, that Ms. Chen had not been re-elected to Council and was not appointed to the Discipline Committee. Nevertheless, she did not raise her concerns until the very end of the discipline hearing.

[35] Also in her May 14, 2026, letter, the Member alluded to concerns "regarding the participation of counsel associated with Stockwoods [ILC] and Lenczner Slaght [College counsel]." She did not articulate what these concerns were. Neither had she raised them at any prior point in the proceedings.

[36] We note that members of the same firm may represent the College in more than one discipline hearing against the same Member. Similarly, members of the same firm may act as ILC in more than one discipline hearing against the same Member. That fact, alone, is not improper.

[37] A person raising an objection on the grounds of procedural fairness, including reasonable apprehension of bias, must do so at the earliest opportunity. Failure to raise such an objection may result in it being dismissed. The Member failed to raise her purported concerns earlier in the hearing. Instead, evidently, she waited until the hearing was complete. Doing so weighs against her allegation.

[38] Overall, we concluded that the panel composition complied with the RHPA Procedural Code and there was no impropriety in the involvement of the firm of College Counsel and ILC.

Prior relationship between one panel member and the Member

[39] In her closing submissions on May 11, the Member briefly alluded to a prior employment relationship with the Panel member Meiyang Chen. Ms. Chen advised that she was employed by Ms. Yan for approximately two months in 2017. Ms. Chen also advised that she did not disclose this relationship at the outset of the hearing because, in 2017, Ms. Yan asked her to sign a non-disclosure agreement. As a result, Ms. Chen believed that she was not free to disclose the employment relationship.

[40] Although neither party moved for Ms. Chen to recuse herself, we considered whether this relationship gave rise to a reasonable apprehension of bias. While this is not determinative, Ms. Chen believes that she can decide the matter fairly and impartially. We considered the situation from the perspective of a reasonable member of the public who is aware of the facts. We asked ourselves whether that member of the public would conclude that it is more likely than not that the decision-maker would not decide the matter fairly.

[41] The starting point for assessing bias is the strong presumption of the decision-maker's integrity and impartiality. Any party seeking to recuse a decision-maker bears the onus of demonstrating a reasonable apprehension of bias.

[42] We considered the brief duration of the employment relationship (two months), the fact that it occurred in 2017, long before the earliest of the acts giving rise to the allegations before us, the lack of connection between an employer/employee relationship and the allegations before us, and the lack of any information to suggest that, because of the relationship, Ms. Chen would be partial, either for or against Ms. Yan.

[43] A dated prior professional relationship between an adjudicator and a party before them has been held not to give rise to a reasonable apprehension of bias: *Terceira v. Labourers International Union of North America*, 2014 ONCA 839, [paras 26-39](#).

[44] We also considered the delay in raising bias after the party became aware of the relevant facts. The Member was obviously aware of the relevant facts as soon as she learned that Ms. Chen was on the Panel. Parties are expected to raise bias objections at the first possible opportunity. Such delay can constitute waiver of the objection.

[45] We note that the Member, in her May 14 and May 28 letters, did not make any issue of this prior relationship with Ms. Chen. After ILC gave advice on this issue, on June 18, the Member emailed the College on June 21 stating: “I am presently unavailable to participate as stated before, in or respond to matters relating to this investigation except during the dates set out below.” Her email reiterated her concerns about the fact that, as she put it, “two of the three panel members were non-Council members.” She provided dates, which were all on or after February 23, 2027. But she did not submit that Ms. Chen should recuse herself or that she was biased.

[46] In fact, the Member has still not brought a recusal motion or otherwise alleged that Ms. Chen is biased.

[47] Overall, we concluded that the evidence did not establish that a reasonable member of the public, informed of the facts, would regard Ms. Chen as likely to decide the matter unfairly.

[48] With these threshold issues dealt with, we turn now to the evidence on the allegations of professional misconduct.

Failure to comply with an order of the ICRC

[49] Mr. Chu’s affidavit set out the following facts regarding the ICRC order. We find that Mr. Chu was a credible and reliable witness, and, on the basis of his evidence, we find the following facts on the required standard of a balance of probabilities.

[50] The ICRC made an order on June 5, 2020, requiring the Member to attend for an oral caution within six months, and to complete a Specified Continuing Education and Remediation Program (“**SCERP**”), also within six months.

[51] The ICRC decision was sent to the Member on June 22, 2020.

[52] On January 21, 2021, the Member received an extension to July 21, 2021 regarding the completion of the SCERP requirements, the selection of the Regulatory Review Mentor, and an extension until March 2021 to attend for the oral caution in light of the COVID-19 pandemic.

[53] The oral caution was scheduled for March 31, 2021, via Webex. The Member failed to attend.

[54] The College scheduled the Member’s first Regulatory Review session on March 31, 2021, and asked the Member by letters dated March 3 and March 8, 2021 to confirm her attendance by March 17, 2021.

[55] On March 5, 2021, the member wrote to a lawyer for the College saying she had received the SCERP, but she claimed that the SCERP had “already expired.”

[56] This claim was incorrect. While s. 28 of the RHPA Procedural Code provides that “[a] panel shall dispose of a complaint within 150 days after the filing of the complaint”, it does not appear that the June 5, 2020 order arose from a “complaint” at all. Rather, the surrounding correspondence indicates that it arose from Registrar’s Reports dated June 18, 2019 (see letters from College dated June 22, 2020 and January 21, 2021). Thus, s. 28 did not apply. Even if it had applied, s. 28(3)-(5) create a process under which the 150-day period can be extended.

[57] The College rescheduled the first Regulatory Review session for April 23, 2021. The Member was asked to confirm her attendance by April 2, 2021.

[58] The Member failed to respond by April 2, 2021, and so the first Regulatory Review session was cancelled.

[59] The College wrote to the Member on April 14, 2021, advising of the cancellation and confirming the Member had failed to attend the March 31, 2021 caution. The Member was asked to respond immediately to ensure her compliance with the terms of the SCERP before the July 21, 2021 deadline. The Member did not respond.

[60] The Member failed to attend for the caution on March 31, 2021, or at all.

[61] The Member failed to complete any of the requirements of the SCERP by July 21, 2021, or at all.

[62] In July 2022, the College gave the Member another chance to comply. She responded by email on July 13, 2022, alleging that, because she had sued Mr. Chu (among others), it was not appropriate for him to correspond with her. The College gave the Member yet another chance, but she still did not comply.

[63] At the hearing, the Member's response to these allegations is that the June 5, 2020 ICRC order "does not exist." This view is based on Ms. Yan's belief that, between November 28, 2019 and May 23, 2022, the Council was "unconstitutional", such that its actions were void or "illegal", because it did not have enough publicly appointed Council members.

[64] [Section 6](#) of the *Traditional Chinese Medicine Act* provides that Council shall be composed of at least six and no more than nine members elected in accordance with the by-laws and at least five and no more than eight persons appointed by the Lieutenant Governor in Council.

[65] The Member's argument is in tension with the College's mandate of public protection. Public protection requires that, even if Council did not have enough public members during some period of time, its committees would still be able to regulate the profession. That would include ICRC, which would still need to be able to deal with complaints and make orders such as the June 5, 2020 order concerning the Member. An alleged shortfall in the number of public members on Council does not entitle members of the profession to ignore orders of ICRC that are aimed at protecting the public.

[66] Our view is supported by a decision of the Divisional Court in other litigation involving Ms. Yan:

At the time of the preliminary hearing, the College did not have a full complement of publicly appointed members on its governing Council. While the College awaited the appointment of additional public members to its Council, the College's Executive Committee exercised the powers of Council. This is permitted by s.12 of the *Health Professions Procedural Code*, Schedule 2 to the *Regulated Health Professions Act*, 1991, S.O. 1991, c. 18, which authorizes the Executive Committee

to carry out the powers of the Council between Council meetings.¹ (*Yan v. College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario*, 2022 ONSC 6842, at [para 15](#), emphasis added)

[67] Cumulatively, we were satisfied by the evidence that Ms. Yan had failed to comply with the ICRC's order, in particular by refusing to attend for an oral caution and by refusing to complete the SCERP. Indeed, the evidence showed that Ms. Yan deliberately refused to comply with the ICRC's order, because, in her view, it had "expired" or was somehow invalid. To be clear, Ms. Yan's view was and is incorrect: the ICRC order required compliance.

Unprofessional communications

[68] Mr. Chu's affidavit contains numerous communications from the Member. These communications appear to have arisen out of a long-running conflict between the College and the Member. Among others, they include:

- (a) An email dated August 27, 2021 in which the Member emailed directly two members of ICRC. In her email, she denounced the ICRC report as "fake" and a 2016 investigation into her conduct as "unlawful." She accused them of dishonesty and demanded that they "resign immediately." She asserted that the College's existence had been illegal for "almost two years." In a letter dated August 30, 2021, the College's Registrar and CEO asked the Member to stop communicating directly with Council and Committee members.
- (b) An email dated February 8, 2022, in which the Member emailed various lawyers and investigators involved in her matters in which she claimed that one of them "control[led] the situation." She repeated her assertion that the College "lost its constitution" in December 2019.
- (c) An email dated February 17, 2022, from the Member to all Council members asserting that the College was an "illegal entity" and "corrupted." She accused it of "abus[ing] power" and "fool[ing] Ontarian[s]" with "illegal actions."
- (d) An email dated February 18, 2022, in which she asserted the College was "unconstitutional" and that it "constantly to build character assassination towards the Chinese people."
- (e) An email dated February 27, 2022, in which she asserted that the College "lost its constitution" in December 2019, said it had a "fake protect public interest motto", accused its Registrar and CEO of "misleading the public of Canadian at large, fooling Ontarian, misrepresent yourself as and for the government agency, CTCMPAO, which subject to public mischief."
- (f) An email dated October 19, 2022, in which she accused the College of "obstructing of justice and predatory prejudice practices actions", "harassing" her by appointing

¹ Section 12 of the *RHPA Procedural Code* provides: "Between the meetings of the Council, the Executive Committee has all the powers of the Council with respect to any matter that, in the Committee's opinion, requires immediate attention, other than the power to make, amend or revoke a regulation or by-law."

investigators, “malicious behaviour”, “intimidating” her and her family, “cover-ups”, and “intentions to defeat the course of justice.”

(g) An email dated March 13, 2023, in which the Member accused College counsel of lying, of “abus[ing] state power” of “cheating public and malicious and overreaching of power.”

(h) An email dated March 24, 2023, in which the Member accused College counsel of making “fake statement[s] and lies” and asserted that “endless money” went into the “pocket” of the law firm to which College counsel belonged.

(i) Another email dated March 24, 2023, in which the Member accused College counsel of lying to a judge in court.

(j) An email of June 7, 2023, in which the Member accused the College of “TCM culture genocide.”

(k) Youtube videos published by Ms. Yan, in which she stated, among other things: “The CTCMPAO uses despicable methods such as entrapment, perjury, deception, spreading rumors, and amending legal documents to make nearly 5,000 Chinese people leave the field of Chinese medicine and have nowhere to seek justice.”

(l) An email of June 29, 2023, in which the Member accused the College of “toxic and malicious language”, “dishonesty”, “persecution”, “harassing”, and “obstruction.”

(m) An email of August 15, 2023, in which the Member accused College counsel of “malicious” conduct, professional misconduct, lying to the court, and inflicting a “nightmare” on her.

(n) An email of August 17, 2023, in which the Member accused the College of paying people to “post online attack me on Youtube and other sites.”

(o) An email of November 25, 2023, in which the Member accused the College of making “frivolous and vexatious claims”, “malicious conduct”, and “destroying TCM practice.”

[69] The Member did not deny that she had sent these communications. We are satisfied by the evidence that she did send these communications to the persons, and on the dates, shown by the copies of the emails that were entered as exhibits.

[70] Given these findings, we did not see the need to rely on the communications that had been translated from Chinese. These were, in our view, less incendiary than the English communications.

Failure to cooperate with an investigation

[71] Mr. Chu’s and Ms. Tucker’s affidavits set out the following facts regarding the investigation. Like Mr. Chu, we find that Ms. Tucker was a credible and reliable witness. Her evidence was not undermined in cross-examination.

[72] An Appointment of Investigator was issued on June 29, 2023 for an investigator to inquire into and examine the conduct or actions of the Member.

[73] The College retained Benard & Associates to conduct the investigation.

[74] On July 12, 2023, Ms. Tucker contacted the Member by email and requested to schedule a time to meet regarding the investigation. She responded by asking the investigator to email a copy of the appointment of investigators. Ms. Tucker stated that she would be happy to provide the documents during a meeting at her clinic, and asked if there was a particular date or time that would work for her.

[75] On July 13, 2023, the Member replied to Ms. Tucker, copying numerous people associated with the College. She accused Benard & Associates of fabricating a “fraudulent” summons in February 2019, accused them of “intimidation”, and stated “Since you can not perform your professional duty as a licensed investigator in Ontario then I have nothing can say to you.”

[76] On July 20, 2023, Ms. Tucker’s colleague, Mr. Bardel, emailed the Member in an effort to arrange a date and time to attend at her clinic to deliver the notice of appointment of investigator and collect the relevant patient records. The Member responded to Mr. Bardel by copying and pasting his email to her, as well as the Member’s response to Ms. Tucker of July 13, 2023, and did not provide any further response.

[77] As a result, the investigators have been unable to collect relevant patient records from the Member.

[78] In our view, the Member could and should have made an appointment to meet with the investigators and received the notice of appointment of investigator at that time. She could have examined the document and, if she wished, sought legal advice about whether and how to comply. What she did – effectively refusing to engage, while accusing the investigators’ firm of misconduct – fell far short of the full cooperation that s. 76(3.1) of the RHPA Procedural Code requires.

[79] At the hearing, the Member’s response was effectively a challenge to the notion that she was practising when the investigators’ visits occurred (while she was suspended). However, that was not the allegation she faced in this proceeding: the Notice of Hearing alleged not that she had been practising while suspended, but that she had failed to cooperate with an investigation.

[80] The Member also failed to respond to the Registrar’s Report, which the College sent to her on November 24, 2023, and asked her to provide a response by January 2, 2024.

Decision on professional misconduct

[81] From the facts found above, the Panel finds that the following acts of the Member constitute professional misconduct as alleged.

[82] First, the Member clearly failed to comply with the ICRC’s June 5, 2020 order. This amounted to the following kinds of professional misconduct:

- (a) Failing to comply with an order of a panel of a Committee of the College contrary to section 1(44) of O. Reg. 318/12;

(b) Failing to appear before a panel of the Inquiries, Complaints and Reports Committee to be cautioned contrary to section 1(45) of O. Reg. 318/12;

(c) Failing to reply appropriately and within a reasonable time to a written inquiry or request from the College contrary to section 1(47) of O. Reg. 318/12;

(d) Engaging in conduct relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by the profession as disgraceful, dishonourable or unprofessional, contrary to section 1(48) of O. Reg. 318/12;

(e) Engaging in conduct that would reasonably be regarded by the profession as conduct unbecoming a practitioner of traditional Chinese medicine or acupuncture, contrary to section 1(49) of O. Reg. 318/12.

[83] Second, the Member's communications, cumulatively, fell well outside the boundaries of acceptable professional speech. In them, she effectively accused the College and others of acting as a malicious criminal organization. This amounted to the following kinds of professional misconduct:

(a) Engaging in conduct relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by the profession as disgraceful, dishonourable or unprofessional, contrary to section 1(48) of O. Reg. 318/12; and

(b) Engaging in conduct that would reasonably be regarded by the profession as conduct unbecoming a practitioner of traditional Chinese medicine or acupuncture, contrary to section 1(49) of O. Reg. 318/12.

[84] The Member's communications were clearly "relevant to the practice of the profession" because they pertained to the Member's regulatory relationship with the College and were directed to the College and others who were involved in her regulatory proceedings.

[85] Communications attacking the College's credibility and that of people associated with it can amount to professional misconduct: *Ontario (College of Pharmacists) v Bulaclac*, 2023 ONCPDC 25 and *College of Nurses of Ontario v Freyer*, 2018 CanLII 90852 (ON CNO).

[86] Here, we did not find that the Member's communications violated a standard of practice of the profession, since there was no evidence of a particular standard of practice that was violated, and the College's closing submissions did not point to a specific standard of practice or show how any such standard was violated. Further, the allegation of violation of a standard of practice is somewhat redundant, given our other findings.

[87] Third, the Member clearly failed to cooperate with the College's investigation. This amounted to the following kinds of professional misconduct:

(a) Failing to reply appropriately and within a reasonable time to a written inquiry or request from the College contrary to section 1(47) of O. Reg. 318/12;

(b) Failing to cooperate with an investigator contrary to section 76(3.1) of the Code, which is an act of professional misconduct under section 1(39) of O. Reg. 318/12; and

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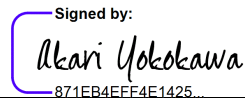
(c) Engaging in conduct relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by the profession as disgraceful, dishonourable or unprofessional, contrary to section 1(48) of O. Reg. 318/12.

[88] The parties shall contact the College's hearing coordinator so that a penalty hearing can be scheduled.

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

Date: August 31, 2026

Signed:

Signed by:

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Akari Yokokawa
Heidi Machel
Meiying Chen

APPENDIX “A” – STATEMENT OF ALLEGATIONS

1. Ms. Nathalie Xian Yi Yan (the “Member”) is a registered Traditional Chinese Medicine Practitioner (“R. TCMP”) and registered acupuncturist (“R. Ac”) with the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (the “College”).

Failing to Comply with an Order of the Inquiries, Complaints, and Reports Committee

2. On February 24, 2020, the Inquiries, Complaints, and Reports Committee of the College (“ICRC”) considered a report that alleges that the Member had engaged in acts of professional misconduct.

3. In its decision and reasons issued June 5, 2020, the ICRC ordered the following:

(a) An oral caution would be issued within six months of the date of the decision and reasons of the ICRC;

(b) A Specified Continuing Education and Remediation Program (“SCERP”) to be completed as set out below:

- (i) The Member is required to meet with a Regulatory Review Mentor who is pre-approved by the Registrar;
- (ii) The Regulatory Review Mentor shall be a member of the College with a general certificate;
- (iii) The Registrar will provide a copy of the ICRC’s decision and reasons to the Regulatory Review Mentor;
- (iv) The Member is required to review the College’s Jurisprudence Handbook. The Member is directed to review in particular Chapter 3: Law, particularly with respect to the Professional Misconduct Regulation addressing issues of Conduct towards Colleagues and Conduct towards the College;
- (v) The Member is required to write a reflection essay on the insights and learning gained from reviewing the above sections of Chapter 3 and how they relate to the concerns identified by the ICRC above;
- (vi) The Member is required to meet with the Regulatory Review Mentor to review and discuss the Member’s reflection essay. The Member must meet with the Regulatory Review Mentor for at least 6 meetings in total. Each meeting shall be 90 minutes;
- (vii) The Regulatory Review Mentor shall submit an interim report to the Registrar after each visit with the Member;
- (viii) The Member is responsible for the costs associated with this SCERP, including the meeting(s) with the Mentor (which shall not exceed \$600 per session); and

(ix) The Member will complete the above terms within six months of the date of the Decision and Reasons.

4. On January 21, 2021, the Member was provided with an extension to July 21, 2021 regarding the completion of the SCERP requirements, the selection of the Regulatory Review Mentor, and was provided with an extension until March 2021 to attend for the oral caution in light of the COVID-19 pandemic.

5. The oral caution was scheduled for March 31, 2021 via Webex. The Member failed to attend.

6. The College scheduled the Member's first Regulatory Review session on March 31, 2021, and asked the Member by letters dated March 3 and March 8, 2021 to confirm her attendance by March 17, 2021.

7. The Member failed to respond by March 17, 2021, and the College rescheduled her first Regulatory Review session to April 23, 2021. The Member was asked to confirm her attendance by April 2, 2021.

8. The Member failed to respond by April 2, 2021, and so the first Regulatory Review session was cancelled.

9. The College wrote to the Member on April 14, 2021, advising of the cancellation and confirming the Member had failed to attend the March 31, 2021 caution. The Member was asked to respond immediately to ensure her compliance with the terms of the SCERP before the July 21, 2021 deadline. The Member did not respond.

10. The Member failed to attend for the caution on March 31, 2021, or at all.

11. The Member failed to complete any of the requirements of the SCERP by July 21, 2021, or at all.

12. It is alleged that this conduct constitutes professional misconduct pursuant to s. 51(1)(c) of the Health Professions Procedural Code, being Schedule 2 to the Regulated Health Professions Act, 1991, S.O. 1991, c. 18 (the "Code") in that, the Member:

(a) Failed to comply with an order of a panel of a Committee of the College contrary to section 1(44) of O. Reg. 318/12;

(b) Failed to appear before a panel of the Inquiries, Complaints and Reports Committee to be cautioned contrary to section 1(45) of O. Reg. 318/12;

(c) Failed to reply appropriately and within a reasonable time to a written inquiry or request from the College contrary to section 1(47) of O. Reg. 318/12;

(d) Engaged in conduct relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by the profession as disgraceful, dishonourable or unprofessional, contrary to section 1(48) of O. Reg. 318/12;

- (e) Engaged in conduct that would reasonably be regarded by the profession as conduct unbecoming a practitioner of traditional Chinese medicine or acupuncture, contrary to section 1(49) of O. Reg. 318/12.

Unprofessional Communications

13. Between December 8, 2020 and November 25, 2023, the Member sent multiple emails to Council members, Committee Members, the College Registrar and staff, and others, and made other statements, that contained allegations, untrue statements, and/or unprofessional language about or towards the College or individuals hired by, appointed by, or associated with the College.

14. It is alleged that this conduct constitutes professional misconduct pursuant to s. 51(1)(c) of the Code in that, the Member:

- (a) 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 O. Reg. 318/12;
- (b) Engaged in conduct relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by the profession as disgraceful, dishonourable or unprofessional, contrary to section 1(48) of O. Reg. 318/12;
- (c) Engaged in conduct that would reasonably be regarded by the profession as conduct unbecoming a practitioner of traditional Chinese medicine or acupuncture, contrary to section 1(49) of O. Reg. 318/12.

Failing to Cooperate with an Investigation

15. An Appointment of Investigator was issued on June 29, 2023 for an investigator to inquire into and examine the conduct or actions of the Member.

16. On July 12, 2023, the investigator contacted the Member by email and requested to schedule a time to meet regarding the investigation.

17. In response, the Member copied various individuals associated with the College and made various accusations regarding College investigators.

18. The Member never provided her availability and never met with the College investigator or provided any documents.

19. In a letter dated November 23, 2023 enclosing the Registrar's Report, the Member was asked to provide a response by January 2, 2024.

20. The Member never provided a response.

21. It is alleged that this conduct constitutes professional misconduct pursuant to s. 51(1)(c) of the Code in that, the Member:

- (a) Failed to reply appropriately and within a reasonable time to a written inquiry or request from the College contrary to section 1(47) of O. Reg. 318/12;

- (b) Failed to cooperate with an investigator contrary to section 76(3.1) of the Code, which is an act of professional misconduct under section 1(39) of O. Reg. 318/12;
- (c) Engaged in conduct relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by the profession as disgraceful, dishonourable or unprofessional, contrary to section 1(48) of O. Reg. 318/12.