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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

Decision Date:	**October 14, 2026**	
Indexed as:	**Ontario (College of Traditional Chinese Medicine Practitioners & Acupuncturists of Ontario) v Jong Chul Kim, 2026 ONCTCMPAO 36**	
Panel:	Matthew Colavecchia	Chairperson, Professional Member
	Kimberley Bishop	Public Member
	Deborah Sinnatamby	Public Member

BETWEEN:

THE COLLEGE OF TRADITIONAL CHINESE MEDICINE PRACTITIONERS AND ACUPUNCTURISTS OF ONTARIO	(	Christine Windsor for the College
-and-		
JONG CHUL KIM	(	Jonah Arnold for the Member
	(	Fredrick Schumann
	(	Independent Legal Counsel
	(	Date of Hearing: October 14, 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 (the "College"), on October 14, 2026, via videoconference.

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The Allegations

[2] The allegations were set out in the Notice of Hearing dated March 11, 2026, and are reproduced as Appendix "A" to these reasons.

Member's Position

[3] The Member admitted certain of the allegations in the Notice of Hearing.

[4] The panel conducted a plea inquiry and was satisfied that the Member's admissions were voluntary, informed and unequivocal. We therefore accepted his admissions.

The Evidence

[5] The evidence was tendered by way of an Agreed Statement of Facts and Admission ("ASF"). The substantive portion of the text of the ASF is reproduced as Appendix "B" to these reasons.

[6] In the ASF, the Member admitted the following facts.

[7] During his initial appointment with the Patient, he discussed her treatment package with her, but did not document the discussion. He did not document any discussion about a vaginal examination including any explanation for why assessment and treatment of the genitalia was necessary. Mr. Kim's records are illegible and written partly in English, partly in Korean and partly in Chinese.

[8] The Patient signed a Consent Form, but did not initial beside the sensitive body areas on the form. The sensitive areas were only checked with a checkmark. "Vaginal test" was written into the form by hand.

[9] The Member did not discuss the specifics of a vaginal examination at any of the eleven appointments that the Patient attended.

[10] During an appointment on or about September 17, 2021, Mr. Kim performed a tuina massage in which he massaged the Patient's breasts. Mr. Kim did not specifically request consent for this massage on this day nor explain in advance that he would be performing massage in a sensitive area. The breast massage is not documented in Mr. Kim's records. Nor is any record of the consent discussion involving the breast massage contained in the medical record other than the initial form signed on July 24, 2021.

[11] During an appointment on or about September 25, 2021, Mr. Kim massaged the Patient's breasts, inserted his fingers into the Patient vagina, and performed an external examination which included checking the colour and odour of the Patient's vagina.

[12] Mr. Kim did not discuss the specifics of an internal vaginal examination with Patient A before performing the vaginal examination on September 25, 2021. Mr. Kim told Patient A that he was going ahead with the internal examination and took her silence as consent to insert his finger.

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[13] The Member admitted that, during an appointment on or about September 25, 2021, he performed a vaginal examination on the Patient that included inserting his fingers into her vagina. He admitted that he did not discuss the specifics of an internal vaginal examination with the Patient beforehand, and that he told her he was going ahead with the internal examination and took her silence as consent. He also admitted that he had performed internal vaginal examinations on other patients as part of his practice for infertility treatment.

[14] The College withdrew the allegation of sexual abuse of a patient.

Decision of the Panel

[15] The Panel found that the Member had engaged in professional misconduct as admitted in the Agreed Statement of Facts and Admission.

Reasons for Decision – Professional Misconduct

[16] The Member performed a controlled act that he was not authorized to perform, contrary to paragraph 10 of section 1 of Ontario Regulation 318/12 made under the *Traditional Chinese Medicine Act, 2006*. The *Regulated Health Professions Act, 1991*, SO 1991, c 18, s 27 provides that the term "controlled act" includes "putting an instrument, hand or finger … beyond the labia majora." This is not one of the two controlled acts that College members are authorized to perform.

[17] Further, the Member had contravened or failed to maintain four standards of practice of the profession, namely the Standard for Record Keeping, the Standard for Consent, the Standard for Diagnosis and Treatment, and the Standard for Maintaining Professional Boundaries.

[18] As to the Standard for Record Keeping, the Member's records were illegible and partly in English, partly in Korean, and partly in Chinese. The Standard for Record Keeping requires: "Records must be in English or French. Other languages may be used but must be translated into one of the two official languages in a timely manner." It also requires patient records to be accurate, complete, and to contain "Treatment information (such as acupuncture points, herbal formulations, modalities)". However, Mr. Kim's records did not document the breast massage he performed on the Patient.

[19] As to the Standard for Consent, it requires that consent must be informed, and that members "must always get expressed consent for treatment that involves contact with sensitive areas. For the initial treatment, the expressed consent must be written." Yet Mr. Kim did not discuss the specifics of an internal vaginal examination with Patient A before performing the vaginal examination on September 25, 2021. Mr. Kim told Patient A that he was going ahead with the internal examination and took her silence as consent to insert his finger. The patient's consent to the touching of other sensitive parts was not recorded in writing, as the Standard requires.

[20] Turning to the Standard for Diagnosis and Treatment, it requires members to "perform only those controlled acts that have been authorized, under the legislation." It also requires members to "carry out assessment and treatment only with the informed consent of the patient." We have already concluded that Mr. Kim contravened those requirements.

[21] Fourth, the Standard for Maintaining Professional Boundaries provides that "Members must talk openly with their patients about assessment and treatment procedures, such as touching

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and positioning, that could impose on their personal boundaries." We have already concluded that, at least in relation to the internal vaginal examination on September 25, 2021, Mr. Kim did not discuss the specifics of that examination with the Patient before performing it.

[22] Finally, we concluded that Mr. Kim's conduct was relevant to the practice of the profession and that it would reasonably be regarded by the profession as disgraceful, dishonourable or unprofessional. Similarly, we concluded that he had engaged in conduct that would reasonably be regarded by the profession as unbecoming a practitioner.

[23] We therefore found that the Member had committed professional misconduct.

Penalty and Costs Submissions

[24] The Member and the College agreed on a joint submission on penalty and costs (the "Joint Submission"). The substantive portion of the Joint Submission is as follows:

> (a) The Member will receive a public and recorded reprimand;
>
> (b) The Member's Certificate of Registration will be suspended for a period of ten (10) consecutive months, effective as of the date of the Order of the Discipline Committee;
>
> (c) The Registrar of the College will impose the following terms, conditions and limitations on the Member's Certificate of Registration:
>
> > (i) The Member shall successfully complete the PROBE Ethics and Boundaries Program, at his own expense, within ten (10) months of the date of the Order of the Discipline Committee;
> >
> > (ii) The Member shall successfully complete the College's Record Keeping E-Workshop, at his own expense, within ten (10) months of the date of the Order of the Discipline Committee; and
> >
> > (iii) The Member shall successfully complete a refresher course in traditional Chinese medicine fundamentals, at his own expense, within ten (10) months of the date of the Order of the Discipline Committee;
> >
> > (A) In respect of said refresher course, the Member shall submit a proposal to the Registrar contemplating a 25-hour program, with a focus on the scope of practice of the profession in Ontario and informed consent. The proposal will include the name of the school and or other educational institution where the coursework will be provided;
>
> 2. The Member shall undergo and cooperate with a re-assessment of his practice by the College upon return to practice; and
>
> 3. The Member shall pay the College costs in the amount of $10,000 as follows:
>
> (a) $500 to be paid within thirty (30) days of the date of the Order of the Discipline Committee; and

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(b) The remainder, being $9,500, to be paid in twelve (12) monthly installments beginning after the conclusion of the Member's suspension.

Penalty and Costs Decision

[25] After considering the joint submission and the submissions of the parties, the Panel decided to accept the Joint Submission, and therefore made an order in the terms of the Joint Submission.

[26] The Member waived his right to appeal the reprimand portion of the penalty, and so the reprimand ordered by the Panel was delivered at the conclusion of the hearing.

Reasons for Penalty and Costs Decision

[27] We were required to accept the joint submission unless to do would bring the administration of justice into disrepute or be contrary to the public interest: *R v Anthony-Cook*, 2016 SCC 43; *Ontario (College of Traditional Chinese Medicine Practitioners & Acupuncturists of Ontario) v Xu*, 2020 ONCTCMPAO 12.

[28] We concluded that the joint submission would not bring the administration of justice into disrepute or be contrary to the public interest. Based on the cases cited by College counsel, it is in line with the penalties imposed in similar cases.

[29] We considered the recommended costs award to be reasonable and made an order in its terms, effective on October 14, the date of the hearing.

I, Matthew Colavecchia, sign this decision as chairperson of the Panel and on behalf of the Panel members listed below.

Date: October 22, 2026

Signed: Signed by: Matthew Colavecchia 3D3B830379C44AB...

Matthew Colavecchia
Kimberley Bishop
Deborah Sinnatamby

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APPENDIX "A" – STATEMENT OF SPECIFIED ALLEGATIONS – NOTICE OF HEARING 5-0110

1. Mr. Jong Chul Kim ("Mr. Kim") has been a member of the College since April 1, 2013, and holds a certificate of registration in the grandparent class. He transitioned to the General Class (R. TCMP, R. Ac) on or about June 24, 2015. Mr. Kim's primary practice location is 3115 Glen Erin Drive Unit 8, Mississauga, Ontario L5L 1J3.

2. On or about July 24, 2021, Patient A attended Mr. Kim's clinic for the first time, seeking assistance for infertility. Patient A attended 11 sessions with Mr. Kim between July 24, 2021, and September 25, 2021.

3. During an appointment on or about September 11, 2021, Mr. Kim touched Patient A's vagina over her underwear while he performed Tui Na massage treatment on her groin and pubic bone area.

4. During an appointment on or about September 24, 2021, Mr. Kim inserted his fingers into Patient A's vagina and then performed an external examination which included checking the colour and odour of Patient A's vagina.

5. On November 16, 2021, Mr. Kim entered into an Acknowledgement and Undertaking with the College agreeing not to perform acupuncture or massage, not to perform any other treatment except in specific circumstances, and to post a sign in his Clinic advising that he was being investigated by the College.

6. On August 29, 2024, Mr. Kim entered into a second Acknowledgement and Undertaking with the College with terms, conditions, and limitations on his practice. Mr. Kim acknowledged in the undertaking that he "had performed a vaginal examination on a patient and smelled her underwear, contrary to the controlled acts authorized to R TCMPS and R Acs and/or [his] professional responsibilities".

7. On June 11, 2025, Mr. Kim was provided a copy of the Registrar Report and asked to respond. Mr. Kim provided written submissions in response on July 3, 2025, in which he stated, among other things:

    a. That before the complaint was filed, he did not know he had violated any College regulations, and the examination had been conducted based on his education at the Beijing University of Chinese Medicine.

    b. That he performed standard internal and external gynecological examinations.

    c. That he provided thorough explanations of each treatment and obtained verbal consent before every procedure, as well as signed consent or satisfaction forms after treatment.

8. Mr. Kim provided a further response to the College on July 29, 2025, in which he stated among other things that he conducted both an internal and external gynecological examination, and that odor evaluation can be a part of this diagnostic process.

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APPENDIX "B" – AGREED STATEMENT OF FACTS AND ADMISSION

Background

1. Jong Chul Kim ("Mr. Kim") has been a member of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (the "College") since April 1, 2013, initially as a Grandparented member. He transferred to the General class on June 24, 2015.

2. Mr. Kim practices out of the Han bit Alternative Health Clinic, which has offices in Mississauga and Oakville. Mr. Kim's primary practice location is 3115 Glen Erin Drive Unit 8, Mississauga, Ontario, L5L 1J3 (the "Clinic").

Care Provided to Patient A

3. On or about July 24, 2021, Patient A attended the Clinic for the first time. Patient A sought assistance for infertility. During that appointment, Mr. Kim discussed Patient A's treatment package with her. Mr. Kim did not document his discussion with Patient A about her treatment package. He did not document any discussion about a vaginal examination including any explanation for why assessment and treatment of the genitalia was necessary.

4. Patient A signed an Informed Consent Form. Patient A did not initial beside the sensitive areas on the form which includes buttocks, chest wall muscles, upper inner thighs and breasts. The sensitive areas were only checked with a checkmark. Moreover, "vaginal test" was written into the form by hand.

5. Patient A attended 11 sessions with Mr. Kim between July 24, 2021, and September 25, 2021, inclusive. Mr. Kim did not discuss the specifics of a vaginal examination at any other appointment.

6. During an appointment on or about September 11, 2021, Mr. Kim touched Patient A's genital area over her underwear while he performed tuina massage treatment on her groin and pubic bone area. This included applying pressure to an acupoint between Patient A's vagina and anus through her underwear.

7. During an appointment on or about September 17, 2021, Mr. Kim performed a tuina massage in which he massaged Patient A's breasts. Mr. Kim did not specifically request consent for this massage on this day nor explain in advance that he would be performing massage in a sensitive area.

8. The breast massage is not documented in Mr. Kim's records. Nor is any record of the consent discussion involving the breast massage contained in the medical record other than the initial form signed on July 24, 2021.

9. During an appointment on or about September 25, 2021, Mr. Kim massaged Patient A's breasts, inserted his fingers into the Patient A's vagina, and performed an external examination which included checking the colour and odour of Patient A's vagina. Specifically, the examination consisted of the following:

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a. to perform the vaginal examination, he used both hands. One hand was applied on the lower part of the belly, and the other hand (the right hand) conducted the examination. First, the right hand was placed between the anus and the vagina, and the index finger and the middle finger are used to apply pressure to that area. The right hand is used to examine the vaginal area for lumps and tumours;

b. Second, an internal vaginal examination was performed by inserting his fingers into the Patient's vagina; and

c. Third, he performed an external examination of the vagina in which he examined the Patient's odour.

10. Mr. Kim did not discuss the specifics of an internal vaginal examination with Patient A before performing the vaginal examination on September 25, 2021. Mr. Kim told Patient A that he was going ahead with the internal examination and took her silence as consent to insert his finger. Patient A expressed that she was uncomfortable during the internal examination. When she did so, Mr. Kim discontinued the internal examination and proceeded to an external examination. After the vaginal examination, Mr. Kim told Patient A about the results of the examination.

11. Mr. Kim's records are illegible and written partly in English, partly in Korean and partly in Chinese.

The College Investigation

12. On November 16, 2021, Mr. Kim entered into an Acknowledgement and Undertaking with the College agreeing not to perform acupuncture or massage, not to perform any other treatment except in specific circumstances, and to post a sign in his Clinic advising that he was being investigated by the College.

13. On August 29, 2024, Mr. Kim entered into a second Acknowledgement and Undertaking with the College with terms, conditions, and limitations on his practice. Mr. Kim acknowledged in the undertaking that he "had performed a vaginal examination on a patient and smelled her underwear, contrary to the controlled acts authorized to R TCMPS and R Acs and/or [his] professional responsibilities".

14. On June 11, 2025, Mr. Kim was provided a copy of the Registrar Report and asked to respond. Mr. Kim provided written submissions in response on July 3, 2025, in which he stated, among other things, that:

a. before the complaint was filed, he did not know he had violated any College regulations, and the examination had been conducted based on his education at the Beijing University of Chinese Medicine.

b. he performed standard internal and external gynecological examinations.

c. he provided thorough explanations of each treatment and obtained verbal consent before every procedure, as well as signed consent or satisfaction forms after treatment.

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15. Mr. Kim provided a further response to the College on July 29, 2025, in which he stated among other things that he conducted both an internal and external gynecological examination, and that odor evaluation can be a part of this diagnostic process.

16. Mr. Kim was interviewed during the course of the College's investigation. During the interview Mr. Kim admitted that he had performed internal vaginal examinations on other patients as part of his practice for infertility treatment.

17. As part of its investigation the College retained an expert to provide an opinion on the care provided by Mr. Kim. The expert concluded that Mr. Kim had breached the standard of care and caused harm to the patient. A copy of the expert report is attached at Tab 1.

Part II: Acknowledgment and Admission

Performing a Controlled Act

18. It is acknowledged and agreed that the above-noted conduct constitutes professional misconduct pursuant to section 51(1)(c) of the Health Professions Procedural Code (the "Code"), being Schedule 2 to the *Regulated Health Professions Act, 1991* (the "RHPA"), by performing a controlled act Mr. Kim was not authorized to perform, thereby contravening s. 27(2) of the RHPA and paragraphs 10 and 39 of Ontario Regulation 318/12 made under the *Traditional Chinese Medicine Act, 2006* (the "Act").

Contravening or Failing to Maintain the Standard of Practice

19. It is acknowledged and agreed that the above-noted conduct constitutes professional misconduct pursuant to section 51(1)(c) of the Code, by contravening by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession, thereby contravening paragraph 1 of Ontario Regulation 318/12 made under the Act. Specifically, it is acknowledged and agreed that Mr. Kim breached the following standards published by the College:

    a. The Standard of Practice for Diagnosis and Treatment;

    b. The Standard for Consent;

    c. The Standard for Maintaining Professional Boundaries; and

    d. The Standard of Practice for Recordkeeping.

Disgraceful, Dishonourable or Unprofessional and Conduct Unbecoming

20. It is acknowledged and agreed that the above-noted conduct constitutes professional misconduct pursuant to section 51(1)(c) of the Code, by engaging in conduct or performing an act 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, thereby contravening paragraph 48 of Ontario Regulation 318/12 made under the Act.

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21. It is acknowledged and agreed that the above-noted conduct constitutes professional misconduct pursuant to section 51(1)(c) of the Code, by engaging in conduct that would reasonably be regarded by the profession as conduct unbecoming a practitioner of traditional Chinese medicine or acupuncture, thereby contravening paragraph 49 of Ontario Regulation 318/12 made under the Act.