

**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 12th, 2023**

Indexed as: **Ontario (College of Traditional Chinese Medicine
Practitioners & Acupuncturists of Ontario) v Christine
Richards ONCTCMAO 24**

Panel:	Mark Handelman	Chairperson, Public Member
	Kim Bishop	Public Member
	Terry Hui	Professional Member

BETWEEN:

THE COLLEGE OF TRADITIONAL CHINESE MEDICINE PRACTITIONERS AND ACUPUNCTURISTS OF ONTARIO	((Anastasia-Maria Hountalas for the (College ((
-and-	((
CHRISTINE RICHARDS	(Absent (((Fredrick Schumann (Independent Legal Counsel ((Date of Hearing: October 12, 2023

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 12, 2023, via videoconference.

[2] The member, Christine Richards, was not present. Affidavit material from the College satisfied us that she had notice of the time and date of the hearing. Under s. 7 of the *Statutory Powers Procedure Act*, we decided it was appropriate to proceed in her absence.

[3] We were advised by College counsel that Ms. Richards had resigned her certificate of registration with the College and had undertaken in writing never to reapply for membership. Given her resignation and undertaking, we inquired of College counsel whether it was necessary in the public interest to proceed with the discipline hearing, or whether we could, instead, adjourn the hearing indefinitely.

[4] College counsel agreed that, on the specific facts of this case, it was not contrary to the public interest for the matter to be adjourned indefinitely, as long as Ms. Richards never returns to practice. If she returned to practice, of course, the public interest calculus would change, and the College would continue the proceeding.

[5] College counsel submitted, and we agree, that it has continuing jurisdiction to prosecute members who have resigned. Its agreement to adjourn the matter here was based on the very specific facts of this case. In general, resignation from membership will not result in a proceeding alleging professional misconduct being adjourned.

[6] College counsel stated, and we agree, that the College reserves the right to continue these proceedings should the member ever return to practice or reapply for membership in the College.

[7] If the allegations of professional misconduct are adjourned and not adjudicated, there is no jurisdiction to award costs against the member, since no findings of professional misconduct could be made: s. 53.1 of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991*, SO 1991, c 18.

[8] If the proceedings are continued and a finding of professional misconduct is made, in our view it would be open to the College at that stage to seek its costs, including the costs of preparing for and attending today’s hearing.

[9] Because of Ms. Richard’s undertaking, it would not be in the public interest to require a full-blown hearing in this matter, as long as she does not return to practice.

[10] Accordingly, the allegations in the Notice of Hearing were indefinitely adjourned. We are not seized of this proceeding, meaning that, if it is ever reinstated, it could be before a different panel of the Discipline Committee.

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

A handwritten signature in black ink, appearing to read "Mark Handelman", written in a cursive style.

Date: **October 24, 2023**

Mark Handelman, for

Terry Hui and Kim Bishop