

**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***

<b>PANEL:</b>	Henry Maeots	Chairperson, Public Member
	Ming Cha	Member
	Chris Gordon	Member
	Philip Schalm	Public Member

**BETWEEN:**

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

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( Jaan Lilles for the College  
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( No representation for the Member  
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**-and-**

**ZE DIAN ZHOU**

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( Johanna Braden,  
( Independent Legal Counsel  
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( Date of Hearing: August 22, 2016

**DECISION AND REASONS FOR DECISION**

This matter came on for hearing before a panel of the Discipline Committee (the “Panel”) on August 22, 2016 at the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (the “College”).

Ze Dian Zhou (the “Member”) was not present. Counsel for the College advised that the Member had representation through negotiations, but that no one intended to attend the hearing on the Member’s behalf.

## **The Allegations**

On October 16, 2015, the College issued a Notice of Hearing against the Member, alleging that the Member had engaged in professional misconduct in that he:

1. Contravened the *Regulated Health Professions Act* (the “RHPA”) by failing to cooperate with an investigation authorized under the *Traditional Chinese Medicine Act, 2006* (the “Act”), contrary to Section 76(3) of the *Health Professions Procedural Code* (the “Code”) and Section 76(3.1) of the Code, contrary to Section 1(39) of Ontario Regulation 318/12 of the Act;
2. Contravened a Standard of Practice of the profession, contrary to Section 1(1) of Ontario Regulation 318/12 of the Act;
3. Submitted an account or charge for services that the Member knew or ought to have known was false or misleading, contrary to Section 1(19) of Ontario Regulation 318/12 of the Act;
4. Failed to keep records in accordance to the standards of the profession, contrary to Section 1 (25) of the Ontario Regulation 318/12 of the Act;
5. Signed or issued, in his professional capacity, a document that the Member knew or ought to have known contain false or misleading statement, contrary to Section 1(26) of the Ontario Regulation 318/12;
6. Falsified a record relating to the Member’s practice, contrary to Section 1(27) of the Ontario Regulation 318/12; and,
7. Engaged in conduct or performed an act relevant to the practice of the profession which having regard to all the circumstances would reasonably regarded by a member as disgraceful, dishonorable or unprofessional, contrary to Section 1(48) of the Ontario Regulation 318/12 of the Act.

## **The Motion**

The Member did not enter a plea to the allegations at this hearing. Rather, the College brought a motion to stay the proceedings on the basis of an Undertaking and Surrender Agreement signed on April 11, 2016 (the “Agreement”).

In the Agreement, the Member agreed to surrender his Certificate of Registration and to forever withdraw from the practice of traditional Chinese medicine and acupuncture in the province of Ontario, or elsewhere in Canada and the United States in exchange for the College staying the discipline proceedings in relation to the allegations outlined above.

In exchange for staying the proceedings, the Member agreed to:

1. Surrender his Certificate of Registration with the College;
2. Refrain from practicing and/or holding himself out as a traditional Chinese medicine practitioner or acupuncturist anywhere in Canada or the United States;
3. Refrain from applying for the reinstatement of his Certificate of Registration with the College, or from applying for registration with any other licensing body governing the practice of traditional Chinese medicine or acupuncture in Canada or the United States; and
4. Contribute \$3,000.00 to partially offset the College's costs of investigating the matter.

In the Agreement, the Member further indicated that he understands and agrees to additional terms and conditions, including the following.

- Should the College receive information that the Member has failed to abide by any of the terms of the Agreement, the College may conduct further investigations into the Member's practice, and/or reactivate these stayed proceedings, and/or refer the Member to another panel of the Inquiries, Complaints and Reports Committee and/or the Discipline Committee in respect of allegations of professional misconduct or incompetence arising out of:
  - the Member's failure to abide by any of the terms of the Agreement and/or
  - the Member's conduct forming the subject of the Inquiries, Complaints and Reports Committee's investigation referred to in the Agreement.
- The terms of the Agreement along with the Member's name and the particulars of the terms of the Agreement will be published in the College's routine publications, including on the College's website, and the Agreement will form part of the Member's history with the College and may be referred to in any future investigation or proceeding.

## **Decision**

Having considered the materials filed and the submissions of College counsel, the panel finds that it is in the public interest to grant the relief requested. The panel orders that the allegations of professional misconduct against the Member set out in the Notice of Hearing dated October 16, 2015 are stayed in accordance with the terms set out in the Undertaking and Surrender Agreement signed by the Member on April 11, 2016.

## Reasons For Decision

The Panel recognized that its decision should be in the public interest. Although the allegations against the Member will not be adjudicated by the Discipline Committee at this time, the Panel finds that the public is protected by the terms of the stay that the Member has voluntarily agreed to. In light of the agreement of the parties to resolve the matter without a hearing, the Panel agrees that it would not be in the public interest to require a hearing of the allegations. The public will be protected by the terms of the Agreement, and the transparency of this process.

The Member has cooperated with the College and the Panel concluded that the stay of proceedings and undertaking by the Member is reasonable and in the public interest. While the Panel recognizes that it does not have the authority to make an order affecting the Member's certificate of registration in any jurisdiction other than Ontario, nothing prevents the Member from making an agreement with the College regarding his practice in other jurisdictions.

I, Henry Maeots, sign this Decision as Chairperson of this Discipline panel and on behalf of the members of the Discipline panel as listed below:

Date: October 13, 2016

A handwritten signature in black ink, appearing to read 'H. Maeots', written in a cursive style.

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Henry Maeots, Chairperson

Panel Members:      Ming Cha  
                                 Chris Gordon  
                                 Philip Schalm