

**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:** September 3, 2019

**Indexed as:** Ontario (College of Traditional Chinese Medicine  
Practitioners & Acupuncturists of Ontario) v Joeie Pak  
Lam Tsang, 2019 ONCTCMPAO 7

<b>Panel:</b>	Barrie Haywood	Chairperson, Public Member
	Matthew Colavecchia	Professional Member
	Henry Maeots	Public Member

**BETWEEN:**

<b>THE COLLEGE OF TRADITIONAL CHINESE MEDICINE PRACTITIONERS AND ACUPUNCTURISTS OF ONTARIO</b>	( ( Anastasia Hountalas for the College ( ( ( (
<b>-and-</b>	( ( (
<b>JOEIE PAK LAM TSANG Reg. No. 1130</b>	( Member not present ( ( ( Edward Marrocco, ( Independent Legal Counsel ( ( Date of Hearing: July 10, 2019

**DECISION AND REASONS FOR DECISION**

[1] This matter came on for hearing before a panel of the Discipline Committee (the “Panel”) on July 10, 2019 at the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (the “College”).

[2] Joeie Pak Lam Tsang (the “Member”) was not present, and not represented by counsel, despite having been advised as to, and provided with notice of, the date of the within hearing.

### **The Allegations**

[3] On March 21 2018, the College issued a Notice of Hearing against the Member (the “Notice”), alleging that the Member had engaged in professional misconduct under the *Traditional Chinese Medicine Act, 2006* (the “Act”).

[4] The Member was alleged to have committed insurance fraud and thereby committed professional misconduct by:

- (a) Contravening, by act or omission, a standard of practice of the profession or failing to maintain a standard of practice of the profession contrary to section 1(1) of Ontario Regulation 318/12 made under the Act;
- (b) Submitting 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;
- (c) Falsifying a record relating to the Member’s practice contrary to section 1(27) of Ontario Regulation 318/12;
- (d) Engaging in conduct or performing acts relevant to the practice of the profession as particularized in the Notice 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 Ontario Regulation 318/12.

[5] The Member was alleged to have failed to maintain a daily appointment log, individual patient records, a system to allow the Member to retrieve patient records and/or accurate records relating to billing and thereby committed professional misconduct by:

- (a) Failing to keep records in accordance with the standards of the profession contrary to section 1(25) of Ontario Regulation 318/12; and/or
- (b) Engaging in conduct or performed acts relevant to the practice of the profession as particularized in the Notice 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 Ontario Regulation 318/12.

[6] The Member was alleged to have provided false or misleading information to the College during the application and thereby committed misconduct by:

- (a) Contravening, by act or omission, a provision of the Act, the *Regulated Health Professions Act, 1991*, or regulations under either of those Acts, specifically section 3(2) and/or s. 4(1), paragraph 2 of Ontario Regulation 27/13 made under the Act which is contrary to section 1(39) of Ontario Regulation 318/12.

- [7] The Member was alleged to have submitted and signed and/or issued receipts with the name “Dr. Joeie Pak Lam Tsang” and thereby committed misconduct by:
- (a) Submitting 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;
  - (b) Contravening, by act or omission, a provision of the Act, the Regulated Health Professions Act, 1991, or regulations under either of those Acts, specifically section 3(2) and/or s. 4(1), paragraph 2 of Ontario Regulation 27/13 which is contrary to section 1(39) of Ontario Regulation 318/12; and/or
  - (c) Engaging in conduct or performing acts relevant to the practice of the profession as particularized in the Notice 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 Ontario Regulation 318/12.
- [8] This matter was addressed on July 10, 2019. At that time, the College brought a motion to stay the proceedings due to the fact that the Member’s Certificate of Registration has expired and on the basis of information provided by the affidavit of Ms. Kristina Formosi which indicates that the Member has left Canada indefinitely.

### **Decision**

- [9] 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 are stayed.

### **Reasons**

- [10] The panel considered the facts as presented to the Panel by the College counsel.
- [11] This is a case in which a former Member is alleged to have committed insurance fraud and other acts of professional misconduct while a Member of the College. In these circumstances it would ordinarily be in the public interest to pursue a disciplinary proceeding. A member does not need to be in attendance or currently registered with the College in order for such a hearing to go forward.
- [12] However, the Member’s Certificate of Registration is expired. It does not appear that the Member will be attempting to renew their registration. On the contrary the evidence filed on the College’s motion suggests that the former Member is out of the country with no anticipated date of return. It follows that the former Member is not providing or attempting to provide any treatments or regulated services to individuals in Ontario at this time or any time in the foreseeable future.

- [13] The Panel is satisfied that the former Member will not be treating or attempting to treat individuals in Ontario and this provides reassurance that the public will be protected even if these very serious allegations are not adjudicated.
- [14] Similarly, if at some future time the former Member wishes to re-apply for registration, he will be the subject of disciplinary proceeding.
- [15] The public is protected even if this matter is not prosecuted today
- [16] The former Member will not be able to evade these issues. The stay of Proceedings which this Panel has ordered, will be posted on the College web site
- [17] The Public is Protected by this Stay of Proceedings as noted above. Other regulatory College's will have access to the former Member's information as well.
- [18] Given the above, it is not in the public interest to proceed with a full hearing at this time.

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

September 3, 2019  
Date




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Barrie Haywood, Chairperson

Panel Members:	Barrie Haywood	Chairperson, Public Member
	Henry Maeots	Public Member
	Matthew Colavecchia	Professional Member