

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

<b>PANEL:</b>	Henry Maeots	Chairperson, Public Member
	Feng Li Huang	Professional Member
	Martial Moreau	Public Member

**BETWEEN:**

<b>THE COLLEGE OF TRADITIONAL CHINESE MEDICINE PRACTITIONERS AND ACUPUNCTURISTS OF ONTARIO</b>	(	
	(	Kelly Hayden for the College
	(	
	(	Member not Present
	(	
<b>-and-</b>	(	
	(	
<b>CHUNXING ZHUANG</b>	(	Aaron Dantowitz,
	(	Independent Legal Counsel
	(	
	(	Date of Hearing: March 20, 2018

**DECISION AND REASONS FOR DECISION**

This matter came on for hearing before a panel of the Discipline Committee (the “Panel”) on March 20, 2018 at the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (the “College”).

Chunxing Zhuang (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 panel was satisfied that it could proceed in the Member’s absence.

## **The Allegations**

On December 8, 2017, the College issued an Amended 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”) and related regulations pursuant to sections of the Health Professions Procedural Code (the “Code”) which is Schedule 2 to the *Regulated Health Professions Act, 1991*, in that the Member:

1. Was found to have committed an act of professional misconduct by the Discipline Committee of the College of Massage Therapists of Ontario, which conduct would be an act of professional misconduct as defined in *Ontario Regulation 318/12*, as provided by section 51(1)(b) of the Code;
2. Contravened, by act or omission, a provision of the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts, contrary to section 1(39) of *Ontario Regulation 318/12*; and
3. 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 *Ontario Regulation 318/12*.

## **The Motion**

The Member was not present and 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 by the Member on January 4, 2018 (the “Agreement”).

In the Agreement, the Member indicated he wished 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 or the United States of America in order to avoid having the allegations in the Notice of Hearing considered by the Discipline Committee in a full and open hearing.

In consideration of the College’s agreement to stay the proceedings at this time, the Member agreed to:

1. To surrender his Certificate of Registration to the College no later than January 5, 2018;
2. To refrain now, and in the future, from practicing and/or holding himself out as a traditional Chinese medicine practitioner or acupuncturist or any variation thereof, anywhere in the Province of Ontario, elsewhere in Canada, or in the United States of America;

3. To refrain now, and in the future, 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 the Province of Ontario, or elsewhere in Canada, or in the United States of America; and

4. To contribute the amount of \$750.00 to partially offset the College's overall costs of investigation into the matter within 30 days of executing this Undertaking/Agreement. The payment shall not constitute an admission of liability and truthfulness of the allegations as presented herein.

In the Agreement, the Member acknowledged that he understood and agreed that, should the College receive information that he has failed to abide by any of the terms of his Undertaking and Surrender Agreement, the College may conduct further investigations into his practice, and/or reactivate the proceedings stayed pursuant to the Agreement and/or refer him to the Discipline Committee of the College, in respect of any allegations of professional misconduct or incompetence that could arise out of the Complaint, and/or refer him to another panel of the Inquiries, Complaints and Reports Committee in respect of allegations of professional misconduct or incompetence arising out of:

- (i) his failure to abide by any of the terms of his Undertaking/Agreement; and/or
- (ii) the conduct forming the subject of the Inquiries, Complaints and Reports Committee's investigation hereinbefore referred to.

In the Agreement, the Member also acknowledged that he understood and agreed that, in the event that the current proceedings are reactivated by the Inquiries, Complaints and Reports Committee, and/or further proceedings are referred to the Discipline Committee by the Inquiries, Complaints and Reports Committee, in accordance with the immediately preceding paragraph, the signed Undertaking and Surrender Agreement, or a true copy duly certified as such by the Registrar of the College, may be used as evidence and filed as an exhibit before a duly constituted panel of the Discipline Committee.

The Member further acknowledged that he understood and agreed that the terms of his Undertaking and Surrender Agreement along with his name and the particulars of the terms will be published in the College's routine publications, including on the College's website and that his Undertaking and Surrender Agreement will form part of his 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 December 8, 2017 are stayed in accordance with the terms set out in the Undertaking and Surrender Agreement signed by the Member on January 4, 2018.

**Reasons for Decision**

The College's duty is to protect the public from professional misconduct and/or incompetence by its members. While a hearing has not been conducted and as such the allegations of misconduct have not been proven, any concerns regarding the member's misconduct or in competence are allayed by the terms of the Undertaking and Surrender Agreement. Thereby the member is, by consent, barred from practicing as a TCM practitioner or acupuncturist in Ontario, or elsewhere in Canada, or in the United States of America, a restriction that surpasses any possible order resulting from a discipline hearing before this College. The public is also protected by the public notice of the terms of the Undertaking and Surrender Agreement through its publications.

By agreeing to contribute a sum to partially offset the College's costs of investigating this matter, the member also lessens the cost to be borne by the other members of the College.

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:

April 12, 2018



---

Henry Maeots, Chairperson

Panel Members:     Henry Maeots  
                          Feng Li Huang  
                          Martial Moreau