

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

<b>PANEL:</b>	Henry Maeots	Chairperson, Public Member
	Xianmin Yu	Professional Member
	Barrie Haywood	Public Member

**BETWEEN:**

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

	( Robin McKeckney for the College
	(
	(
<b>-and-</b>	( Member not Present
	(
	(
<b>DINA IFRAIMOV</b>	( Edward Marrocco
	( Independent Legal Counsel
	(
	(
	( Date: October 10, 2017

**ORDER**

**THIS MATTER** was heard on October 10, 2017 by the Discipline Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario at 55 Commerce Valley Drive West, Unit 705, Thornhill, Ontario.

**ON READING** the Notice of Hearing dated January 13, 2017, and Undertaking of Dina Ifraimov signed on May 2, 2017, and on hearing the submissions of counsel for the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (the “College”), no one appearing for Dina Ifraimov despite having been advised as to the date of this hearing:

**THE DISCIPLINE COMMITTEE ORDERS** that the proceedings arising out of the allegations of professional misconduct contained in the Notice of Hearing dated January 13, 2017

be stayed on the basis of the terms of the said Undertaking signed on May 2, 2017, attached hereto as Schedule "A" to this order.

**I, Henry Maeots**, sign this order as Chair of the panel of the Discipline Committee on behalf of the members of the panel that heard this matter.

October 19, 2017  
Date

A handwritten signature in black ink, appearing to read "H. Maeots". The signature is stylized with a large "H" and a cursive "Maeots".

Chairperson, Discipline Panel



College of Traditional Chinese Medicine  
Practitioners and Acupuncturists of Ontario

Ordre des praticiens en médecine traditionnelle  
chinoise et des acupuncteurs de l'Ontario

**COLLEGE OF TRADITIONAL CHINESE MEDICINE  
PRACTITIONERS AND ACUPUNCTURISTS OF ONTARIO (the  
"College")**

**AND**

**DINA IFRAIMOV**

**UNDERTAKING and SURRENDER AGREEMENT**

I, Dina Ifraimov, hereby acknowledge and undertake as follows:

1. I acknowledge that several specified allegations of professional misconduct against me were referred to the Discipline Committee. Attached as Exhibit "A" is a copy of the Notice of Hearing.
2. A discipline hearing has not yet been scheduled (the "Hearing").
3. In consideration for the College seeking a stay of the discipline hearing, I agree to the following:
  - a. To surrender my Certificate of Registration to the College no later than May 4, 2017;
  - b. To resign from the College effective May 5, 2017 (the "Effective Date");
  - c. As of the Effective Date, to cease using the title acupuncturist, and performing Traditional Chinese medicine (TCM) acupuncture or communicating a TCM diagnosis;
  - d. As of the Effective Date to refrain from practising and/or holding myself out as a TCM practitioner or acupuncturist in Canada, the United States of America and any other jurisdiction;
  - e. As of the Effective Date, to never apply for registration, licensure or similar status with the College or any other licensing body in any other jurisdiction that governs the practice of TCM or acupuncture;
  - f. As of the Effective Date, to never issue receipts for acupuncture or TCM to patients;



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- g. As of the Effective Date, to pay \$1000.00 (via money order or certified cheque) to the College to partially offset the College's costs of investigating this matter. I acknowledge that the College is accepting such a small quantum in light of my severe financial circumstances; and
    - h. To have this Undertaking and/or its terms posted on the College Register, Website and publications.
  4. I acknowledge that if I ever reapply for membership, registration, licensure or similar status with the College in the future, the College will be entitled to rely upon this Undertaking in any registration or other similar proceeding as reason to deny my application.
  5. I further acknowledge that if I ever reapply for membership, registration, licensure or similar status with the College or a regulator of TCM or acupuncture in the future, the College will be entitled to proceed with the Hearing (as described in paragraphs 1 and 2) as well as for the breach of this Undertaking and that the College will be entitled to rely upon this undertaking for that purpose.
  6. I understand, acknowledge and agree that:
    - a. I fully understand the terms of this Undertaking;
    - b. I am signing this Undertaking voluntarily and without compulsion or duress;
    - c. I have been strongly advised by the College to obtain independent legal advice prior to signing this Undertaking and that I have either done so or I have had an adequate opportunity to do so; and
    - d. A breach of any of the terms of this Undertaking may constitute professional misconduct on my part for which the College may take action against me and this Undertaking is admissible in any such proceeding.

Signed this 2 day of May, 2017



College of Traditional Chinese Medicine  
Practitioners and Acupuncturists of Ontario

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*Dina Ibraimov*  
Dina Ibraimov

*Angelina Ibraimov*  
Witness to the signature of Dina Ibraimov

Angelina Ibraimov  
Witness print name

Signed this 2 day of May, 2017.

*Allan Mak*

Allan Mak  
Registrar of the College of Traditional Chinese Medicine Practitioners and  
Acupuncturists of Ontario

*M. Peragostini*  
Witness to the signature of  
Allan Mak

M. PERAGOSTINI  
Witness print name

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

**BETWEEN:**

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

- and -

**DINA IFRAIMOV**

**NOTICE OF HEARING**

The Inquiries, Complaints and Reports Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (the "College") has referred specified allegations against Dina Infraimov to the Discipline Committee of the College. The allegations were referred in accordance with section 26 of the *Health Professions Procedural Code*. The statement of allegations is attached to this notice of hearing. A discipline panel will hold a hearing under the authority of sections 38 to 56 of the *Health Professions Procedural Code*, as amended, for the purposes of deciding whether the allegations are true. A **pre-hearing conference** will be held at a date and location to be set by the Registrar. A discipline panel will convene at the offices of the College at 705 - 55 Commerce Valley Drive West, Thornhill, Ontario at **9:30 a.m. on a date to be set by the Registrar**, or as soon thereafter as the panel can be convened, for the purposes of conducting the **discipline hearing**.

**IF YOU DO NOT ATTEND ON THE DATE FOR THE HEARING IN ACCORDANCE WITH THE PRECEDING PARAGRAPH, THE DISCIPLINE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.**

If the discipline panel finds that you have engaged in professional misconduct, it may make one or more of the following orders:

1. Direct the Registrar to revoke the member's certificate of registration.
2. Direct the Registrar to suspend the member's certificate of registration for a specified period of time.
3. Direct the Registrar to impose specified terms, conditions and limitations on the member's certificate of registration for a specified or indefinite period of time.
4. Require the member to appear before the panel to be reprimanded.
5. Require the member to pay a fine of not more than \$35,000 to the Minister of Finance.
6. If the act of professional misconduct was the sexual abuse of a patient, require the member to reimburse the College for funding provided for that patient under the program required under section 85.7.
7. If the panel makes an order under paragraph 6, require the member to post security acceptable to the College to guarantee the payment of any amounts the member may be required to reimburse under the order under paragraph 6.

The discipline panel may, in an appropriate case, make an order requiring you to pay all or part of the College's costs and expenses pursuant to section 53.1 of the *Health Professions Procedural Code*.

You are entitled to disclosure of the evidence against you in accordance with section 42(1) of the *Health Professions Procedural Code*, as amended.

You, or your representative, may contact the solicitor for the College, Rebecca Durcan, in this matter:

Steinecke Maciura LeBlanc  
Barristers & Solicitors

401 Bay Street  
Suite 2308, P.O. Box 23  
Toronto, ON M5H 2Y4

Telephone: (416) 644-4783  
Facsimile: (416) 593-7867

You must also make disclosure in accordance with section 42.1 of the *Health Professions Procedural Code*, which states as follows:

Evidence of an expert led by a person other than the College is not admissible unless the person gives the College, at least ten days before the hearing, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence.

Further, you must also make disclosure in accordance with rules 11, 12 and 13 of the *Rules of Procedure of the Discipline Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario*, which state as follows:

11.1 Each party to a proceeding shall deliver to every other party (a) a list of, and (b) if not previously produced, copies of, all documents that the party intends to produce or enter as evidence at the hearing, as soon as is reasonably practicable after the Notice of Hearing is served, and in any case, at least 10 days before the commencement of the hearing on the merits.

11.2 A party who does not disclose a document or thing in compliance with sub-rule 11.1 may not refer to the document or thing or introduce it in evidence at the hearing without leave of the Panel, which may be on any conditions that the Panel considers just.

12.1 A party to a proceeding shall serve every other party a list of the witnesses the party intends to call to testify on the party's behalf at the hearing, at least 10 days before the commencement of the hearing.

12.2 If no affidavit has been served in accordance with rule RULE 27, and material matters to which a witness is to testify have not otherwise been disclosed, a party to a proceeding shall provide to every other party a summary of the evidence that the witness is expected to give at the hearing, at least 10 days before the commencement of the hearing.

12.3 A witness summary shall contain:

- (a) the substance of the evidence of the witness;
- (b) reference to any documents to which that the witness will refer; and



- (c) the witness's name and address or, if the witness's address is not provided, the name and address of a person through whom the witness can be contacted.

12.4 A party who does not include a witness in the witness list or provide a summary of the evidence a witness is expected to give in accordance with these rules may not call that person as a witness without leave of the Panel, which may be on any conditions as the Panel considers just.

12.5 A witness may not testify to material matters that were not previously disclosed without leave of the Panel, which may be on any conditions that the Panel considers just.

13.1 A party who intends to call an expert to give expert opinion evidence at a hearing shall:

- (a) inform the other parties of the intent to call the expert;
- (b) identify the expert and the issue(s) on which the expert's opinion will be tendered;
- (c) serve the other parties with a copy of the expert's written report or, if there is no written report, an affidavit in accordance with rule RULE 27, or a witness summary in accordance with sub-rule 12.3; and
- (d) file an "Acknowledgement Form – Expert's Duty" signed by the expert, in the form appended to these rules;

at least 10 days before the commencement of the hearing.

13.2 A party who fails to comply with sub-rule 13.1 may not call the expert as a witness or file the expert's report or affidavit without leave of the Panel, which may be on any conditions that the Panel considers just.

Date:

Jan 13/2017



Allan Mak  
Registrar  
College of Traditional Chinese Medicine  
Practitioners and Acupuncturists of  
Ontario

TO:

Dina Ifraimov  
76 Cordoba Drive  
Thornhill, ON L4J 8J8

## **STATEMENT OF ALLEGATIONS**

### **The Member**

1. At all material times Dina Ifraimov was a member of the College (the "Member").

### **False or misleading billing practices**

2. On or about July 11, 2016, the Member advised a College investigator that:
  - a. she provided acupuncture receipts to patients who instead received permanent make up services. The receipts were false as no acupuncture treatment had been provided. The Member advised the College investigator that this had been occurring for years; and/or
  - b. she provided permanent make up to Patient #1 on or about December 9, 2014 and provided Patient #1 with a signed receipt for acupuncture services. The signed receipt was false as no acupuncture treatment had been provided on that date.
3. For each of these reasons it is alleged that the Member engaged in professional misconduct pursuant to subsection 51(1)(c) of the Code, namely:
  - a. Paragraph 1: Contravening a Standard of the Profession;
  - b. Paragraph 19: Submitting an account or charge for services that the member knows or ought to know is false or misleading;
  - c. Paragraph 26: Signing or issuing a document that the member knows or ought to know contains false or misleading information;
  - d. Paragraph 27: Falsifying a record relating to the Member's practice;
  - e. Paragraph 48: 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 as disgraceful, dishonourable or unprofessional; and/or
  - f. Paragraph 49: Engaging in conduct that would reasonably be regarded by the profession as conduct unbecoming a practitioner of acupuncture of section 1 of Ontario Regulation 318/12.

### **Failure to formulate a TCM diagnosis**

4. The Member provided acupuncture treatment to Patient #2 and Patient #3 without first formulating, communicating and/or charting a traditional Chinese diagnosis.
5. For this reason it is alleged that the Member engaged in professional misconduct pursuant to subsection 51(1)(c) of the Code, namely:
  - a. Paragraph 1: Contravening a Standard of the Profession;
  - b. Paragraph 48: 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 as disgraceful, dishonourable or unprofessional; and/or
  - c. Paragraph 49: Engaging in conduct that would reasonably be regarded by the profession as conduct unbecoming a practitioner of acupuncture of section 1 of Ontario Regulation 318/12.

### **Failure to Keep/Falsifying Records**

6. On or about July 11, 2016, the Member advised a College investigator that:
  - a. she did not create individualized treatment plans for her patients but, instead, utilized pre-populated treatment plans;
  - b. she did not ask a patient to complete an intake form unless the patient agreed to a treatment plan consisting of numerous acupuncture treatments;
  - c. she did not document individual acupuncture treatment unless the patient agreed to a treatment plan consisting of numerous acupuncture treatments;
  - d. she did not complete all portions in the patient chart and when she was too busy would ask her assistant to complete the chart;
  - e. she did not record a TCM diagnosis in the patient record;
  - f. she did not keep separate financial records;
  - g. her appointment book does not capture all visits of all acupuncture patients; and/or

- h. She compiled a false patient chart for Patient #1 indicating that acupuncture services had been provided on or about November 21, 25, 28, December 2, 5 and/or 9, 2014 when in fact this was false.
- 7. For each of these reasons it is alleged that the Member engaged in professional misconduct pursuant to subsection 51(1)(c) of the Code, namely:
  - a. Paragraph 1: Contravening a Standard of the Profession;
  - b. Paragraph 25: Failing to Keep Records in accordance with the standards of the profession;
  - c. Paragraph 27: Falsifying a record relating to the Member's practice;
  - d. Paragraph 48: 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 as disgraceful, dishonourable or unprofessional; and/or
  - e. Paragraph 49: Engaging in conduct that would reasonably be regarded by the profession as conduct unbecoming a practitioner of acupuncture of section 1 of Ontario Regulation 318/12.

**Providing acupuncture without informed consent**

- 8. The Member utilized a consent form which did not indicate that Patient #2 and Patient #3 were made aware of the material side effects, alternative courses of action and/or the likely consequences of not having acupuncture.
- 9. There is no evidence in the patient chart of Patient #2 and Patient #3 that the issues identified in paragraph 7 were discussed with the patients.
- 10. For each of these reasons it is alleged that the Member engaged in professional misconduct pursuant to subsection 51(1)(c) of the Code, namely:
  - a. Paragraph 1: Contravening a Standard of the Profession;
  - b. Paragraph 3(i): Doing anything to a patient for a therapeutic, preventative, palliative, diagnostic, cosmetic or other health-related purpose except with the informed consent of the patient;
  - c. Paragraph 48: 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 as disgraceful, dishonourable or unprofessional; and/or

- d. Paragraph 49: Engaging in conduct that would reasonably be regarded by the profession as conduct unbecoming a practitioner of acupuncture of section 1 of Ontario Regulation 318/12.

**Signing a document that contains false or misleading information**

- 11. On or about June 25, 2015, the Member signed a letter to Blue Cross Insurance and advised that Patient #1 received six acupuncture treatments on or about November 21, 25, 28, December 2, 5 and/or 9, 2014 when in fact Patient #1 did not receive said acupuncture treatments.
- 12. On or about November 9, 2015, the Member signed a letter to the Inquiries, Complaints and Reports Committee of the College and:
  - a. Inferred that Patient #1 had received acupuncture treatments on or about November 21, 25, 28, December 2, 5 and/or 9, 2014 as set out in the chart; and
  - b. Confirmed that the handwriting in patient charts #1, #2 and #3 were hers alone.
- 13. On or about July 11, 2016, the Member advised a College investigator that:
  - a. her assistant would complete portions of the chart when she was too busy;
  - b. she would photocopy treatment notes written by other people because she would utilize the same treatment protocols; and/or
  - c. she created a patient record and signed an account for Patient #1 that was false.
- 14. For each of these reasons it is alleged that the Member engaged in professional misconduct pursuant to subsection 51(1)(c) of the Code, namely:
  - a. Paragraph 26: Signing or issuing a document that the Member knows or ought to know contains false or misleading information;
  - b. Paragraph 48: 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 as disgraceful, dishonourable or unprofessional; and/or

- c. Paragraph 49: Engaging in conduct that would reasonably be regarded by the profession as conduct unbecoming a practitioner of traditional Chinese medicine or acupuncture of section 1 of Ontario Regulation 318/12.

**Failure to obtain informed consent and breach of standards**

- 15. On or about May 10, 2016, an undercover College investigator attended the Member's clinic posing as a patient (the "Patient"). During the appointment, the Patient expressed a fear of needles to the Member.
- 16. During the appointment, the Member inserted an acupuncture needle into the Patient. The Member then twisted the needle. Before inserting the needle, the Member:
  - a. Did not obtain informed consent from the Patient;
  - b. Did not wash her hands; and/or
  - c. Did not clean the site with a cleaning agent or alcohol.
- 17. When the Member returned to the Patient five minutes later the Patient advised the Member that the needle was making her tense. The Member twisted the needle again and then proceeded to remove the needle.
- 18. On or about July 11, 2016, the Member failed to provide a copy of the records taken during the Patient's visit to the College investigator.
- 19. For each of these reasons it is alleged that the Member engaged in professional misconduct pursuant to subsection 51(1)(c) of the Code, namely:
  - a. Paragraph 1: Contravening a Standard of the Profession or failing to maintain a standard of practice of the profession;
  - b. Paragraph 3(i): Doing anything to a patient for a therapeutic, preventative, palliative, diagnostic, cosmetic or other health-related purpose except with the informed consent of the patient;
  - c. Paragraph 25: Failing to keep records in accordance with the standards of the profession; and/or
  - d. Paragraph 48: 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 as disgraceful, dishonourable or unprofessional of section 1 of Ontario Regulation 318/12.

### **Falsifying information on College Annual Renewals**

20. On or about July 11, 2016, a College investigator attended the Member's clinic. The Member advised the investigator that she falsified her practice hours on one or more College annual renewals.
21. The Member could not provide any documentation arising from the Patient's appointment with the Member on or about May 10, 2016.
22. For each of these reasons, it is alleged that the Member engaged in professional misconduct pursuant to subsection 51(1)(c) of the Code, namely:
  - a. Paragraph 1: Contravening a Standard of the Profession or failing to maintain a standard of practice of the profession;
  - b. Paragraph 26: Signing or issuing, in her professional capacity, a document that the member knows or ought to know contains a false or misleading statement;
  - c. Paragraph 48: 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 as disgraceful, dishonourable or unprofessional; and/or
  - d. Paragraph 49: Engaging in conduct that would reasonably be regarded by the profession as conduct unbecoming a practitioner of traditional Chinese medicine or acupuncture of section 1 of Ontario Regulation 318/12.

## APPENDIX

1. The documents to be tendered in evidence at the hearing have been sent with this Notice of Hearing.
2. The *Rules of Procedure of the Discipline Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario* have been sent with this Notice of Hearing.
3. Take notice that the documents that have been and may later be disclosed to you will be tendered as business documents pursuant to the *Evidence Act* of Ontario.
4. All documents that are disclosed to you in this matter are disclosed on the basis that they are to be used solely for the purpose of this proceeding and for no other purpose.



COLLEGE OF TRADITIONAL CHINESE MEDICINE PRACTITIONERS  
AND ACUPUNCTURISTS OF ONTARIO

and

DINA INFRAIMOV

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

**NOTICE OF HEARING**

**STEINECKE MACIURA LEBLANC**

Barristers & Solicitors  
401 Bay Street  
Suite 2308, P.O. Box 23  
Toronto, ON M5H 2Y4

**Rebecca Durcan**

Telephone: (416) 644-4783  
Facsimile: (416) 593-7867

Solicitors for the College of Traditional Chinese  
Medicine Practitioners and Acupuncturists of  
Ontario