

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

Matthew Colavecchia, Chair, Professional Member	)	MONDAY, THE 28 <sup>TH</sup> DAY OF NOVEMBER 2022
Judy Cohen, Public Member	)	
Iftikhar Choudry, Public Member	)	
	)	

B E T W E E N :

COLLEGE OF TRADITIONAL CHINESE MEDICINE  
PRACTITIONERS AND ACUPUNCTURISTS OF ONTARIO

- and -

JEFF MCMACKIN

**ORDER**

**THIS HEARING** was held on November 28, 2022, electronically by way of videoconference.

**ON READING** the Notice of Hearing dated October 29, 2021, the Agreed Statement of Facts and Admission of Professional Misconduct, the Joint Submission on Penalty and Costs, and on hearing the submissions of counsel for the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (the “College”) and counsel for the member, Jeff McMackin (the “Member”):

**A. THE DISCIPLINE COMMITTEE FINDS** that the Member has committed professional misconduct pursuant to the following:

1. Clause 51(1)(b.1) of the Health Professions Procedural Code (the “Code”), being Schedule 2 to the *Regulated Health Professions Act, 1991* (the “RHPA”), in that the Member sexually abused the Patient (more particularly made remarks of a sexual nature).
2. Clause 51(1)(c) of the Code and as set out in the following paragraphs of section 1 of Ontario Regulation 318/12 made under the *Traditional Chinese Medicine Act, 2006* (the “Act”):
  - a. **Paragraph 1:** Contravening, by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession (more particularly Standard for Communication);
  - b. **Paragraph 3:** Doing anything to a patient for a therapeutic, preventative, palliative, diagnostic, cosmetic or other health-related purpose except, i. with the

informed consent of the patient or the patient's authorized representative, or ii. as required or authorized by law;

- 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 by the profession as disgraceful, dishonourable or unprofessional; and
- 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.

**B. THE DISCIPLINE COMMITTEE ORDERS THE FOLLOWING PENALTY AND COSTS:**

1. The Member is required to appear before a panel of the Discipline Committee immediately following the hearing of this matter to be reprimanded, with the fact of the reprimand and a summary of the reprimand to appear on the public register of the College.
2. The Registrar is directed to immediately suspend the Member's Certificate of Registration for a period of four (4) months with one (1) month remitted, to commence immediately following the hearing.
3. The Registrar is directed to immediately impose the following specified terms, conditions and limitations on the Member's Certificate of Registration:
  - a. The Member is required to successfully complete the PROBE ethics course at his own expense, within six (6) months of the date of this Order.
4. The Member is required to reimburse the College for funding provided to the Patient for therapy and counselling provided under the program established under section 85.7 of the Code, up to the maximum allowable amount of \$17,370.00.
5. The Member is required to post security for that funding in the amount of \$14,000.00, in eighteen (18) monthly installments, with the first installment due thirty (30) days from the date of this Order. Installments #1-17 will be in the amount of \$777.78 and Installment #18 will be in the amount of \$777.74.
6. The Member is required to pay to the College costs in the amount of \$5,000 within thirty (30) days of the date of this Order.

Date: November 28, 2022



Matthew Colavecchia, Chair

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

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**ORDER**

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**STEINECKE MACIURA LEBLANC**

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

**Anastasia-Maria Hountalas**

Telephone: (416) 644-4781  
Facsimile: (416) 593-7867  
Email: [ahountalas@sml-law.com](mailto:ahountalas@sml-law.com)

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