

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

Kevin Ho, Chair, Public Member)	MONDAY, THE 5 TH DAY OF FEBRUARY 2024
Iftikhar Choudry, Public Member)	
Justin Lee, Public Member)	
)	

B E T W E E N :

COLLEGE OF TRADITIONAL CHINESE MEDICINE
PRACTITIONERS AND ACUPUNCTURISTS OF ONTARIO

- and -

CHANPHENG ANOUSAYA
(FILE NO. 4-0068 and 5-0093)

ORDER

THIS HEARING was held on February 5, 2024, electronically by way of videoconference.

ON READING the Notice of Hearing in file no. 5-0093 and file no. 4-0068, both dated November 16, 2022, and on reviewing the evidence and hearing the submissions of counsel for the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (the “College”) and the former member, Chanpheng Anousaya (“Mr. Anousaya”):

A. THE DISCIPLINE COMMITTEE ORDERS that the hearings in file no. 4-0068 and file no. 5-0093 are combined pursuant to section 9.1(1)(a) of the *Statutory Powers Procedure Act*.

B. THE DISCIPLINE COMMITTEE FINDS that Mr. Anousaya has committed professional misconduct pursuant to the following:

1. Clause 51(1)(a) of the Health Professions Procedural Code (the “Code”), being Schedule 2 to the *Regulated Health Professions Act, 1991* (the “RHPA”), (the member has been found guilty of an offence that is relevant to the member’s suitability to practice);
2. Clause 51(1)(b.1) of the Code (the member has sexually abused a patient, more specifically touching or behaviour of a sexual nature by the member towards the patient); and

3. 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);
 - b. Paragraph 2 (Abusing a patient or a patient's representative verbally, physically, psychologically or emotionally);
 - c. 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); and
 - 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 by the profession as disgraceful, dishonourable or unprofessional).

C. THE DISCIPLINE COMMITTEE ORDERS THE FOLLOWING PENALTY AND COSTS:

1. Mr. Anousaya is required to appear before a panel of the Discipline Committee 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 revoke Mr. Anousaya's certificate of registration, effective immediately;
3. Mr. Anousaya is required to reimburse the College for funding provided to Patient A and Patient B, respectively, 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 per patient or \$34,740.00 total;
4. Mr. Anousaya is required to post security for the funding provided to Patient A in the amount of \$8,000.00 within thirty (30) days of the date of this Order; and
5. Mr. Anousaya is required to post security for the funding provided to Patient B in the amount of \$3,000.00 within thirty (30) days of the date of this Order; and
6. Mr. Anousaya is required to pay to the College costs in the amount of \$34,605.56.00 within thirty (30) days of the date of this Order.

Date: Feb 15, 2024



Kevin Ho, Chair

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

ORDER

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