

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

Mark Handelman (Chair)	)	WEDNESDAY,
Akari Yokokawa	)	THE 7 <sup>th</sup> DAY OF
Judy Cohen	)	AUGUST, 2024

B E T W E E N :

COLLEGE OF TRADITIONAL CHINESE MEDICINE PRACTITIONERS AND ACUPUNCTURISTS  
OF ONTARIO

- and -

XIAOYUN TIAN

**ORDER**

**THIS HEARING** was held on August 7, 2024 in Toronto, Ontario.

**ON READING** the Notice of Hearing, the Agreed Statement of Facts, the Joint Submission as to Penalty and Costs and the Book of Authorities, and on hearing the submissions of counsel for the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (the “**College**”) and the submissions of Xiaoyun Tian (the “**Member**”):

**A. THE DISCIPLINE COMMITTEE FINDS** that the Member has committed professional misconduct pursuant to clause 51(1)(c) of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991*:

1. Performed a controlled act that Ms. Tian was not authorized to perform, contrary to section 1(10) of Ontario Regulation 318/12;
2. Signed or issued, in her professional capacity, a document that Ms. Tian knew contained a false or misleading statement, contrary to section 1(26) of Ontario Regulation 318/12;
3. Used a term, title or designation in respect of Ms. Tian’s practice that was not authorized by the College, contrary to section 1(32) of Ontario Regulation 318/12;
4. Performed a controlled act when not authorized to do so contrary to section 27(1) of the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18, which is an act of professional misconduct under section 1(39) of Ontario Regulation 318/12;

5. Practiced the profession while Ms. Tian's certificate of registration was suspended, contrary to section 1(42) of Ontario Regulation 318/12;
6. Directly benefited from the practice of the profession while Ms. Tian's certificate of registration was suspended without making full disclosure to the College of the nature of the benefit to be obtained and without obtaining prior approval from the Executive Committee, contrary to section 1(43) of Ontario Regulation 318/12.
7. Obstructed an investigator and withheld or concealed from the investigator documents relevant to the investigation contrary to section 76(3) of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18, which is an act of professional misconduct under section 1(39) of Ontario Regulation 318/12;
8. Failed to cooperate with an investigator contrary to section 76(3.1) of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18, which is an act of professional misconduct under section 1(39) of Ontario Regulation 318/12;
9. Failed to reply appropriately and within a reasonable time to a written inquiry or request from the College, contrary to section 1(47) of Ontario Regulation 318/12;
10. Engaged in conduct 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, contrary to section 1(48) of Ontario Regulation 318/12; and
11. 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.

**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 revoke the Member's Certificate of Registration.
3. The Member is required to pay to the College costs in the amount of \$4,000.00 within 90 days of this order.

Date: August 8<sup>th</sup>, 2024

A handwritten signature in black ink, appearing to read "Mark Handelman", written in a cursive style.

Mark Handelman, Chair