

**ONTARIO
SUPERIOR COURT OF JUSTICE**

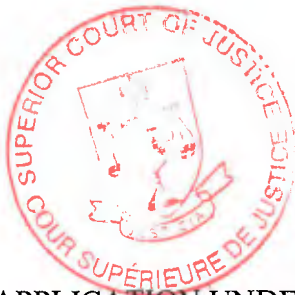
THE HONOURABLE MR.)
JUSTICE FAIETA) WEDNESDAY, THE 22ND
DAY OF MARCH, 2017.

BETWEEN:

COLLEGE OF TRADITIONAL CHINESE MEDICINE PRACTITIONERS
AND ACUPUNCTURISTS OF ONTARIO

Applicant

and



I. PEI CHEN a.k.a. PATRICIA CHEN

Respondent

APPLICATION UNDER Section 87 of the *Health Professions Procedural Code*, being
Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18

ORDER

THIS APPLICATION, made by the Applicant, the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (the “College”), for declarations that the Respondent has violated the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18 (the “*RHPA*”) and the *Traditional Chinese Medicine Act, 2006*, S.O. 2006, c. 27 (the “*TCMA*”) and for an interim, interlocutory and permanent injunction against the Respondent was heard on this day at the Court House, 393 University Avenue, Toronto, Ontario, M5G 1E6.

ON READING the Application Record and Book of Authorities of the Applicant, and on hearing the submissions of the lawyer(s) for the parties, and on reading the Consent of the Parties;

1. **THIS COURT DECLARES** that the Respondent has violated sections 3 and 4 of the *TCMA* and section 27 of the *RHPA* by performing controlled acts limited to members of the College despite not being a member of the College;

2. **THIS COURT FURTHER DECLARES** that the Respondent has violated section 8(2) of the *TCMA* by holding herself out as person qualified to practice in Ontario as a traditional Chinese medicine practitioner and acupuncturist or in a specialty of traditional Chinese medicine despite not being a member of the College;

3. **THIS COURT FURTHER DECLARES** that the Respondent has breached section 30(1) of the *RHPA* by treating or advising persons with respect to their health in circumstances in which it was reasonably foreseeable that serious bodily harm may result from the treatment or advice or from an omission from them;

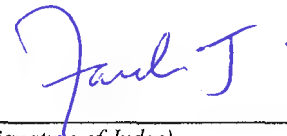
4. **THIS COURT ORDERS** that the Respondent be and hereby is prohibited and must immediately cease and desist, from:

- (a) Using the title "doctor", or any abbreviation thereto, contrary to section 33(1) of the *RHPA*;
- (b) using the titles "traditional Chinese medicine practitioner" or "acupuncturist", a variation or abbreviation or an equivalent in another language, contrary to section 8(1) of the *TCMA*;

- (c) holding herself out as a person who is qualified to practice in Ontario as a traditional Chinese medicine practitioner or acupuncturist or in a specialty of traditional Chinese medicine, in contravention of 8(2) of the *TCMA*;
- (d) performing controlled acts limited to members of the College, in contravention of sections 3 and 4 of the *TCMA* and section 27 of the *RHPA*, specifically:
 - (i) Performing a procedure on the tissue below the dermis and below the surface of a mucous membrane for the purpose of performing acupuncture; and
 - (ii) Communicating a traditional Chinese medicine diagnosis identifying a body system disorder as the cause of a person's symptoms using traditional Chinese medicine techniques;
- (e) Treating and advising persons with respect to their health in circumstances in which it is reasonably foreseeable that serious harm may result from treatment or advice or from an omission from them, in contravention of section 30(1) of the *RHPA*.

5. **THIS COURT FURTHER ORDERS** that the terms outlined in paragraphs 1-4 of the within Order do not prohibit the Respondent from submitting an Application to the College for membership. In the event that the College, upon review of said Application, deems that the Respondent has satisfied the requirements for the issuance of a certificate of registration under sections 4 and 9 of Ontario Regulation 27/13 and issues a certificate of registration, the Respondent may practice traditional Chinese medicine and/or acupuncture pursuant to the terms of the issued certificate of registration; and

6. **THIS COURT FURTHER ORDERS** that the Respondent shall pay costs to the College in the sum of \$3,000, inclusive of disbursements and HST, which amount is due and payable within thirty days of the date of this Order.



(Signature of Judge)

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LE / DANS LE REGISTRE NO:

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COLLEGE OF TRADITIONAL CHINESE MEDICINE
PRACTITIONERS AND ACUPUNCTURISTS OF ONTARIO
Applicant

-and- I. PEI. CHEN a.k.a. PATRICIA CHEN
Respondent

Court File No. CV-17-568655

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

PROCEEDING COMMENCED AT TORONTO

ORDER

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