

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

**IN THE MATTER OF
the *Regulated Health Professions Act*, 1991, S.O. 1991, c. 18,
and the *Traditional Chinese Medicine Act*, S.O. 2006, c.27**

B E T W E E N:

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

-and-

MOHMED SHOEB M CHIKHLIKAR

NOTICE OF HEARING

TO: Mr. Mohmed Shoeb M Chikhlikar



THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE OF THE COLLEGE OF TRADITIONAL CHINESE MEDICINE PRACTITIONERS AND ACUPUNCTURISTS OF ONTARIO (the "College") has directed that specified allegations of professional misconduct be referred to the Discipline Committee of the College, in accordance with section 26(1) para 1 of the *Health Professions Procedural Code* (the "Code"), which is Schedule 2 to the *Regulated Health Professions Act*, 1991, S.O. 1991, C. 18 (the "RHPA").

IT IS ALLEGED that you are guilty of professional misconduct under the *Traditional Chinese Medicine Act*, S.O. 2006, c. 27 (the "Act") and the Regulations thereto, all as amended.

THE ALLEGATIONS of professional misconduct are that you have engaged in the following acts of professional misconduct:

1. 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*;

2. 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*.

THE SPECIFIED ALLEGATIONS are attached to this Notice of Hearing as Schedule "A".

A PRE-HEARING CONFERENCE will be held at a date and location to be set by the Registrar.

A PANEL OF THE DISCIPLINE COMMITTEE WILL HOLD A HEARING under the authority of sections 38 to 56 of the Code for the purpose of deciding whether the allegations are true.

TAKE NOTICE THAT the hearing will be held before a panel of the Discipline Committee (the "Panel") at a place, date and time to be determined by the Registrar of the College. You may have a representative appear on your behalf. The panel may, on that date, either hear evidence and make its determination respecting the allegations set out above or set a further date for such hearing and determination.

YOU ARE ENTITLED to be present at the Hearing, and to be represented by legal counsel. If you fail to attend at the time and place set for the Hearing, the Hearing may proceed in your absence and you will not be entitled to any further notice of the proceedings.

SUBSECTION 51(2) OF THE CODE PROVIDES THAT if the Panel finds you guilty of professional misconduct, it may make an order, doing one or more of the following:

1. Directing the Registrar to revoke your certificate of registration.
2. Directing the Registrar to suspend your certificate of registration for a specific period of time.
3. Directing the Registrar to impose specified terms, conditions and limitations on your certificate of registration for a specified or indefinite period of time.
4. Requiring you to appear before the panel to be reprimanded.

5. Requiring you to pay a fine of not more than \$35,000 to the Minister of Finance.
 - 5.1 If the act of professional misconduct was the sexual abuse of a patient, requiring you to reimburse the College for funding provided for that patient under the program required under section 85.7.
 - 5.2 If the panel makes an order under paragraph 5.1, requiring you to post security acceptable to the College to guarantee the payment of any amounts you may be required to reimburse under the order under paragraph 5.1 1991, c. 18, Sched. 2, s. 51 (2); 1993, c. 37, s. 14 (2).

TAKE NOTICE that, pursuant to paragraph 53.1 of the Code, the Panel may make an order requiring you to pay all or part of the College's legal costs and expenses, including the College's costs and expenses incurred in investigating the matter and incurred in conducting the Hearing.

AND TAKE NOTICE that the College intends to introduce any writings and/or records that were made in the usual and ordinary course of business as business records under section 35 of the *Evidence Act*, R.S.O. 190, c. E.23, as amended.

AND TAKE NOTICE that you must make disclosure in accordance with section 42.1(1) of the 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.

AND TAKE NOTICE that you must 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;

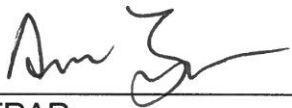
at least 10 days before the commencement of the hearing.

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.

YOU ARE ENTITLED, as a member whose conduct is being investigated in proceedings before a Panel, to disclosure of evidence under ss. 42(1) of the Code. You or your representative may contact counsel for the College in this matter for this purpose:

Jaan Lilles/Brianne Westland
Lenczner Slaght LLP
130 Adelaide Street West, Suite 2600
Toronto, Ontario, M5H 3P5
(416) 865-3552/(416) 865-2907

DATED at Toronto this8th... day ofSeptember..., 2023.



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

SCHEDULE “A”

STATEMENT OF SPECIFIED ALLEGATIONS

1. Mr. Mohmed Shoeb M Chikhlikar (“**Mr. Chikhlikar**”) is a registered acupuncturist (R. Ac.) and Traditional Chinese Medicine Practitioner (R. TCMP) with the College of Traditional Chinese Medicine and Acupuncturists of Ontario (the “**College**”).
2. Mr. Chikhlikar was employed as an instructor at Eight Branches College of Eastern Medicine (“**Eight Branches**”) from approximately 2018 to April 2022.

Complainant A

3. Complainant A was, at all material times, a student at Eight Branches. While Complainant A was a student at Eight Branches, Mr. Chikhlikar taught courses in which Complainant A was a student.
4. From in or around December 2019 to in or around February 15, 2022, Mr. Chikhlikar sent inappropriate messages to Complainant A on or around the following dates:
 - (a) December 22, 2019;
 - (b) March 2020;
 - (c) October 14, 2020;
 - (d) January 1, 2021;
 - (e) July 14-16, 2021; and
 - (f) February 15, 2022.
5. Mr. Chikhlikar continued to send Complainant A messages after Complainant A asked Mr. Chikhlikar to stop.
6. It is alleged that this conduct constitutes professional misconduct pursuant to s. 51(1)(c) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18 in that, Mr. Chikhlikar:
 - (a) 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*;

- (b) 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*.

Complainant B

- 7. Complainant B was, at all material times, a student at Eight Branches. While Complainant B was a student at Eight Branches, Mr. Chikhlikar taught at least one course in which Complainant B was a student.
- 8. In or around January 2022, Mr. Chikhlikar made an inappropriate, sexual comment to Complainant B while demonstrating a procedure.
- 9. On or around February 2, 2022, while performing a procedure on Complainant B, Mr. Chikhlikar positioned his genitals to touch Complainant B.
- 10. On or around February 23, 2022, during a class taught by Mr. Chikhlikar and attended by Complainant B, Mr. Chikhlikar touched Complainant B's buttocks and/or lower back area.
- 11. It is alleged that this conduct constitutes professional misconduct pursuant to s. 51(1)(c) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18 in that, Mr. Chikhlikar:
 - (a) 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*;
 - (b) 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*.

Complainant C

- 12. Complainant C was, at all material times, an employee at Eight Branches.
- 13. Between January 2022 and March 2022, Mr. Chikhlikar made inappropriate comments towards Complainant C and/or touched Complainant C on her back and/or buttocks without her consent on one or more occasions.
- 14. On or about March 24, 2022, Mr. Chikhlikar touched Complainant C's buttocks without consent.
- 15. It is alleged that this conduct constitutes professional misconduct pursuant to s. 51(1)(c) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18 in that, Mr. Chikhlikar:

- (a) 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*;
- (b) 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*.