

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

B E T W E E N :

COLLEGE OF TRADITIONAL CHINESE MEDICINE
PRACTITIONERS AND ACUPUNCTURISTS OF ONTARIO

- and -

HUA I KUI XU

**NOTICE OF HEARING
(5-0176)**

The Inquiries, Complaints and Reports Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (the “College”) has referred specified allegations against you to the Discipline Committee of the College. The allegations were referred in accordance with section 26 of the *Health Professions Procedural Code* which is Schedule II to the *Regulated Health Professions Act, 1991* (referred to as the “Code”). The statement of specified allegations is attached to this notice of hearing. A discipline panel will hold a hearing under the authority of sections 38 to 56 of the Code, as amended, for the purposes of deciding whether the allegations are true. A pre-hearing conference will be held at a date, place and location to be set by the Chair of the Discipline Committee. A discipline panel will convene at the place, time and date to be set by the Pre-Hearing Conference Chair, or as soon thereafter as the panel can be convened, for the purposes of conducting the discipline hearing. In accordance with the *Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020*, S.O. 2020, c.5, Sched. 3, and the *Rules of Procedure of the Discipline Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario*, the hearing and pre-hearing may be conducted electronically.

IF YOU DO NOT ATTEND ON THE DATE FOR THE HEARING IN ACCORDANCE WITH THE PRECEDING PARAGRAPH, THE DISCIPLINE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

If the discipline panel finds that you have engaged in professional misconduct, it may make one or more of the following orders:

1. Direct the Registrar to revoke the member's certificate of registration.
2. Direct the Registrar to suspend the member's certificate of registration for a specified period of time.
3. Direct the Registrar to impose specified terms, conditions and limitations on the member's certificate of registration for a specified or indefinite period of time.
4. Require the member to appear before the panel to be reprimanded.
5. Require the member to pay a fine of not more than \$35,000 to the Minister of Finance.
6. If the act of professional misconduct was the sexual abuse of a patient, require the member to reimburse the College for funding provided for that patient under the program required under section 85.7.
7. If the panel makes an order under paragraph 6, require the member to post security acceptable to the College to guarantee the payment of any amounts the member may be required to reimburse under the order under paragraph 6.

The discipline panel may, in an appropriate case, make an order requiring you to pay all or part of the College's costs and expenses pursuant to section 53.1 of the *Code*.

You are entitled to disclosure of the evidence against you in accordance with section 42(1) of the *Code*, as amended.

You must also make disclosure in accordance with section 42.1 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.

Further, you must also 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 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 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, or your representative, may contact the lawyers for the College, Anastasia-Maria Hountalas in this matter:

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Date: August 19, 2026



Ryan Chu
Deputy Registrar, Director of Professional Conduct
College of Traditional Chinese Medicine
Practitioners and Acupuncturists of Ontario

TO: HUI KUI XU
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STATEMENT OF SPECIFIED ALLEGATIONS

HUAI KUI XU

The Member

1. Huai Kui Xu (the “Member”) became a Grandparented member (R. TCMP, R. Ac) of the College on or about August 22, 2013. He transferred to the General class (R. TCMP, R. Ac) on or about June 21, 2017.
2. When the Member transferred to the General class, the following terms, conditions or limitations (“TCLs”) were placed on his certificate of registration:
 - a. Huai Kui Xu will practise traditional Chinese medicine and acupuncture in the presence of a person, who is pre-approved by the College, who is able to speak, read and write either English or French with reasonable fluency; and/or
 - b. Huai Kui Xu will ensure that all College records (clinical patient record, appointment book, financial records, etc.) will be maintained in English.
3. Between in or about October 2015 and March 2024, the Member owned and/or practised at Huai Kui Xu TCM Clinic in Richmond Hill, Ontario (the “Richmond Hill clinic”).
4. Since in or about March 2024, the Member owned and/or practised at XU’s Tcm Clinic And Wellness Centre in Markham, Ontario (the “Markham clinic”).

Breach of Language TCLs

5. It is alleged that between June 2017 and September 2023, the Member breached the TCLs on his certificate of registration by doing one or more of the following:
 - a. He did not practise in the presence of a pre-approve person; and/or
 - b. He did not ensure that all records were maintained in English.

Public Health Reports and Orders

6. Between June and August 2023, York Region Public Health (“Public Health”) conducted inspections of the Richmond Hill clinic after a patient was suspected to have contracted a communicable disease, namely invasive Group A Streptococcus, from a treatment with the Member.
7. It is alleged that during these inspections, Public Health inspectors observed numerous infection prevention and control (“IPAC”) violations at the Richmond Hill clinic. In particular, it is alleged that the Member did one or more of the following:
 - a. Improperly and/or inadequately reprocessed wet cupping devices;
 - b. Improperly stored and/or inadequately reprocessed microneedling rollers;

- c. Improperly stored and/or disposed of acupuncture needles and/or did not have an appropriate sharps container and/or disposal process for sharps;
 - d. Had expired acupuncture needles and/or acupuncture needles that did not meet Health Canada requirements;
 - e. Improperly and/or inadequately performed his hand hygiene;
 - f. Did not provide appropriate supplies for hand hygiene, including having an empty soap dispenser and/or reusable hand towel in the washroom sink and/or expired alcohol-based hand sanitizer in the washroom and/or consult room;
 - g. Improperly stored cotton balls with alcohol and/or topical creams;
 - h. Improperly and/or inadequately sanitized linens and/or blankets; and/or
 - i. Did not have a written copy of the clinic's IPAC procedures.
8. On or about June 10, Public Health ordered the Member to cease providing acupuncture until the Richmond Hill clinic's infection prevention and control ("IPAC") conditions were corrected.
9. On or about June 13, 2023, Public Health ordered the Member to cease providing cupping and/or microneedling until the Richmond Hill clinic's IPAC conditions were corrected.
10. On or about July 26, 2023, Public Health ordered the Member to cease providing services using equipment and/or devices that require reprocessing until the Richmond Hill clinic's IPAC conditions were corrected.
11. On or about August 8, 2023, Public Health authorized the Member to resume acupuncture services. The other orders remained in effect.
12. It is alleged that the Member did not report the Public Health orders to the College as required pursuant to section 5(1)(viii) of the Registration Regulation.
13. It is alleged that the practices described in paragraph 7 above reflected the Member's general IPAC practices at the Richmond Hill clinic from October 2015 until between June and/or August 2023.

August 2023 Undertaking

14. On or about August 17, 2023, during the course of the College's investigation, the Member entered a voluntary undertaking whereby he agreed to do the following, among other things:
- a. Not provide acupuncture, cupping or microneedling until Public Health publicly confirmed that it could be provided safely;
 - b. Post a sign in the Richmond Hill clinic regarding Public Health's June 13, 2023 order until it was no longer in effect;

- c. Inform all patients of the Public Health order until it was no longer in effect and record those discussions in the patient record;
 - d. Immediately contact patients who received acupuncture, cupping or microneedling between October 1, 2015 and June 7, 2023 (the “impacted patients”) to inform them of the Public Health order and recommend testing for Hepatitis B, Hepatitis C and Human Immunodeficiency Virus (“HIV”), and maintain records of those contacts; and/or
 - e. Cooperate with the College’s efforts to verify the above.
15. It is alleged that the Member breached the terms of the undertaking by doing one or more of the following:
- a. He did not post a sign as required;
 - b. He did not document his discussions with patients about the Public Health order in the patient record;
 - c. He did not contact the impacted patients as required and/or at all; and/or
 - d. He misled the College about the nature of his interactions with the impacted patients, including by providing falsified contact records.

Recordkeeping

16. It is alleged that between October 2015 and/or September 2024, the Member failed to keep records as required by doing one or more of the following:
- a. He did not maintain financial records and/or issue receipts for treatments and/or services other than acupuncture treatments;
 - b. He failed to maintain financial records and/or issue receipts for every acupuncture treatment provided;
 - c. He routinely failed to translate records into French or English;
 - d. He routinely failed to record adequate information in the patient record, including by omitting consent notations, health history information and/or failing to record the particulars of the treatment provided;
 - e. He did not maintain patient records for microneedling and/or cupping treatments;
 - f. He failed to maintain patient records for every acupuncture treatment provided, including by not making and/or maintaining patient records for acupuncture treatments provided in 2017, 2019 and/or 2022;
 - g. He failed to maintain patient records for every TCM herb treatment provided, including by not making and/or maintaining patient records for TCM herb treatments provided in 2015;

- h. He routinely documented TCM herb treatments for multiple patients together on the same handwritten sheet of paper;
- i. He did not maintain an individual patient record for each patient;
- j. He stored patient records in an unsecured manner and/or location;
- k. He failed to make and/or maintain appointment books as required; and/or
- l. He failed to document IPAC procedures.

Acts of Professional Misconduct

17. It is alleged that the above 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* (the “Code”), as set out in one or more of the following paragraphs of section 1 of Ontario Regulation 318/12 made under the *Traditional Chinese Medicine Act, 2006*:

- 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, namely the Standard for Infection Control (effective January 1, 2020), Standard of Practice (3) – Safe Practice (approved January 2013 by Transitional Council), Standard for Fees and Billing (effective April 1, 2021), Standard for Record-Keeping (effective January 1, 2021), and/or Standard of Practice (5) – Record Keeping (approved January 2013 by Transitional Council);
- b. **Paragraph 25:** Failing to keep records in accordance with the standards of the profession;
- c. **Paragraph 27:** Falsifying a record relating to the member’s practice;
- d. **Paragraph 40:** Contravening, by act or omission, a law if, (i) the purpose of the law is to protect or promote public health, or (ii) the contravention is relevant to the member’s suitability to practise, namely the *Health Protection and Promotion Act*;
- e. **Paragraph 41:** Contravening, by act or omission, a term, condition or limitation on the member’s certificate of registration;
- f. **Paragraph 46:** Failing to carry out or abide by an undertaking given to the College or breaching an agreement with the College; and/or
- g. **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.

APPENDIX

1. The documents to be tendered in evidence at the hearing have been sent with this Notice of Hearing.
2. The *Rules of Procedure of the Discipline Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario* have been sent with this Notice of Hearing.
3. Take notice that the documents that have been and may later be disclosed to you will be tendered as business documents pursuant to the *Evidence Act* of Ontario.
4. All documents that are disclosed to you in this matter are disclosed on the basis that they are to be used solely for the purpose of this proceeding and for no other purpose.

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