

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE) *Wal*, THE *W*...
JUSTICE *W. H. McLean*) DAY OF *June*..., 2015

BETWEEN:



COLLEGE OF TRADITIONAL CHINESE MEDICINE PRACTITIONERS
AND ACUPUNCTURISTS OF ONTARIO

Applicant

and

MONA XIAOBO ZHANG

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"), was heard this day at the Court House, 393 University Avenue, Toronto, Ontario, M5G 1E6.

ON READING the Applicant's Application Record and the Consent executed by all parties filed, and on hearing the submissions of counsel for the College, ~~in the presence of the Respondent, Mona Xiaobo Zhang ("Ms. Zhang") and a translator,~~

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1. **THIS COURT DECLARES** that the Respondent has violated sections 3, 4, and 8 of the *Traditional Chinese Medicine Act, 2006*, S.O. 2006, c. 27 (the "*TCMA*") by performing a controlled act despite not being a member of the College;

2. **THIS COURT FURTHER DECLARES** that the Respondent has breached sections 27 and 33 of the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18 (the "*RHPA*") by using the title "Doctor" in the course of providing or offering to provide, in Ontario, health care to individuals;

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

4. **THIS COURT FURTHER DECLARES** that the Respondent has breached section 34(2) of the *RHPA* by holding herself out as a member, employee or agent of a body that she falsely represents as or knows is falsely represented as regulating, under statutory authority, individuals who practice traditional Chinese medicine or acupuncture in Ontario;

5. **THIS COURT ORDERS** that Ms. Zhang shall:


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

- (c) immediately cease and desist from 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 section 8(2) of the *TCMA*;
- (d) immediately cease and desist from 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*;
- (e) immediately cease and desist from advising persons with respect to his or her health in circumstances in which it is reasonably foreseeable that serious physical harm may result from a treatment or advice or from an omission from them, in contravention of section 30(1) of the *RHPA*; and
- (f) immediately cease and desist from holding herself out as a member, employee or agent of a body that she falsely represents as or knows is falsely represented as regulating, under statutory authority, individuals who practice traditional Chinese medicine or acupuncture in Ontario, in contravention of section 34(2) of the *RHPA*.

6. **THIS COURT ORDERS** that Ms. Zhang shall pay costs to the College in the sum of \$6,000.00, inclusive of disbursements and HST, which amount is due and payable within thirty days of the date of this Order.

ENTERED AT / INSCRIT A TORONTO
ON / BOOK NO.:
LE / DANS LE REGISTRE NO.:

JUN 11 2015

AS DOCUMENT NO.:
À TITRE DE DOCUMENT NO.:
PER / PAR: 

(Signature of Judge)

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COLLEGE OF TRADITIONAL CHINESE MEDICINE
PRACTITIONERS AND ACUPUNCTURISTS OF ONTARIO
Applicant

-and- MONA XIAOBO ZHANG
Respondent

Court File No. CV-15-524552

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT TORONTO

ORDER

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