

**IN THE MATTER OF THE *HEALTH PROFESSIONS ACT*,**  
being Chapter H-7 of the Revised Statutes of Alberta, 2000

**AND IN THE MATTER OF** an investigation into a complaint against  
Lanfang (Nancy) Lee

---

**DECISION  
OF THE HEARING TRIBUNAL OF THE  
COLLEGE OF ACUPUNCTURISTS OF ALBERTA**

---

## **I. HEARING**

1. The hearing was conducted pursuant to the Health Professions Act (“**HPA**”) and virtually on January 26, 2026 with the following individuals participating:

Hearing Tribunal: (the “**Hearing Tribunal**”)

- Tamara Dolinsky, Chair, Regulated Member
- Lacey Wigness, Regulated Member
- Brett Huculak, Public Member
- Deborah Gust, Public Member

Independent Legal Counsel to Hearing Tribunal

- Taylor C. Maxston

College of Acupuncturists of Alberta (the “**College**”)

- Michelle Philips, Complaints Director
- Maddison Croden, Legal Counsel for the Complaints Director
- Jenney White, Hearings Director

Investigated Member

- Lanfang (Nancy) Lee (“**Ms. Lee**”)
- Anika Winn, Counsel for Ms. Lee

Observers

- M. Jenny McMordie
- Qadir Shahidiyar

Court Reporter

- Kaylene Davidsen

## **II. PRELIMINARY MATTERS**

2. The Chair made opening comments, including introductions of the parties and a brief review of the three (3) charges in the Notice of Hearing and Notice to Attend as Witness dated October 24, 2025 (the “Notice of Hearing”).
3. There were no objections to conducting the hearing virtually and to the composition of the Hearing Tribunal. There were no applications to hold the hearing in private. No Hearing Tribunal members identified a conflict of interest and there were no objections to the jurisdiction of the Hearing Tribunal to proceed. The reading of the charges in the Notice of Hearing was waived.

4. The liability phase of the hearing proceeded as a consent hearing by way of an Agreed Statement of Facts and Admission of Unprofessional Conduct document. Accordingly, no witnesses were called to give evidence during this stage of the hearing.
5. The penalty phase of the hearing proceeded by consent for the majority of the sanctions which were proposed to the Hearing Tribunal, with the only disagreement between the parties being on the issue of whether any fines and/or costs orders should be made. No witnesses were called to give evidence during this stage of the hearing.

### **III. EXHIBITS AND OTHER MATTERS**

6. The following exhibits were entered with the consent of both parties at the hearing:

Exhibit 1: Agreed Statement of Facts and Admission of Unprofessional Conduct and attachments (including the Notice of Hearing at Tab 3); and

Exhibit 2: Statement of Agreed Sanctions;

Exhibit 3: Draft Statement of Costs as of January 22, 2026; and

Exhibit 4: Combined and Redacted Tax Documentation of Ms. Lee.

7. The Hearing Tribunal received a book of authorities from the Complaints Director containing the following documents:
  - a) Sections 82 and 158 of the *Health Professions Act*, RSA 2000, c. H-7
  - b) *Jaswal v. Newfoundland Medical Board*, 1996 CanLII 11630 (NL SC)
  - c) *Charkhandeh v. College of Dental Surgeons of Alberta*, 2025 ABCA 258
  - d) Excerpt from James Casey, *Regulation of Professions*
  - e) Wenkai Zhang Decision, College of Acupuncturists of Alberta
  - f) Regulated Member Decision, College of Acupuncturists of Alberta
  - g) Trudi Rumball Decision, College of Acupuncturists of Alberta
  
8. The Hearing Tribunal received a book of authorities from Ms. Lee containing the following documents:
  - a) Excerpts of the Health Professions Act, RSA 2000 c H-7
  - b) *Kherani v Alberta Dental Association*, 2025 ABCA 2
  - c) *Alsaadi v Alberta College of Pharmacy*, 2021 ABCA 313
  - d) *Bishop v Alberta College of Optometrists*, 2009 ABCA 175
  - e) Decision of the Hearing Tribunal of the College of Acupuncturists of Alberta in Mr. Troy Forest, January 16, 2024
  - f) Decision of the College of Acupuncturists of Alberta in Jennifer Hendricken, October 19, 2022
  
9. Neither party objected to the Hearing Tribunal receiving and reviewing the books of authorities.

#### IV. **BACKGROUND**

10. The facts in this matter are not in dispute, are set out in detail in the Agreed Statement of Facts and do not need to be repeated in detail in this Decision.

#### V. **ALLEGATIONS**

11. Three (3) charges are set out in the Notice of Hearing as follows:
  1. On or about September 21, 2024, you failed to take appropriate steps in advance of applying herbal steam therapy and/or acupuncture treatment to patient N.N. (the "Patient"), the particulars of which include one or more of the following:

a. Failed to consider contraindications of herbal steam therapy treatment of the Patient due to her medical condition, including one or more of the following:

- i. Failed to properly assess the Patient's medical condition in terms of the ability to sense temperature;
- ii. Failed to recognize contraindications for lower limb paralysis with decreased sensation and mobility;

b. Failed to provide, review, and/or obtain informed consent for treatment, including one or more of the following:

- i. Failed to obtain an informed consent form;
- ii. Failed to discuss potential adverse effects, risks, and/or discomfort of the herbal steam therapy;

c. Failed to provide alternative options for treatment that did not involve heat or steam;

d. Failed to consult with appropriate health care providers prior to administering herbal steam therapy, which could have a significant impact on the Patient's health, including one or more of the following:

- i. Failed to consult with the Patient's primary care team to determine the appropriateness of the proposed herbal steam therapy;
- ii. Failed to recognize inherent risks of herbal steam therapy and/or seek professional guidance prior to administering treatment.

e. Failed to conduct an appropriate medical history before administering herbal steam therapy, a therapy that was contraindicated, and/or acupuncture including one or more of the following:

- i. Failed to conduct an adequate physical assessment, including assessing the nature and extent of the Patient's injuries;
- ii. Failed to conduct an adequate diagnostic process to ensure appropriate treatment planning and/or appropriate needling sites for the Patient, to rule out contraindications to herbal steam therapy
- iii. Failed to request medical records relevant to identifying the nature and/or extent of the Patient's condition.

2. On or about September 21, 2024, you failed to exercise good judgment, skill and/or knowledge in administering herbal steam therapy to the Patient, the particulars of which include one or more of the following:

a. Failed to modify or consider modifying the treatment provided;

- b. Failed to recognize the increased risk for burns and/or blistering on lower limbs for a Patient with decreased sensation in the lower limbs;
- c. Failed to adequately monitor the effect of herbal steam therapy on the Patient's skin;
- d. Failed to consider redness of skin as a potential indication of excessive administration of heat and increased risk of burning;
- e. Failed to sufficiently decrease the temperature of herbal steam therapy;
- f. Recommended herbal steam therapy even though the benefits of such therapy were likely to be poor;
- g. Recommended herbal steam therapy in the absence of appropriate training;
- h. Administered acupuncture needling in the presence of blisters caused by herbal steam treatment.
- i. Provided herbal steam therapy without appropriate training to demonstrate competency.

3. On or about September 21, 2024, you failed to adequately manage adverse reactions experienced by the Patient to herbal steam treatment, the particulars of which include one or more of the following:

- a. Failed to provide appropriate first aid to blisters resulting from herbal steam therapy;
- b. Failed to report adverse event to the Patient's primary care team;
- c. Failed to consult with an appropriate health professional regarding treatment of blisters;
- d. Punctured blisters caused by herbal steam therapy without consulting the Patient's primary care team and/or without appropriate wound care training;
- e. Failed to recognize that a punctured blister is an open wound at higher risk of infection;
- f. Failed to recognize that steam burns may be difficult to identify, which may evolve and worsen over time.

IT IS ALLEGED that your conduct constitutes unprofessional conduct as defined in s.1(1)(pp) of the Act or constitutes a contravention of one or more of the following:

- 1. Your conduct with respect to Allegation 1 contravenes one or more of the following:
  - a. Code of Professional Conduct – 2.1, 2.2, 2.3, 3.1, 3.2, 4.1, 4.2, 4.3

b. Standards of Practice – Performance of Restricted Activities

c. Standards of Competency and Practice – 3.I, 3.II, 3.III, 3.IV, 3.V, 3.VI, 3.VII, 5.8, 5.9, 5.10, 5.11, 5.12, 5.13, 5.14, 5.16, 5.17, 5.18.

2. Your conduct with respect to Allegation 2 contravenes one or more of the following:

a. Code of Professional Conduct – 2.1, 2.2, 2.3, 4.1, 4.2, 4.3

b. Standards of Practice – Performance of a Restricted Activity

c. Standards of Competency and Practice – 3.I, 3.II, 3.III, 3.IV, 3.VI, 3.VII, 3.VII (second one), 5.8, 5.9, 5.10, 5.11, 5.13, 5.14, 5.16, 5.17, 5.18.

3. Your conduct with respect to Allegation 3 contravenes one or more of the following:

a. Code of Professional Conduct – 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, 4.1, 4.2, 4.3

b. Standards of Practice – Performance of a Restricted Activity

c. Standards of Competency and Practice - 3.I, 3.II, 3.III, 3.IV, 3.VI, 3.VII, 3.VII (second one), 5.8, 5.9, 5.10, 5.11, 5.13, 5.14, 5.16, 5.17, 5.18.

## **VI. ADMISSION OF UNPROFESSIONAL CONDUCT**

12. Section 70 of the HPA permits an investigated member to make an admission of unprofessional conduct. An admission under section 70 of the HPA must be acceptable in whole or in part to the Hearing Tribunal.

13. In the Agreed Statement of Facts and Admission of Unprofessional Conduct, Ms. Lee made admissions to all three (3) charges and acknowledged that her conduct amounts to unprofessional conduct within the meaning of sections 1(1)(pp)(i) and (ii) of the HPA.

## **VII. SUBMISSIONS OF THE PARTIES AND RELATED MATTERS**

### **A. Submissions from the Complaints Director: Liability Phase of Hearing**

14. Ms. Croden's submissions on behalf of her client can be summarized as follows:

- Ms. Croden reviewed the process for the liability phase of the hearing, including the Complaints Director's onuses to prove, on a balance of probabilities, the facts underlying the charges and that those facts rise to the level of unprofessional conduct.
- Ms. Croden reviewed the charges contained in the Notice of Hearing and proceeded to go over the charges in the context of the Agreed Statement of Facts

and Admission of Unprofessional Conduct. She further reviewed the admissions of unprofessional conduct made by Ms. Lee.

- Ms. Croden submitted that there are sufficient facts to prove the allegations and that those facts constitute unprofessional conduct.

**B. Submissions from Ms. Lee: Liability Phase of Hearing**

15. Ms. Winn's submissions on behalf of her client can be summarized as follows:
- The summary of facts made by Ms. Croden was accurate.
  - Ms. Lee is seeking to take responsibility for her actions.
16. The Hearing Tribunal had no questions for Ms. Croden or Ms. Winn after the liability phase of the hearing.

**C. Findings of the Hearing Tribunal**

17. After private deliberations, the Hearing Tribunal reconvened and advised both parties that it accepted the admissions of unprofessional conduct and had made findings of unprofessional conduct concerning all three (3) charges.

**D. Submissions from the Complaints Director: Penalty Phase of Hearing**

18. Ms. Croden's submissions on behalf of her client concerning penalties can be summarized as follows:
- Ms. Croden reviewed the range of orders that the Hearing Tribunal could make pursuant to section 82 of the HPA.
  - Ms. Croden presented a Statement of Agreed Sanctions which contains sanctions that the parties jointly submit are appropriate. However, Ms. Croden advised that the parties were unable to agree on whether any orders concerning fines and/or costs should be made.
  - Ms. Croden proceeded to make submissions concerning the relevant factors for assessing sanction as set out in *Jaswal v. Newfoundland Medical Board* (1996 CanLII 11630 (NL SC)).
    - The nature and gravity of the unprofessional conduct is serious in this case.
    - While the events in issue occurred over the course of a single appointment, the charges set out multiple distinct breaches that occurred over the course of that appointment.

- Ms. Lee has no prior discipline history. She has also admitted and acknowledged liability, saving the parties from a full contested hearing with witnesses and evidence.
  - Ms. Lee has been registered with the College since 2021, meaning she is not new or inexperienced in the profession.
  - The impacts on the patient were severe, involving severe burns and hospitalization. The affected patient was older, having a higher risk of infections and other complications.
  - To the Complaints Director's knowledge, there has not been any financial or other penalty because of these events and proceedings.
  - General and specific deterrence is appropriate given that Ms. Lee's conduct was well outside the acceptable range of conduct for an acupuncturist and involved numerous breaches of the profession's governing legislation/documentation.
- Ms. Croden summarized the *Wenkai Zhang, Regulated Member*, and *Trudi Rumball* cases provided in the Complaints Director's book of authorities, suggesting that these cases were comparable to Ms. Lee's.
  - Notwithstanding that the parties were unable to agree on all the sanctions, Ms. Croden argued that the Hearing Tribunal should give significant deference to the agreed upon sanctions in accordance with the principles outlined by the Supreme Court of Canada in the *R. v. Anthony-Cook* (2016 SCC 43 (CanLII)) decision.
  - As to the issue of fines, the Complaints Director was seeking aggregate fines in the amount of \$2,800.00, broken down as \$1,000.00 for charge one, \$1,000.00 for charge two, and \$800.00 for charge three.
    - Ms. Croden noted that the fines sought by the Complaints Director are consistent with the individual fine for each charge and the total aggregate of those fines which could be ordered under section 158 of the HPA. Specifically, section 4 to Schedule 1 of the HPA states that column 1 of the fines table in section 158 applies to unprofessional conduct proceedings against acupuncturists, meaning the Hearing Tribunal could only award up to \$1,000.00 as the maximum fine for each finding of unprofessional conduct and up to \$5,000.00 as the maximum aggregate fine for all findings of unprofessional conduct arising out of a hearing.
    - While the agreed upon sanctions address the rehabilitative component of sanctioning, Ms. Croden submitted that the fines sought by the Complaints Director are necessary for specific deterrence to prevent such conduct from happening in the future. The penalty orders must send a message to the public that the College is appropriately regulating the profession.
  - As to the issue of costs, the Complaints Director was seeking a costs award in the amount of \$3,000.00.

- Ms. Croden walked through the Court of Appeal of Alberta's recent decision in *Charkhandeh v. College of Dental Surgeons of Alberta* (2025 ABCA 258) which sets out the principles to be applied to costs award in professional disciplinary proceedings.
- The Complaints Director was successful in proving all of the allegations set out in the Notice of Hearing and the legal costs incurred by the Complaints Director were reasonable. Ms. Croden guided the Hearing Tribunal through the Draft Statement of Costs, noting that no charges were incurred for background processes and that the majority of the work was performed by Ms. Croden as a mid-level associate.
- Ms. Croden emphasized that a costs award of \$3,000.00 will not be a crushing financial blow to Ms. Lee, with her tax documentation not providing information concerning any savings/investments she has or why she would not be able to work.
- Ms. Croden concluded by noting that the Complaints Director is amenable to a payment plan which would afford Ms. Lee significant time to satisfy any orders the Hearing Tribunal may make.

**E. Submissions of Ms. Lee: Penalty Phase of Hearing**

19. Ms. Winn's submissions can be summarized as follows:

- While the parties do not agree on all the sanctions, Ms. Winn concurred with Ms. Croden's submission that the Hearing Tribunal should give significant deference to the sanctions which were agreed upon.
- Ms. Winn proceeded to review the *Jaswal* factors, noting that there are several mitigating factors:
  - Ms. Lee's actions did not fall on the most serious end of the spectrum of unprofessional conduct.
  - Ms. Lee has agreed to the contents of the Agreed Statement of Facts and Admission of Unprofessional Conduct, cooperating during the discipline process and accepting responsibility for her actions to avoid a full contested hearing.
  - This is Ms. Lee's first complaint of unprofessional conduct and she has practiced subsequently without issue.
  - Ms. Lee is a relatively new member of the College because, although her initial registration was in 2021, she had only been actively practicing for three years.
  - The events complained of involved a single patient and a single appointment.

- Overly punitive sanctions are not necessary for deterrence, as the coursework will be rehabilitative and the essays will be difficult due to English not being Ms. Lee's first language.
- As to the issue of fines, Ms. Lee's position is that no order as to fines should be made.
  - Ms. Winn emphasized that the Court in *Charkandeh* cautioned against piling on fines for unprofessional conduct once the public protection purpose of sanctioning has been met. The maximums for possible fines set out in the legislation are not presumptive. Using fines as a punitive measure is inappropriate, and the imposition of multiple fines should rise from separate and distinct conduct such that there is an individual justification for each fine.
  - Ms. Winn argued that the authorities provided by the Complaints Director are not comparable to Ms. Lee's case as, for example, they involved separate and distinct issues of unprofessional conduct as well as experienced practitioners with prior findings of unprofessional conduct.
  - Ms. Winn explained that there was no justification for fines in this case, as Ms. Lee's conduct was not intentional and confined to a single patient encounter. Further, there is no reason to believe that Ms. Lee will not learn from her actions.
- As to the issue of costs, Ms. Lee's position is that no order as to costs should be made or, should the Hearing Tribunal determine that a costs award is appropriate, the amount of such award should not exceed \$500.00.
  - Ms. Winn agreed with Ms. Croden that the framework for assessing costs comes from the *Charkandeh* decision. The Court in *Charkandeh* stated that the Hearing Tribunal must have sufficient information before it to scrutinize the reasonableness of the costs incurred by the Complaints Director. Importantly, hearing tribunals should not use percentages of total costs incurred by the Complaints Director to assess the reasonableness of an award. After examining the information available to it, the Hearing Tribunal should ask itself whether the burden of costs should be passed on to the professional.
  - In scrutinizing the costs, Ms. Winn asserted that there was insufficient evidence provided to the Hearing Tribunal to assess the reasonableness of the costs incurred by the Complaints Director. The Draft Statement of Costs lacks particulars as to what specific tasks were performed by legal counsel and why multiple counsel were involved. Further, the expert report obtained by the College was not relied on whatsoever (including in the Agreed Statement of Facts and Admission) and the College could have chosen to rely on an internal investigator rather than incurring the cost of an external investigator.
  - The burden of costs being ordered against Ms. Lee will be significant, as evidenced by the tax documentation submitted to the Hearing Tribunal.

Although the Complaints Director has suggested that she is amenable to a payment plan, reasonableness only deals with the quantum of the costs award itself and an unreasonable costs award cannot be made reasonable by way of a payment plan.

**F. Reply Submissions of the Complaints Director: Penalty Phase of Hearing**

20. Ms. Croden provided brief reply submissions as follows:

- The fines order being sought by the Complaints Director is not a piling on of punitive measures in the way it was in the *Charkandeh* case, where that hearing tribunal had made orders for fines and cancellation. Proportionality could suggest that fines should be reduced when a suspension is being ordered, but no such suspension is being sought against Ms. Lee.
- Solicitor-client privilege complicates the Complaints Director providing fully detailed accounts of all costs incurred. The summary provided offers sufficient particulars for the Hearing Tribunal to assess the reasonableness of the costs.
- The College does not have any internal investigators.

**G. Other Matters: The Hearing Tribunal's Questions**

21. After deliberating privately, the Hearing Tribunal reconvened and advised the parties that it had concerns about whether the agreed upon sanctions would prevent future complications with Ms. Lee performing herbal steam therapy. The Hearing Tribunal asked Ms. Winn about whether there were any options for Ms. Lee to seek further training for providing herbal steam therapy.
22. Ms. Winn indicated that Ms. Lee had received training for herbal steam therapy both inside and outside of Canada, as it is a form of traditional Chinese medicine. Ms. Winn was not aware of any further course(s) that could specifically offer more training to Ms. Lee.
23. Ms. Croden indicated that the Complaints Director was satisfied the courses in the agreed sanctions that were presented to the Hearing Tribunal would address Ms. Lee's unprofessional conduct.

**VIII. DECISION OF THE HEARING TRIBUNAL AND REASONS**

24. The Hearing Tribunal is faced with a two-part task in considering whether an investigated member is guilty of unprofessional conduct. First, the Hearing Tribunal must make findings as to whether the facts underlying the alleged unprofessional conduct occurred. If the Hearing Tribunal finds that the alleged conduct did occur, it must then proceed to determine whether that conduct rises to the level of unprofessional conduct under the circumstances and as defined in the HPA.
25. With respect to the first task, the Hearing Tribunal carefully considered the Agreed Statement of Facts and Admission as well as the exhibits and the submissions of both

parties. There is no dispute as to the facts relating to the events that took place and the Hearing Tribunal finds that the facts are proven.

26. With respect to the second task, the Hearing Tribunal accepts Ms. Lee's admission of unprofessional conduct based on the evidence as set out in the Agreed Statement of Facts and Admission, including the acknowledgement of responsibility by Ms. Lee.
27. The Hearing Tribunal finds that the conduct admitted to by Ms. Lee clearly meets the threshold for unprofessional conduct as defined in the HPA. There was sufficient evidence to show that Ms. Lee's actions were unprofessional and harmful to the acupuncturist profession in Alberta. By not meeting her professional obligations, Ms. Lee caused a significant adverse outcome for her patient.

## **IX. SANCTIONS**

28. In the Statement of Agreed Sanctions, the Complaints Director and Ms. Lee jointly submitted that the following penalty orders are appropriate:
  - 1) Ms. Lee shall receive a reprimand. The written decision of the Hearing Tribunal shall serve as the reprimand.
  - 2) Ms. Lee shall complete the following courses within 6 months of receipt of the written decision by the Hearing Tribunal or such further time as is approved by the Complaints Director in writing in advance. The course would be at Ms. Lee's own cost and will not count towards her continuing education credits:
    - a. The Wound, Ostomy, and Continence Institute, Wound Care Collaborator Course (<https://www.wocinstitute.ca/wcc>); and
    - b. Healthcare Excellence Canada, TeamSTEPPS Canada Essentials Course (<https://www.healthcareexcellence.ca/en/what-we-do/allprograms/teamstepps-canada-essentials-course/>).
  - 3) Within 6 months of the hearing date or such further time as is approved by the Complaints Director in writing in advance, Ms. Lee shall prepare a paper on steam therapy burn prevention, contraindications, and management of steam therapy burns, of a minimum of 1000 words, properly referenced, and verbally present the letter to a member of the College of Acupuncturists of Alberta's Continuing Competence Committee.
  - 4) Within 6 months of the hearing date, Ms. Lee shall prepare a reflective letter addressing the impact of her conduct on the patient, how the patient should have been managed, and how Ms. Lee will change her practice going forward to mitigate the risks for future patients. A copy of the reflective letter shall be provided to a member of the College of Acupuncturists of Alberta's Continuing Competence Committee.

29. As noted previously in this decision, the Complaints Director and Ms. Lee only disagreed as to whether the Hearing Tribunal should make any orders as to fines and/or costs.

**X. DECISION ON PENALTY AND CONCLUSIONS OF THE HEARING TRIBUNAL**

**a) The Statement of Agreed Sanctions**

30. While the parties were not in agreement as to every sanction order that should be made, the Hearing Tribunal concluded that the sanctions set out in the Statement of Agreed Sanctions were owed significant deference in accordance with the *R. v. Anthony-Cook* case.
31. The agreed upon sanctions are not contrary to the public interest and do not bring the administration of justice into disrepute. Accordingly, the Hearing Tribunal accepts those proposed penalty orders as presented.

**b) Order as to Fines**

32. As to a possible order of fines, the Hearing Tribunal reviewed the already agreed upon sanctions, the submissions from the parties, and the *Jaswal* factors. The Hearing Tribunal determined that an order for Ms. Lee to pay fines in the amounts sought by the Complaints Director is appropriate.
33. The Hearing Tribunal acknowledges that Ms. Lee has taken responsibility for her actions and demonstrated remorse. She has no prior findings of unprofessional conduct and, other than these proceedings, has been practicing without issue. However, the proven and admitted allegations of unprofessional conduct were serious in nature and led to significant adverse impacts on the patient.
34. Sanctions should strike a balance between the interests of general and specific deterrence and sending a message to the public, on the one hand, and remedial objectives, on the other. Even though there is a cost to Ms. Lee for completing the courses and there will be challenges associated with English not being Ms. Lee's first language, the agreed upon sanctions are primarily rehabilitative. The Hearing Tribunal is of the view that there is an absence of sanctions addressing general and specific deterrence which, in turn, warrants an order of fines to achieve those objectives.
35. The Hearing Tribunal carefully considered whether there was separate and distinct conduct on the part of Ms. Lee which warranted the fines being sought by the Complaints Director. While the instances of unprofessional conduct occurred over a single appointment, fundamental requirements of the profession were breached in all facets of the patient encounter, including in conducting preliminary assessments, obtaining consent, providing treatment, and post-care. The events at issue in this hearing could have entirely been avoided if Ms. Lee exercised appropriate due diligence in accordance with the standards of care expected of an acupuncturist at each stage of the process. Accordingly, the Hearing Tribunal concluded that these are sufficiently distinct instances of unprofessional conduct which warrant separate fines on each charge.

36. The Hearing Tribunal agrees with Ms. Winn's submission that there is no presumption as to the maximum possible fine being appropriate. Accordingly, the Hearing Tribunal considered each charge individually as follows:
- As to charge one, the Hearing Tribunal concluded that a fine in the amount of \$1,000.00 is appropriate. Ms. Lee's situation exemplifies why patient intake is critical to any acupuncture practice. It is imperative for an acupuncturist to obtain a sufficiently detailed patient history, explore treatment options, and ensure they obtain informed consent for any treatment which is ultimately performed.
  - As to charge two, the Hearing Tribunal concluded that a fine in the amount of \$1,000.00 is appropriate. Ms. Lee clearly failed to exercise the judgment, skill and knowledge expected of an acupuncturist during the course of administering herbal steam therapy, leading to severe burns and hospitalization for the patient. There was also a higher risk of infections and other complications given the patient's age.
  - As to charge three, the Hearing Tribunal concluded that a fine in the amount of \$800.00 is appropriate. The adverse reactions from the herbal steam therapy were not appropriately managed by Ms. Lee and only amplified the risk of harm to the patient.
37. Separate and apart from the appropriate amount of fines, the Hearing Tribunal noted that the Complaints Director was amenable to a payment plan for any fines awarded by the Hearing Tribunal. As such, the Hearing Tribunal determined that the \$2,800.00 in fines would be payable over a two (2) year period from the date of this decision, or such later date as the parties may mutually agree, with the failure to pay by the deadline resulting in Ms. Lee's practice permit being suspended until she pays the fines in full.

**c) Order as to Costs**

38. After considering the principles and factors set out in the *Charkandeh* decision and the documentation before it, the Hearing Tribunal determined that a costs order is appropriate. The Hearing Tribunal further concluded that the \$3,000.00 sought by the Complaints Director is a reasonable amount in the circumstances.
39. Even though it was done by way of an admission, the fact remains that the Complaints Director was ultimately successful in proving all three charges at issue. While the parties' collaborative efforts allowed the length and complexity of the hearing to be reduced, disagreement on the issues of fines and costs resulted in the parties having to prepare and make submissions on these topics to the Hearing Tribunal. As the Court emphasized in the *Charkandeh* decision, costs are only considered after the sanction is set and are not to be an additional punishment. This meant that the parties were required to make separate arguments relying on different applicable law between fines and costs, where the Hearing Tribunal has ultimately ordered the fines sought by the Complaints Director.
40. In reviewing the Draft Statement of Costs from the Complaints Director, the Hearing Tribunal did not identify any "infrastructure" costs that the *Charkandeh* decision states should not be borne by Ms. Lee. The statement did show that some work was done by lawyers who were not of a mid-level seniority, and little detail was included as to exactly what tasks were performed by which counsel. That being said, it is logical to conclude that

the College will have reasonably incurred some legal fees and expenses to handle allegations of unprofessional conduct made against its members.

41. Through Ms. Lee's own actions, the Complaints Director was required to conduct an investigation and prepare for a partially contested hearing. In the Hearing Tribunal's estimation, the amount of costs being sought by the Complaints Director is not an objectively unreasonable amount and the Combined and Redacted Tax Documentation from Ms. Lee is insufficient to establish that a costs award of \$3,000.00 will be so burdensome or a crushing blow such that it should not be imposed.
42. Separate and apart from the appropriate quantum of costs, the Hearing Tribunal noted that the Complaints Director was amenable to a payment plan for any costs awarded by the Hearing Tribunal. As such, the Hearing Tribunal determined that the \$3,000.00 in costs would be payable over a two (2) year period from the date of this decision, or such later date as the parties may mutually agree, with the failure to pay by the deadline resulting in Ms. Lee's practice permit being suspended until she pays the costs in full.

## **XI. ORDERS OF THE HEARING TRIBUNAL**

43. The Hearing Tribunal makes the following orders:
  - 1) Ms. Lee shall receive a reprimand. The written decision of the Hearing Tribunal shall serve as the reprimand.
  - 2) Ms. Lee shall complete the following courses within six (6) months of receipt of the written decision by the Hearing Tribunal or such further time as is approved by the Complaints Director in writing in advance. The course shall be at Ms. Lee's own cost and will not count towards her continuing education credits:
    - a. The Wound, Ostomy, and Continence Institute, Wound Care Collaborator Course (<https://www.wocinstitute.ca/wcc>); and
    - b. Healthcare Excellence Canada, TeamSTEPPS Canada Essentials Course (<https://www.healthcareexcellence.ca/en/what-we-do/allprograms/teamstepps-canada-essentials-course/>).
  - 3) Within six (6) months of the hearing date or such further time as is approved by the Complaints Director in writing in advance, Ms. Lee shall prepare a paper on steam therapy burn prevention, contraindications, and management of steam therapy burns, of a minimum of 1000 words, properly referenced, and verbally present the letter to a member of the College of Acupuncturists of Alberta's Continuing Competence Committee.
  - 4) Within six (6) months of the hearing date, Ms. Lee shall prepare a reflective letter addressing the impact of her conduct on the patient, how the patient should have been managed, and how Ms. Lee will change her practice going forward to mitigate the risks for future patients. A copy of the reflective letter shall be provided to a member of the College of Acupuncturists of Alberta's Continuing Competence Committee.

- 5) Ms. Lee shall pay \$2,800.00 in fines for all findings of unprofessional conduct, which shall be payable over a two (2) year period from the date of this decision, or such later date as the parties may mutually agree, with the failure to pay the fines in full by the deadline resulting in Ms. Lee's practice permit being suspended until the fines are paid in full.
- 6) Ms. Lee shall pay \$3,000.00 in costs, which shall be payable over a two (2) year period from the date of this decision, or such later date as the parties may mutually agree, with the failure to pay the costs in full by the deadline resulting in Ms. Lee's practice permit being suspended until the costs are paid in full.


DATED the 6th day of March, 2026, in the City of Edmonton, Alberta.

---

TAMARA DOLINSKY, Chair,  
On behalf of the Hearing Tribunal

- 5) Ms. Lee shall pay \$2,800.00 in fines for all findings of unprofessional conduct, which shall be payable over a two (2) year period from the date of this decision, or such later date as the parties may mutually agree, with the failure to pay the fines in full by the deadline resulting in Ms. Lee's practice permit being suspended until the fines are paid in full.
- 6) Ms. Lee shall pay \$3,000.00 in costs, which shall be payable over a two (2) year period from the date of this decision, or such later date as the parties may mutually agree, with the failure to pay the costs in full by the deadline resulting in Ms. Lee's practice permit being suspended until the costs are paid in full.

DATED the 6th day of March, 2026, in the City of Edmonton, Alberta.

  
\_\_\_\_\_  
TAMARA DOLINSKY, Chair,  
On behalf of the Hearing Tribunal