

**DISCIPLINE COMMITTEE OF THE
COLLEGE OF OPTOMETRISTS OF ONTARIO**

B E T W E E N:

THE COLLEGE OF OPTOMETRISTS OF ONTARIO

-AND-

DR. YUNFAN ZHANG

NOTICE OF HEARING

THE INQUIRIES, COMPLAINTS, AND REPORTS COMMITTEE OF THE COLLEGE OF OPTOMETRISTS OF ONTARIO has referred the following allegations about you to the Discipline Committee:

1. Dr. Yunfan Zhang committed an act or acts of professional misconduct as provided by paragraph 51(1)(c) of the Health Professions Procedural Code which is Schedule 2 to the *Regulated Health Professions Act*, 1991, S.O. 1991, C.18, and defined in the following paragraphs of Ontario Regulation 119/94 and as set out in the particulars at Schedule 1 to this Notice of Hearing:
 - a. paragraph 1.24 failed to make or maintain the records required by Part IV of the Regulation;
 - b. paragraph 1.25 falsified a record relating to a member's practice;
 - c. paragraph 1.28 submitted or allowed to be submitted an account for professional services that he knew or ought to have known is false or misleading; and
 - d. paragraph 1.39 engaged in conduct or performed an act that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical.

TAKE NOTICE THAT THE DISCIPLINE COMMITTEE WILL HOLD A HEARING pursuant to the provisions of the Health Professions Procedural Code (the “Code”) which is Schedule 2 to the *Regulated Health Professions Act*, 1991, S.O. 1991, c.18 and the Discipline Committee’s Rules of Procedure for the purpose of deciding whether you committed an act or acts of professional misconduct.

AND FURTHER TAKE NOTICE THAT a hearing will be held before a panel of the Discipline Committee of the College of Optometrists of Ontario on a date to be set.

AND FURTHER TAKE NOTICE THAT at the hearing a panel of the Discipline Committee will do the following:

1. Consider the allegations of professional misconduct;
2. Make its findings based exclusively on evidence admitted before it; and
3. Determine whether in respect of the allegations you have committed an act or acts of professional misconduct.

AND FURTHER TAKE NOTICE THAT pursuant to subsection 51(2) of the Code, if the Panel finds you committed an act or acts 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 specified 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.

AND FURTHER TAKE NOTICE THAT pursuant to section 53.1 of the Code, if the Panel finds you committed an act or acts of professional misconduct the Panel may make an Order requiring you to pay all or part of the College's legal costs and costs and expenses incurred in investigating this matter and conducting the hearing.

AND FURTHER TAKE NOTICE THAT you are entitled to be represented by counsel at the said Hearing and to call witnesses and to adduce evidence in answer to the allegations set out in this Notice of Hearing.

AND FURTHER TAKE NOTICE THAT a member whose conduct is being investigated in proceedings before the Discipline Committee is entitled to certain disclosure of evidence pursuant to section 42 of the Code. To facilitate that process, you or your lawyer may contact directly the lawyer for the College of Optometrists of Ontario. The College's lawyer is:

Julia Martin
Julia Martin Law
440 Laurier Avenue West, Suite 200
Ottawa ON
K1R 7X6

Tel: (613)513-6735
Email: julia@juliamartinlaw.com

AND FURTHER TAKE NOTICE THAT if you do not attend the pre-hearing conference or hearing to be scheduled, or on any subsequent date fixed by the Discipline Committee, the panel of the Discipline Committee may proceed in your absence and you will not be entitled to any further notice.

DATED at Toronto, Ontario this 22nd day of September, 2023.

**COLLEGE OF OPTOMETRISTS
OF ONTARIO**

65 St. Clair Avenue East
Suite 900
Toronto, ON
M4T 2Y3



**Joe Jamieson, M.Ed, OCT
Registrar and Chief Executive
Officer**

TO: Dr. Yunfan Zhang

c/o Arthur Zeilikman
Zeilikman Law
3100 Rutherford Rd
#101, Vaughan, ON
L4K 0G6

Lawyer for Dr. Zhang

Schedule 1

1. At all material times, Dr. Yunfan Zhang was an optometrist duly registered with the College of Optometrists of Ontario.
2. From in or about 2019 to in or about 2021, Dr. Zhang submitted claims to the Ontario Health Insurance Plan (“OHIP”) that he knew or ought to have known were false or misleading as follows:
 - a. Dr. Zhang submitted OHIP claims for contact lens related services for the patients at Schedule 2, who did not meet the inclusion criteria set out in subparagraphs i. through iv. of paragraph 12 of subsection 24(1) Ontario Regulation 552 made under the *Health Insurance Act*, R.S.O. 1990, c. H. 6, on the dates and for the reasons set out at Schedule 2.
 - b. Dr. Zhang submitted OHIP claims for myopia management for the patients at Schedule 3 which were not OHIP insured services as they were not Oculo-visual Minor Assessments that met the conditions of the Schedule of Benefits for Optometry Services (April 1, 2009 and April 1, 2021) on the dates and for the reasons set out at Schedule 3.
 - c. Dr. Zhang submitted OHIP claims for the patients at Schedule 4 who were between the ages of 20 and 64 that were not OHIP insured as they did not meet the requirements in the Schedule of Benefits for Optometry Services (April 1, 2009 and April 1, 2021) and/or the Ontario Association of Optometrists Billing Guide, on the dates and for the reasons set out at Schedule 4.
 - d. Dr. Zhang submitted OHIP claims for the patients at Schedule 5 for services that were not insured as they took place on the telephone or by email, on the dates set out at Schedule 5, which is contrary to paragraph 5 of subsection 24(1) of Ontario Regulation 552 made under the *Health Insurance Act*, S.O. 1990, c. H 6., as well as the Schedule of Benefits for Optometry Services (April 1, 2009 and April 1, 2021), and the Ontario Association of Optometrists Billing Guide.
 - e. Dr. Zhang submitted an OHIP claim for the patient at Schedule 6 for a prescription renewal which was not an insured service as it did not comply with paragraph 9 of subsection 24(1) of Ontario Regulation 552 made under the *Health Insurance Act*, S.O. 1990 and the Ontario Association of Optometrists Billing Guide, on the date set out at Schedule 6.
 - f. Dr. Zhang submitted an OHIP claim for the patient at Schedule 7 for a glasses repair which was not an insured service under the Schedule of Benefits for Optometry Services (April 1, 2009, and April 1, 2021), on the date set out at Schedule 7.

3. Dr. Zhang therefore committed an act or acts of professional misconduct as provided by paragraph 51(1)(c) of the *Health Professions Procedural Code* which is Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991 c.18, and defined in the following paragraphs of Ontario Regulation 119/94 made under *the Optometry Act, 1991*, S.O. 1991 c. 35:
 - a. paragraph 1.24 failed to make or maintain the records required by Part IV of the Regulation;
 - b. paragraph 1.25 falsified a record relating to a member's practice;
 - c. paragraph 1.28 submitted or allowed to be submitted an account for professional services that he knew or ought to have known is false or misleading; and
 - d. paragraph 1.39 engaged in conduct or performed an act that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical.

Schedule 2

OHIP claims for contact lens related services for patients who did not meet the inclusion criteria

Patient	Date	Billing Code	Reason claim did not meet inclusion criteria
██████████	21-02-24	402 367	Contact lens fitting follow up
██████	20-03-14	402 367	Lost left lens. No eye injury.
██████	18-12-09	402 367	Broken contact lens. No eye injury.
██████████	19-01-31	402 367	Contact lens tinting follow up.
██████████	21-03-18	408 370	Follow up to previous contact lens service.
██████████	21.03-13	409 370	Corneal abrasion when removing contact lens for first time wearer wearing lens for the first time.
██████████	21-03-24	402 367	Contact lens follow up.
██████████	20-04-01	402 366	E-mail request for trial contact lenses. No assessment.
██████████	19-04-07	402 366	Contact lens refitting, new power left eye for change in refraction found at comprehensive eye exam on 19-03-01.

Schedule 3

OHIP claims for myopia management that were not OHIP insured

Patient	Date	Billing Code	Reason not OHIP insured
██████	21-05-29	402 367	Orthokeratology myopia management assessment, axial length measure.
██████	20-10-11	402 367	Orthokeratology Myopia management program started, axial length measure included in global fee.
████████	21-07-29	402 367	Orthokeratology myopia management assessment.
██████	19-07-07	402 367	Two identical EMR records for this date, both for orthokeratology myopia management assessment.
████████	21-01-06	404 367	Myopia management prescription topical drops renewal. No assessment.

Schedule 4

OHIP claims for uninsured services provided to a person between the ages of 20 and 64.

Patient	Date	Billing Code	Reason not OHIP insured
██████████	21-03-02	409 368	No requisition. Patient does not have eligible condition. Diagnosis code Amblyopia, Field Defect. Patient does not have amblyopia or field defect.
██████████	21-03-18	408 370	Follow up to ineligible V409.
██████████	21-03-13	409 370	No requisition. Diagnosis code corneal disease, patient does not have corneal disease. Contact lens complication.

Schedule 5**OHIP claims for uninsured services by telephone or e-mail**

Patient	Date	Billing Code	Reason not OHIP Insured
██████████	21-01-06	404 367	Telephone request for Prescription renewal, no assessment.
██████████	20-04-01	402 366	E-mail request for trial contact lenses, no assessment.

Schedule 6

Patient	Date	Billing Code	Reason not OHIP insured
██████████	21-01-06	404 367	Telephone request for prescription renewal, no assessment

Schedule 7**OHIP claim for uninsured services for glasses repair**

Patient	Date	Billing Code	Reason not OHIP insured
██████████	20-12-06	402 367	Record says "frame broken, need to transfer lenses to a new frame" No other exam notes, no assessment