

2022 01 G 0550

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR  
GENERAL DIVISION

**BETWEEN:**

NEWFOUNDLAND AND LABRADOR COUNCIL  
OF HEALTH PROFESSIONALS

APPLICANT

**AND:**

XIAO HONG LIU

RESPONDENT

**ORDER**

Before the Honourable Justice Noel of the Supreme Court of Newfoundland and Labrador, (General).

**UPON READING** the Application of the Applicant, the Newfoundland and Labrador Council of Health Professionals;

**AND UPON READING** the affidavits of Janine O'Malley (dated December 13, 2022), Leah Whyte (dated December 8, 2022), Brittany Drake (dated December 14, 2022), Barry Lawlor (dated June 27, 2023), Alice Kennedy (dated June 23, 2023), and Rolanda Lavalée (dated June 23, 2023);

**AND UPON HEARING** Ryan M. Belbin, Solicitor for the Applicant;

**AND UPON** being satisfied that notwithstanding the lack of appearance or representation on the part of the Respondent, the Respondent was nonetheless provided adequate notice of the hearing, and electing to proceed in the Respondent's absence;

**IT IS THIS DAY ORDERED** pursuant to Rule 53.05 of the *Rules of the Supreme Court, 1986*, as amended:

- a. The Respondent has breached the Injunction Order of Justice Noel, dated October 20, 2022, and is therefore in contempt of a court order. In particular, the Respondent has continued to practice acupuncture without being licensed to do so under the authority of the *Health Professions Act*, SNL 2010, c. H-1.02;
- b. The Office of the High Sheriff shall have the authority to attend to the business premises of the Respondent, being the Chinese Therapy Centre, 84-86 Elizabeth Avenue, St. John's, Newfoundland and Labrador, and upon ensuring the privacy of any patients who may be present (including but not limited to allowing time for treatments to conclude and for patients to leave), shall permanently remove and dispose of any and all acupuncture needles and acupuncture equipment (including but not necessarily limited to sharp object disposal containers and needle incision device(s));
- c. The Office of the High Sheriff shall further have the authority to post permanent signage in all reasonable locations at the Chinese Therapy Centre (including on any front door(s),



reception area, waiting room(s), and treatment room(s)), which Notices shall state as follows:

**NOTICE TO PATIENTS AND PATRONS OF CHINESE THERAPY CENTRE, 84-86 ELIZABETH AVENUE, ST. JOHN'S, NL (DR. XIAO HONG LIU)**

*Pursuant to a Contempt Order of the Supreme Court of Newfoundland and Labrador (General), dated June 30, 2023, Dr. Xiao Hong Liu is not a licensed acupuncturist, and is prohibited from practicing acupuncture. Acupuncture is defined as follows:*

*Acupuncture based on traditional Chinese medicine theory, assessment and treatment methods and involves an act of stimulation of specific sites on the skin, mucous membranes or subcutaneous tissues of the human body to promote, maintain, restore or improve health, to prevent a disorder, imbalance or disease or to alleviate pain, including through*

- (i) the use of needles, mechanical, thermal, laser, magnetic or other stimulation of acupuncture points,*
- (ii) the use of moxibustion, Jiu, and*
- (iii) the use of suction cup, Ba Guan;*

*Any defiance of this Contempt Order should be reported immediately to the Newfoundland and Labrador Council of Health Professionals (709-745-7304) and will result in further court action, including but not limited to the potential closure of these premises.*

- d. The Respondent shall not remove the Notice(s) set out in Paragraph (c) above;
- e. The Respondent shall be required to post a copy of the Notice in Paragraph (c) above onto her business Facebook page (if any) and business website ([www.chinesetherapycenter.ca](http://www.chinesetherapycenter.ca)) within 48 hours of service of this Order, and such Notice shall remain accessible online;
- f. The Applicant shall cause the Notice in Paragraph (c) above to run in two (2) Saturday editions of the *Telegram*, the costs of which shall be the responsibility of the Respondent to pay;
- g. Without prejudice to any other remedies that may exist, the Applicant shall be entitled to instruct the Sheriff's Office to re-apply the Notices in Paragraph (c) above should it become aware of the fact that the Notice(s) have been removed, and to re-remove any acupuncture

equipment should it become aware of the fact that the Respondent has re-acquired such items;

- h. In the event of a breach of this Order, the Applicant shall have leave to file an *Inter Partes* application to have this matter returned before the Court on an expedited basis, and notice of such application shall be provided to Noel J.;
- i. Costs in this application are awarded to the Applicant on a Solicitor-Client basis, which costs shall include:

- i. All legal costs incurred by the Applicant in relation to this matter;
- ii. All disbursements incurred (namely, any court filing fees and the invoices of the Canadian Corps of Commissionaires NL Division Inc. for the preparation of two (2) reports);
- iii. All costs necessary for the Office of the High Sheriff to enforce this Order (including but not limited to removing acupuncture items and posting Notice(s));
- iv. All reasonable costs incurred by the Applicant in monitoring the premises of the Chinese Therapy Centre to ensure compliance with this Order;
- v. The costs necessary to post the Notice in the *Telegram* for two (2) Saturday editions

**DATED** at St. John's, Newfoundland and Labrador, this 30<sup>th</sup> day of June, 2023



**COURT  
OFFICER**