

Ministry of Training,
Colleges and Universities
Student Support Branch
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Ministère de la Formation
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Direction du soutien aux étudiants
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May 9, 2008

Leonid Pevzner
President
Toronto Medical Educational Centre Inc.
o/a Unimed Institute
4544 Dufferin Street
Suite 200
Toronto, Ontario
M3H 5X2

Dear Mr. Pevzner:

Re: Notice of Restraining Order under clause 46 (1) of the *Private Career Colleges Act, 2005*

For the reasons set out in Schedule A, attached, I am of the view that Toronto Medical Educational Centre Inc. ("TMEC") o/a Unimed Institute ("Unimed") is not operating in compliance with the *Private Career Colleges Act 2005*. Continued operation of your school and delivery of vocational training would constitute a continuing breach of the PCCA, 2005.

Pursuant to subsection 46(1) of the *Private Career Colleges Act, 2005*, I am directing you as the President of Toronto Medical Educational Centre Inc. o/a Unimed Institute to immediately cease and desist:

- operating as an unregistered private career college
- offering non-approved vocational programs
- distributing any promotional program information or website advertisements, in whatever form, that use statements that mislead, or are likely to mislead, the public for the purpose of inducing a student or prospective student to enrol in a post-secondary program or to enter into a contract with a private career college.

TMEC will deliver to me **by registered mail or courier and by no later than Tuesday, May 27, 2008** a written confirmation signed by an authorized officer or other official of TMEC:

- a) that TMEC and Unimed is no longer in operation;
- b) that TMEC and Unimed does not hold, directly or indirectly, any monies owing to current, former or prospective students with contracts with the school;
- c) that the TMEC and Unimed application for registration will be delivered to the Ministry by June 15, 2008;

and setting out:

- d) the names and addresses of all current and former TMEC and Unimed students;
- e) the location of all TMEC and Unimed student files;
- f) a date and time that all files will be made available forthwith to Ministry staff for review; and
- g) an explanation of the delivery of vocational programs (e.g. Dental Chairside Assistant and Receptionist) prior to pre-screening or approval by the Ministry.

Letters to the Superintendent must be sent by registered mail or courier to the address above.

Compliance with the *Private Career Colleges Act, 2005*

The first step to ensuring compliance with the Act is the submission of full and complete registration documents. All private career college registration forms and guidelines, can be found at <http://www.serviceontario.ca>. Simply click on *Get the Forms You Need Quickly and Easily*, and follow the *Education and Training* link to *Private Career Colleges*. Once you review these documents, please call the telephone number listed above if you have any questions.

If your institution intends to continue to offer a vocational program but is not yet registered under the *Private Career Colleges Act, 2005* and/or the program is not yet approved by the Superintendent of Private Career Colleges, your institution cannot continue to advertise the program, accept/teach new students or collect any fees from new students.

If your institution has chosen not to continue to provide vocational programs, please confirm this with a letter to the Superintendent of Private Career Colleges. This letter must include the names and contact information of current students, the programs in which they are enrolled, and the date their training will be completed.

Failure to Comply with the *Private Career Colleges Act, 2005*

Note that if fees are collected from students in an unapproved program, the students will have the right to a full refund of those fees regardless of whether your institution has delivered the training.

If you continue to offer vocational programs despite this Restraining Order, you will be operating in violation of sections 7 and 8 of the *Act* and may be subject to penalties pursuant to s. 48 of the *Act*. This may preclude subsequent registration under the *Act* on the grounds that you are carrying on activities in contravention of the *Act*.

Note that a corporation that is found guilty of an offence under section 48 of the *Act* is subject to a fine of up to \$100,000, and any officer or director of a corporation who concurs in the commission of such an offence is also guilty of an offence, and on

conviction subject to a fine of up to \$25,000 or imprisonment for a term of up to one year, or both.

The legislation applicable to this Order is the *Private Career Colleges Act, 2005* and Ontario Regulation 415/06 made thereunder. The legislation and regulation is available at www.e-laws.gov.on.ca.

In the event that you are unable to access any relevant information on e-laws, you may contact Margot Devlin at 416-314-0497 to request that copies of the relevant legislation be sent to you or if you have questions regarding this Order.

Sincerely,

Richard Jackson
Superintendent
Private Career Colleges

Attachments: Schedule A – Reasons for Decision

Schedule A – Reasons for Decision

Facts in support of Restraining Order

Background:

Toronto Medical Educational Centre Inc. was incorporated on May 2, 2001. The President is Leonid Pevzner and the General Manager is Oleksandr Berestyuk.

On June 30, 2003, TMEC registered the business name Unimed Insitute. TMEC appears to operate under both names Toronto Medical Educational Centre Inc. and Unimed Institute.

Communication with the Ministry:

On May 18, 2007, the Ministry sent a letter to Toronto Medical Educational Centre Inc. (“TMEC”) in response to pre-screening forms dated April 12, 2007. In that letter, the Ministry informed TMEC that Medical Office Secretary and Personal Support Worker are vocational programs that require approval under the PCCA. The letter clearly stated:

Until such time as your institution has been registered and your programs have been approved, it is a violation under Sections 7, 8, and 11 of the *Private Career Colleges Act, 2005* to deliver or advertise the delivery of your vocational programs.

The letter also clearly defined programs requiring approval as those “intended to provide students with the skills and knowledge required to obtain employment in a recognized vocation.”

On March 20, 2008, the Ministry wrote to TMEC, in response to their pre-screening form, to advise that the Medical Sonography program required approval. TMEC responded by indicating that students of their program are only doing the exam preparation for the American Registry of Diagnostic Medical Sonographers (ARDMS) exam.

On April 16, 2008, Ministry staff received a copy of a Dental Chairsides Assistant and Receptionist Certificate of Completion from TMEC for student [REDACTED], which demonstrated that TMEC delivered an unapproved vocational program for Dental Chairsides Assistant and Receptionist. TMEC did not pre-screen this program with the Ministry.

Inspection of April 24, 2008

Ministry staff attended at 4544 Dufferin Street, Suite 200. On arrival at the office, a gentleman advised that the office manager would be there shortly. He identified himself to Ministry staff as a businessman who operated a website for Russians called www.spravka.ca.

Ms. Hutsul Hutsul, the office manager, arrived and met with Ministry staff. Ms. Hutsul indicated that the general manager, Alex (Oleksandr Berestyuk) and the owner, Leonid Pevzner, were in Europe and were not available.

Personal Support Worker and Medical Secretary

Ms. Hutsul stated that TMEC was not going to offer the Personal Support Worker and Medical Secretary programs and this is why they had not applied for registration.

However, during inspection of the premises, Ministry staff found a classroom with materials posted on the wall which indicated Personal Support Worker. Ms. Hutsul responded to a question about this material by re-stating that TMEC did not offer the Personal Support Worker program.

Dental Chairside Assistant

Ministry staff then showed Ms. Hutsul a copy of a Dental Chairside Assistant Certificate, dated February 14, 2008 for [REDACTED]. Ms. Hutsul confirmed that TMEC had indeed issued the Certificate and that the student had studied this program at TMEC. She stated that the program was 3 to 4 months in duration and cost \$4,000. Ms. Hutsul stated that they had had 10 to 15 students in this program over a period of time, but no current students. She had no student files. There were no pre-requisites in terms of admission criteria for the program. The last student that they had enrolled in this program was [REDACTED], the student identified on the copy of the certificate.

Ms. Hutsul stated that they teach the Dental Chairside Assistant program from the materials in a book. The student then goes to a dental clinic once a week for a couple of hours. [REDACTED] is the supervising dentist at the Kodiak Clinic (Sheppard and Allen). When asked how [REDACTED] became involved, Ms. Hutsul said that this was the dental clinic which she attended as a patient and she had asked them if TMEC could send students to them.

Ms. Hutsul indicated that TMEC never advertised Dental Chairside Assistant. She said the students came to them through referral. She said that they needed to know how many students were interested in this program.

Ms. Hutsul stated that any student files would be held by Alex, the General Manager who was in Europe.

Pre-screening of Sonography/ Ultrasound program:

Ministry staff spoke to Ms. Hutsul in regard to the Medical Sonography (Ultrasound) program and the admission criteria for students. Ms. Hutsul indicated that they only enrol students who are following the 4B2 path, which requires a MD degree or equivalent and 12 months of full-time clinical ultrasound experience. Ministry staff explained that, if indeed their students had this type of experience and they were studying to prepare for the exam, the program would not have to be registered. However, Ministry staff also stated that the documentation would have to be available in the student files to prove that the students met this admission criteria as the other "paths" that were recognized by ARDMS included enrolling in an Ultrasound program with a practicum, which would require approval by the Superintendent.

Ms. Hutsul stated that files were not available for examination as only the general manager, Alex, had access to student files.

Letter from TMEC dated May 2, 2008 in regard to inspection:

TMEC response: 1. "In the past we had some interested persons in Dental Assistant course with back home education and experience in the similar field. We organized clinical placement in dental clinics providing on-site education. From time to time we arranged theoretical instructional classes during which students could get used to Canadian procedures and get rid of problems with their professional English. Upon graduation Dentists could hire students for their own purpose or gave the students their references. This gave the students opportunity to start working immediately and to feel the necessity to the society. So, we acted like an agency to find employment to people with professional background but prior prepared for job according to the Canadian procedures."

Ministry analysis of response: The Dental Chairside Assistant program for which TMEC issued a credential is a vocational program. While the duration and tuition amount of the program were not discussed in the TMEC response, during the inspection, Ms. Hutsul stated the program is 4 months in duration and \$4,000 in tuition. Vocational programs require approval under s. 8 of the *Private Career Colleges Act, 2005*. The Ministry requirements for the Dental Chairside Assistant program include curriculum assessment and site inspection by Dr. Ross Barlow, the third party assessor recognized by the Ministry. In addition the radiography component of the Dental Chairside Assistant program requires approval by the Healing Arts Radiography Protection Commission. Ms. Hutsul also told us during the inspection that there is no prerequisite for admission to this program which contradicts the statement that TMEC made that the program was for people with professional backgrounds.

TMEC response: 2. "Since TMEC has no future plans to teach PSW and MOA courses we have no intention to register these courses".

Ministry analysis of response: Ministry staff's review of the TMEC website www.tmec.ca/russian/moa.htm sets out TMEC's advertisement of the MOA program. The only admission requirements for this program are secondary school graduation and to be 18 years of age. The Medical Office Assistant program is vocational training and requires approval. TMEC states in their letter that they have no plans to teach MOA but it continues to be advertised on their website.

TMEC response: 3. "We hope that our exemption from registration issued on April 15, 2003 and signed by Susan Hoyle-Howieson, Superintendent, will be extended...We will follow the rules and for our future students we will keep all the documents – Diplomas and Evaluations... Since 2003 we have not received from the Ministry any requirements to keep students' information..... Our major goal is to prepare former Ultrasound Specialists - Immigrants to pass license ARMDS exams, start working in Ultrasound field and enrich Canadian economy and national life."

Ministry analysis of response: Under the Private Career Colleges Act, 2005, there are no exemptions from registration. Programs are assessed and a determination is made as to whether or not the program must be approved under the Act. The Ministry needs to have supporting documentation in the student files, proving that the students have the foreign credentials and are only preparing for an exam. As TMEC has not kept it, they can ask their current students to provide the documentation for

Ministry review. If the Ministry finds that the program does not require approval, there is a requirement to maintain files for future students in order to demonstrate that the program continues to be one that does not require approval.

Summary: Ministry staff found that TMEC is offering an undisclosed vocational program (Dental Chairside Assistant) and advertising additional vocational programs. Despite their statement in writing to the Ministry, that they are not offering PSW and MOA, they continue to advertise MOA on their website and PSW course materials were found by Ministry staff pinned to the bulletin board within the facility.

Summary of Contraventions found during Inspection:

1. Contravention of s. 7 and 8 of the Private Career Colleges Act, 2005:

TMEC has offered the Dental Chairside Assistant program, a vocational program for which they did not seek approval. There was no disclosure of this program through the pre-screening process or other correspondence with the Ministry.

Additionally, while they claim that they are not offering the Personal Support Worker program, the materials on the board in the classroom tend to indicate that the program has been or is being delivered.

The Ministry instructed TMEC to register in May 2007. TMEC has been provided with the definition of vocational programs in the letter of May 18, 2007. They have, subsequently, failed to comply with the requirement of the Ministry to register as a private career college and continued delivering non-approved vocational training programs which fall within the definition of vocational programs. By holding itself out as the operator of a private career college and delivering non-approved vocational training, TMEC is in contravention of s. 7 and 8 of the Private Career Colleges Act, 2005.

2. Pre-screening of Medical Sonography/ Ultrasound program:

TMEC has indicated that they are only offering the exam preparation course and that their students will be internationally trained doctors who have the required experience. As discussed with TMEC, however, there are other routes to the ARDMS certification which include full training programs.

A full training program would require approval. The Ministry has already identified TMEC's lack of disclosure in the matter of the Dental Chairside Assistant.

Before the Ministry responds to the TMEC's claim that the Medical Sonography/Ultrasound program does not require approval under the Act, TMEC must make their student files available to Ministry staff for inspection.

Other Contraventions Identified:

3. Contravention of s. 11 of the Private Career Colleges Act, 2005 - Advertising Non-approved Vocational Programs

TMEC is advertising vocational programs on their website www.tmec.ca. Medical Office Assistant is advertised as a post-secondary program for students more than 18 years of age. It also states that TMEC "holds up to five different courses". These were not specified.

The website also advertises “correspondence” forms of distance education. The programs available by distance education are not identified.

The Russian-language website www.spravka.ca and the Russian-language website for www.tmec.ca (<http://www.tmec.ca/russian/news.html>) advertised the following vocational programs under TMEC and UniMed Institute:

- Ultrasound Sonographer
- Medical Office Assistant
- ECG (EKG) Holter Monitoring Technician (coming soon)
- Dental Assistant (secretary)
- Assistant Nurse
- Pharmacist-technician

In addition the website advertises “internships”. Registered Private Career Colleges that offer their students off-site placements are required to have liability insurance or WSIB insurance in place for the students (s. 5 of O. Reg. 415/06). As TMEC has not applied for registration, there is no documentation of adequate liability insurance or assurance of adequate or any liability insurance to cover the students who are in the “internships”. The Ministry has no assurance of student protection in terms of liability insurance coverage.

TMEC has advertised the provision of vocational programs in contravention of s. 11 of the Private Career Colleges Act, 2005.