

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO

Applicant

and

ELENA ZAPUSKALOVA a.k.a. ELENA ZAPOUSKALOVA

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**

AMENDED NOTICE OF APPLICATION

TO THE RESPONDENT

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page.

THIS APPLICATION will come on for a hearing

- ☒ In person
- ☐ By telephone conference
- ☐ By video conference

at the following location: Superior Court of Justice, 330 University Avenue., Toronto, ON M5G 1R7 on a day to be set by the registrar.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the Rules of Civil Procedure, serve it on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in this Court Office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a lawyer,

serve it on the applicant, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but at least two days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date

Issued by _____
Local registrar

Address of
Court office 330 University Avenue
Toronto, Ontario M5G 1R7

TO: Elena Zapuskalova a.k.a. Elena Zapousklova
6 Macbride Crescent
Vaughan, Ontario
L6A 3R2

Tel: (416) 816-1484
Email: docelenaz@icloud.com

APPLICATION

THE APPLICANT MAKES APPLICATION FOR:

1. An order, if necessary, abridging the time for service and filing of all court materials filed by the Applicant, the College of Physicians and Surgeons of Ontario (“CPSO”);
2. An interim, interlocutory and permanent order directing the Respondent, Elena Zapuskalova a.k.a. Elena Zapouskalova, to comply with sections 27, 30 and 33 of the *Regulated Health Professions Act, 1991*, S.O. 1991, c.18 (“RHPA”), and sections 4 and 9 of the *Medicine Act, 1991*, S.O. 1991, c. 30 (“*Medicine Act*”) and in particular:
 - (a) to permanently refrain from:
 - (i) using the title “doctor” and any variation or abbreviation thereof, including “Dr.” and “doc”, in the course of providing or offering to provide, in Ontario, health care to individuals;
 - (ii) using the titles “physician”, “surgeon”, or a variation or abbreviation thereof, including “psychiatrist”;
 - (iii) performing or offering to perform any controlled act, including but not limited to:
 - (1) performing a procedure on tissue below the dermis, including but not limited to intravenous therapy;
 - (2) prescribing, dispensing, selling or compounding a drug as defined in the *Drug and Pharmacies Regulation Act*, or supervising the part of a pharmacy where such drugs are kept, including but not limited to phenibut; and
 - (3) treating, by means of psychotherapy technique, delivered through a

therapeutic relationship, an individual's serious disorder of thought, cognition, mood, emotional regulation, perception or memory that may seriously impair the individual's judgement, insight, behaviour, communication or social functioning, including but not limited to coding;

- (iv) holding herself out as a person qualified to practice in Ontario as a physician, surgeon or in a specialty of medicine, including psychiatry, including by performing and offering to perform any controlled acts and/or through the use of titles or designations associated with the practice of medicine;
 - (v) treating or advising a person with respect to his or her health in circumstances in which it is reasonably foreseeable that serious bodily harm may result from the treatment or advice or from an omission from them; and
- (b) to immediately remove, and to permanently refrain from displaying or permitting to be displayed on any website, social media account, certificate, diploma, email address, advertisement, brochure, business card, receipt, invoice, letterhead, or other document or thing connected to or associated with the provision of any health care in Ontario:
- (i) all references to the titles "doctor", "Dr.", "doc", and "psychiatrist" as applied to the Respondent;
 - (ii) all references to the Respondent indicating or implying that she is a doctor, physician, or psychiatrist;
 - (iii) all references that the Respondent performs, or is permitted to perform, any

controlled act, including but not limited to:

- (1) performing a procedure on tissue below the dermis, including but not limited to intravenous therapy;
- (2) prescribing, dispensing, selling or compounding a drug as defined in the *Drug and Pharmacies Regulation Act*, or supervising the part of a pharmacy where such drugs are kept, including but not limited to phenibut; and
- (3) treating, by means of psychotherapy technique, delivered through a therapeutic relationship, an individual's serious disorder of thought, cognition, mood, emotional regulation, perception or memory that may seriously impair the individual's judgement, insight, behaviour, communication or social functioning, including but not limited to coding;

(iv) any other references, claims or assertions which fail to comply with the RHPA and the *Medicine Act*;

3. Its costs of this application; and

4. Such further and other relief as counsel may advise and this Court may permit.

THE GROUNDS FOR THE APPLICATION ARE:

5. The CPSO is the self-regulating body for the medical profession in Ontario;

6. As regulatory health College, the CPSO is entrusted with serving and protecting the public interest;

7. Only members of the CPSO, the College of Chiropractors of Ontario, the College of Optometrists of Ontario, the College of Psychologists and Behaviour Analysts of Ontario, the Royal College of Dental Surgeons of Ontario, and the College of Naturopaths may use the title

“doctor” and abbreviations and variations thereof in the course of providing or offering to provide, in Ontario, health care services;

8. “Dr.” and “doc” are abbreviations and/or variations of the title “doctor”;

9. Only members of the CPSO may use the titles “physician”, “surgeon” or variations or abbreviations thereof;

10. “Psychiatrist” is a variation of the title “physician”;

11. Only members of the CPSO may hold themselves out as persons qualified to practice in Ontario as physicians, surgeons, or in a specialty of medicine;

12. Psychiatry is a specialty of medicine;

13. There are certain acts (“controlled acts”) that can only be performed by members of a regulated health profession, or, in certain circumstances that do not apply here, by persons to whom a member has properly delegated those acts. Controlled acts include:

(a) performing a procedure on tissue below the dermis;

(b) prescribing, dispensing, and/or selling a drug as defined in the *Drug and Pharmacies Regulation Act*; and

(c) treating, by means of psychotherapy technique, delivered through a therapeutic relationship, an individual’s serious disorder of thought, cognition, mood, emotional regulation, perception or memory that may seriously impair the individual’s judgement, insight, behaviour, communication or social functioning;

14. Administering substances intravenously and providing intravenous (“IV”) therapy is performing a procedure on tissue below the dermis;

15. Phenibut, also known as 4-Amino-3-phenylbutyric acid, is a drug as defined in the *Drug and Pharmacies Regulation Act*. Phenylbutyric acid or its salts or derivatives is listed in Schedule

I of the National Drug Schedules, and in the Prescription Drug List established under section 29.1 of the *Food and Drugs Act* (Canada);

16. The Respondent is a not a member of any regulated health profession in Ontario, including the Applicant CPSO. Nonetheless, the Respondent, among other things:

- (a) provides and offers to provide, in Ontario, health care services to individuals, including the controlled acts of performing a procedure on tissue below the dermis, including administering IV therapy; prescribing, dispensing, and/or selling a drug as defined in the *Drug and Pharmacies Regulation Act*, including phenibut; and providing psychotherapy, including coding. She also provides and offers to provide alcohol use disorder treatment;
- (b) uses the title “doctor” and variations or abbreviations thereof, namely “Dr.” and “doc” in the course of providing or offering to provide, in Ontario, health care to individuals;
- (c) uses the title “psychiatrist”;
- (d) holds herself out as a person who is qualified to practice in Ontario as a physician or in a specialty of medicine, namely, psychiatry;
- (e) treats or advises individuals with respect to their health in circumstances in which it is reasonably foreseeable that serious bodily harm may result from the treatment or advice or from an omission from the treatment or advice, including by performing and offering to perform the controlled acts of a performing procedure on tissue below the dermis, prescribing, dispensing, and/or selling a drug as defined in the *Drug and Pharmacies Regulation Act*, psychotherapy, and by purporting to treat alcohol use disorder;

17. Sections 27, 30 and 33 of the *Regulated Health Professions Act*, 1991, S.O. 1991, c.18;
18. Sections 4 and 9 of the *Medicine Act*, 1991, S.O. 1991, c. 30;
19. Section 87 of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act*, 1991, S.O. 1991, c. 18;
20. Rules 3, 14.05, and 40 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194;
21. Section 101 of the *Courts of Justice Act*, R.S.O. 1990, c. C. 43; and
22. Such further and other grounds as counsel may advise and this Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE WILL BE USED AT THE HEARING OF THE APPLICATION:

23. The affidavit of Nick Aglipay, affirmed April 27, 2026;
24. The affidavit of Polly Phokeev, affirmed May 7, 2026;
25. The affidavit of Nancy Lafleur, affirmed April 28, 2026;
26. ~~The affidavit of Alison Fung, affirmed April 29, 2026;~~
27. The affidavit of Alison Fung, affirmed June 11, 2026;
28. The affidavit of Greg Hutchinson, affirmed April 27, 2026;
29. The affidavit of Dr. Anil Chopra, affirmed May 29, 2026;
30. The affidavit of Dr. Anil Chopra, affirmed June 22, 2026; and
31. Such further and other evidence as counsel may advise and this Court may permit.

~~June 1, 2026~~
June 22, 2026

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COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO
Applicant

-and- ELENA ZAPUSKALOVA a.k.a. ELENA ZAPOUSKALOVA
Respondent

Court File No.

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PROCEEDING COMMENCED AT TORONTO

AMENDED NOTICE OF APPLICATION

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