

**DISCIPLINE COMMITTEE OF THE COLLEGE OF TRADITIONAL CHINESE
MEDICINE PRACTITIONERS AND ACUPUNCTURISTS OF ONTARIO**

PANEL:	Henry Maeots	Chairperson, Public Member
	Xianmin Yu	Professional Member
	Barrie Haywood	Public Member

BETWEEN:

**THE COLLEGE OF TRADITIONAL CHINESE MEDICINE PRACTITIONERS AND
ACUPUNCTURISTS OF ONTARIO**

	(Laura Robinson for the College
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-and-	(Member not Present
	(
	(
TANYA HOLTZMAN	(Edward Marrocco
	(Independent Legal Counsel
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	(
	(Date: October 4, 2017

ORDER

THIS MATTER was heard on October 4, 2017 by the Discipline Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario at 55 Commerce Valley Drive West, Unit 705, Thornhill, Ontario.

ON READING the Notice of Hearing dated June 10, 2016, and Undertaking of Tanya Holtzman signed on September 19, 2017, and on hearing the submissions of counsel for the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (the “College”), no one appearing for Tanya Holtzman despite having been advised as to the date of this hearing:

THE DISCIPLINE COMMITTEE ORDERS that the proceedings arising out of the allegations of professional misconduct contained in the Notice of Hearing dated June 10, 2016 be

stayed on the basis of the terms of the said Undertaking signed on September 19, 2017, attached hereto as Schedule "A" to this order.

I, Henry Maeots, sign this order as Chair of the panel of the Discipline Committee on behalf of the members of the panel that heard this matter.

October 17, 2017
Date

A handwritten signature in black ink, appearing to read "H. Maeots". The signature is written in a cursive, somewhat stylized font.

Chairperson, Discipline Panel

**DISCIPLINE COMMITTEE OF THE
COLLEGE OF TRADITIONAL CHINESE MEDICINE
PRACTITIONERS AND ACUPUNCTURISTS OF ONTARIO**

IN THE MATTER OF
the Regulated Health Professions Act, 1991, S.O. 1991, c. 18,
and the Traditional Chinese Medicine Act, 2006, S.O. 2006, c.27

AND IN THE MATTER OF

Tanya Holtzman

UNDERTAKING & SURRENDER AGREEMENT

**TO: THE COLLEGE OF TRADITIONAL CHINESE MEDICINE
PRACTITIONERS AND ACUPUNCTURISTS OF ONTARIO
55 Commerce Valley Drive West, Thornhill, ON L3T 7V9**

FROM: TANYA HOLTZMAN

WHEREAS as a consequence of a complaint (the “Complaint”) filed by S.B. against Ms. Holtzman (the “Member”) the College commenced an investigation of Ms. Holtzman’s practice pursuant to s. 75(1)(c) of the Health Professions Procedural Code (the “Code”);

AND WHEREAS it was the decision of the Inquiries, Complaints and Reports Committee (the “ICRC”) to refer specified allegations of professional misconduct in respect of the Member (the “Decision”) to the Discipline Committee under section 26(1), paragraph 1 of the *Code*;

AND WHEREAS a Notice of Hearing containing specific allegations was issued on June 10, 2016, as attached to this Undertaking at Tab A;

(TH)

AND WHEREAS the allegations referred to the Discipline Committee were that the Member had:

1. Contravened a standard of practice of the profession contrary to section 1(1) of *Ontario Regulation 318/12*;
2. Submitted an account or charge for services that the member knew or ought to have known was false or misleading contrary to section 1(19) of *Ontario Regulation 318/12*;
3. Failed to keep records in accordance with the standards of the profession contrary to section 1(25) of *Ontario Regulation 318/12*;
4. Signed or issued, in her professional capacity, a document the member knew or ought to have known contained a false or misleading statement contrary to section 1(26) of *Ontario Regulation 318/12*;
5. Falsified a record relating to the member's practice contrary to section 1(27) of *Ontario Regulation 318/12*;
6. Engaged in conduct or performed an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by the profession as disgraceful, dishonourable or unprofessional contrary to section 1(48) of *Ontario Regulation 318/12*; and
7. Engaged in conduct that would reasonably be regarded by the profession as conduct unbecoming a practitioner of traditional Chinese medicine or acupuncture contrary to section 1(49) of *Ontario Regulation 318/12*.

AND WHEREAS the Member is desirous of resolving the matter by entering into this Undertaking and Surrender Agreement in order to surrender her Certificate of Registration and to forever withdraw from the practice of traditional Chinese medicine and acupuncture in the province of Ontario or elsewhere in Canada or the United States of America in order to avoid having the above-described matters considered by the Discipline Committee in a full and open hearing;

AND WHEREAS the Member acknowledges the accuracy of these recitals and denies the allegations contained therein;

NOW THEREFORE, in consideration of the College agreeing to stay the outstanding proceedings at this time, and agreeing not to proceed with the discipline proceedings above-referenced, or to seek any of the penalties available to the College under the provision of the *Code*, including the revocation of the Member's Certificate of Registration, costs and other penalties that could rise following a finding of guilt by the Discipline Committee,

I, **Tanya Holtzman**, do hereby covenant, undertake and agree, as follows:

1. To surrender my Certificate of Registration to the College no later than September 18, 2017;
2. To refrain now, and in the future, from practicing and/or holding myself out as a traditional Chinese medicine practitioner or acupuncturist or any variation thereof, anywhere in the Province of Ontario, elsewhere in Canada, or in the United States of America;
3. To refrain now, and in the future, from applying for the reinstatement of my Certificate of Registration with the College, or from applying for registration with any other licensing body governing the practice of traditional Chinese medicine or acupuncture, in the Province of Ontario, or elsewhere in Canada, or in the United States of America; and
4. To contribute the amount of \$1,000.00 to partially offset the College's overall costs of investigation into the matter within 30 days of executing this Undertaking/Agreement. The payment shall not constitute an admission of liability and truthfulness of the allegations as presented herein.

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IT IS UNDERSTOOD AND AGREED that, should the College receive information that I have failed to abide by any of the terms of this Undertaking and Surrender Agreement, it may conduct further investigations into my practice, and or reactivate the proceedings stayed pursuant to this Undertaking and Surrender Agreement, and/or refer me to the Discipline Committee of the College, in respect of any allegations of professional misconduct or incompetence that could arise out of the Complaint, and/or refer me to another panel of the Inquiries, Complaints and Reports Committee in respect of allegations of professional misconduct or incompetence arising out of:

- (i) my failure to abide by any of the terms of this Undertaking/Agreement; and/or
- (ii) the conduct forming the subject of the Inquiries, Complaints and Reports Committee' s investigation hereinbefore referred to,

I FURTHER UNDERSTAND AND AGREE that, in the event that the current proceedings are reactivated by the Inquiries, Complaints and Reports Committee, and/or further proceedings are referred to the Discipline Committee by the Inquiries, Complaints and Reports Committee, in accordance with the immediately preceding paragraph, this signed Undertaking and Surrender Agreement, or a true copy duly certified as such by the Registrar of the College, may be used as evidence and filed as an exhibit before a duly constituted panel of the Discipline Committee.

I, THE UNDERSIGNED, hereby acknowledge that I have been advised of my right to obtain independent legal advice prior to signing this Undertaking and Surrender Agreement. I am signing this document, having read and understood it, of my own free will and without coercion of any kind.

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I **FURTHER** understand, and acknowledge that the terms of my Undertaking and Surrender Agreement along with my name and the particulars of the terms will be published in the College's routine publications, including on the College's website in the form attached to this Undertaking and Surrender Agreement at Schedule "A", and that this Undertaking and Surrender Agreement will form part of my history with the College and may be referred to in any future investigation or proceeding.

SIGNED AND WITNESSED, this 19th day of September, 2017

SIGNED, SEALED AND DELIVERED

In the presence of


Witness's Signature

Jonathan Sklar
Witness's Name


Tanya Holtzman

TANYA HOLTZMAN

Schedule "A"

NOTICE OF RESIGNATION – Tanya Holtzman

By decision of the Inquiries, Complaints and Reports Committee dated June 10, 2016, Tanya Holtzman was referred to the Discipline Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (the "College") in relation to the following allegations of professional misconduct:

1. Contravened a standard of practice of the profession contrary to section 1(1) of *Ontario Regulation 318/12*;
2. Submitted an account or charge for services that the member knew or ought to have known was false or misleading contrary to section 1(19) of *Ontario Regulation 318/12*;
3. Failed to keep records in accordance with the standards of the profession contrary to section 1(25) of *Ontario Regulation 318/12*;
4. Signed or issued, in her professional capacity, a document the member knew or ought to have known contained a false or misleading statement contrary to section 1(26) of *Ontario Regulation 318/12*;
5. Falsified a record relating to the member's practice contrary to section 1(27) of *Ontario Regulation 318/12*;
6. Engaged in conduct or performed an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by the profession as disgraceful, dishonourable or unprofessional contrary to section 1(48) of *Ontario Regulation 318/12*; and
7. Engaged in conduct that would reasonably be regarded by the profession as conduct unbecoming a practitioner of traditional Chinese medicine or acupuncture contrary to section 1(49) of *Ontario Regulation 318/12*.

On September 17, 2017, Tanya Holtzman entered into an Undertaking and Surrender Agreement with the College whereby she agreed to surrender her Certificate of Registration, and to forever withdraw from the practice of traditional Chinese medicine and acupuncture in the province of Ontario, or elsewhere in Canada and the United States in exchange for the College staying the discipline proceedings in relation to the allegations outline above.



Tanya Holtzman agreed to:

- 1. Surrender her Certificate of Registration with the College;**
- 2. Refrain from practising and/or holding herself out as a traditional Chinese medicine practitioner or acupuncturist anywhere in Canada or the United States;**
- 3. Refrain from applying for the reinstatement of her Certificate of Registration with the College, or from applying for registration with any other licensing body governing the practice of traditional Chinese medicine or acupuncture in Canada or the United States;**
- 4. Pay \$1,000.00 to partially offset the College's costs of investigating the matter; and**
- 5. Publication of the terms of the Undertakings and Surrender Agreement with the College in the College's routine publications and on its website.**

