

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

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

BETWEEN:

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| THE COLLEGE OF TRADITIONAL CHINESE MEDICINE PRACTITIONERS AND ACUPUNCTURISTS OF ONTARIO | (| |
| | (| Laura Robinson for the College |
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| | (| Member not Present |
| | (| |
| -and- | (| |
| | (| |
| TANYA HOLTZMAN | (| Edward Marrocco, |
| | (| Independent Legal Counsel |
| | (| |
| | (| |
| | (| Date of Hearing: October 4, 2017 |

DECISION AND REASONS FOR DECISION

This matter came on for hearing before a panel of the Discipline Committee (the “Panel”) on October 4, 2017 at the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (the “College”).

Tanya Holtzman (the “Member”) was not present, and not represented by counsel, despite having been advised as to, and provided with notice of, the date of the within hearing.

The Allegations

On June 10, 2016, the College issued a Notice of Hearing against the Member (the “Notice”), alleging that the Member had engaged in professional misconduct under the *Traditional Chinese Medicine Act, 2006* (the “Act”) in that she:

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*.
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*.

The Motion

The Member was not present and did not enter a plea to the allegations at this hearing. Rather, the College brought a motion to stay the proceedings on the basis of an Undertaking and Surrender Agreement signed by the Member on September 19, 2017 (the “Agreement”).

In the Agreement, the Member indicated she wished 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 allegations in the Notice of Hearing considered by the Discipline Committee in a full and open hearing.

In consideration of the College’s agreement to stay the proceedings at this time, the Member agreed to:

- Surrender her Certificate of Registration to the College by no later than September 18, 2017;

- To refrain now, and in the future, from practicing and/or holding herself 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;
- To refrain now, and in the future, 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 the Province of Ontario, or elsewhere in Canada, or in the United States of America; and
- 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 the Agreement on the understanding that the payment shall not constitute an admission of liability and truthfulness of the allegations.

In the Agreement, the Member further indicated that she understands and agrees to additional terms and conditions, including the following:

- Should the College receive information that the Member has failed to abide by any of the terms of the Agreement, the College may conduct further investigations into the Member's practice, and/or reactivate these stayed proceedings, and/or refer the Member to another panel of the Inquiries, Complaints and Reports Committee and/or the Discipline Committee in respect of allegations of professional misconduct or incompetence arising out of:
 - the Member's failure to abide by any of the terms of the Agreement and/or
 - the conduct forming the subject of the Inquiries, Complaints and Reports Committee's investigation referred to in the Agreement.
- That in the event 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, the 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.
- The terms of the Agreement along with the Member's name and the particulars of the terms of the Agreement will be published in the College's routine publications, including on the College's website, and that the Agreement will form part of the Member's history with the College and may be referred to in any future investigation or proceeding.

Decision

Having considered the materials filed and the submissions of College counsel, the panel finds that it is in the public interest to grant the relief requested. The panel orders that the allegations of professional misconduct against the Member set out in the Notice of Hearing dated June 10, 2016, are stayed in accordance with the terms set out in the Undertaking and Surrender Agreement signed by the Member on September 19, 2017.

Reasons for Decision

The College's duty is to protect the public from professional misconduct and/or incompetence by its members. While a hearing has not been conducted and as such the allegations of misconduct have not been found proven, any concerns regarding the member's misconduct or incompetence are allayed by the terms of the Undertaking and Surrender Agreement. Thereby the member is, by consent, barred from practicing as a TCM practitioner or acupuncturist in Ontario or any other jurisdiction in Canada or the United States of America, a restriction that surpasses any possible order resulting from a discipline hearing before this College. By agreeing to contribute a sum to partially offset the College's costs of investigating this matter, the member also lessens the cost to be borne by the other members of this College.

I, Henry Maeots, sign this Decision as Chairperson of this Discipline panel and on behalf of the members of the Discipline panel as listed below:

October 17, 2017
Date



Henry Maeots, Chairperson

Panel Members: Henry Maeots
 Xianmin Yu
 Barrie Haywood