

**DISCIPLINE COMMITTEE OF THE
COLLEGE OF REGISTERED PSYCHOTHERAPISTS AND REGISTERED
MENTAL HEALTH THERAPISTS OF ONTARIO**

B E T W E E N :

COLLEGE OF REGISTERED PSYCHOTHERAPISTS AND
REGISTERED MENTAL HEALTH THERAPISTS OF ONTARIO

- and -

DAVID HOLAN

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario (the “College”) has referred specified allegations against David Holan to the Discipline Committee of the College. The allegations were referred in accordance with section 26 of the *Health Professions Procedural Code*. The statement of allegations is attached to this notice of hearing. A discipline panel will hold a hearing under the authority of sections 38 to 56 of the *Health Professions Procedural Code*, as amended, for the purposes of deciding whether the allegations are true. A **pre-hearing conference** may be held at a date and location to be set by the Registrar. A discipline panel will convene at **a location to be set by the Registrar, at 10:00 a.m. on a date to be set by the Registrar**, or as soon thereafter as the panel can be convened, for the purposes of conducting the **discipline hearing**.

IF YOU DO NOT ATTEND ON THE DATE FOR THE HEARING IN ACCORDANCE WITH THE PRECEDING PARAGRAPH, THE DISCIPLINE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

If the discipline panel finds that you have engaged in professional misconduct, it may make one or more of the following orders:

1. Direct the Registrar to revoke the member's certificate of registration.
2. Direct the Registrar to suspend the member's certificate of registration for a specified period of time.
3. Direct the Registrar to impose specified terms, conditions and limitations on the member's certificate of registration for a specified or indefinite period of time.
4. Require the member to appear before the panel to be reprimanded.
5. Require the member to pay a fine of not more than \$35,000 to the Minister of Finance.
6. If the act of professional misconduct was the sexual abuse of a patient, require the member to reimburse the College for funding provided for that patient under the program required under section 85.7.
7. If the panel makes an order under paragraph 6, require the member to post security acceptable to the College to guarantee the payment of any amounts the member may be required to reimburse under the order under paragraph 6.

The discipline panel may, in an appropriate case, make an order requiring you to pay all or part of the College's costs and expenses pursuant to section 53.1 of the *Health Professions Procedural Code*.

You are entitled to disclosure of the evidence against you in accordance with section 42(1) of the *Health Professions Procedural Code*, as amended.

You, or your representative, may contact the solicitor for the College, Rebecca Durcan, in this matter:

Steinecke Maciura LeBlanc
Barristers & Solicitors
401 Bay Street

Suite 2306, P.O. Box 23
Toronto, ON M5H 2Y4

Telephone: (416) 644-4783
Facsimile: (416) 593-7867

You must also make disclosure in accordance with section 42.1 of the *Health Professions Procedural Code*, which states as follows:

Evidence of an expert led by a person other than the College is not admissible unless the person gives the College, at least ten days before the hearing, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence.

Further, you must also make disclosure in accordance with s. 7.01(2) of the *Rules of the Discipline Committee of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario*, which state as follows:

7.01(2) The parties shall make disclosure as is required by law. In addition, the parties shall, at least 10 days in advance of the hearing,

- (a) in the case of written or documentary evidence, provide an opportunity for the opposing party to examine the evidence;
- (b) in the case of evidence of an expert, provide the opposing party of the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence; and
- (c) in the case of a witness, provide the opposing party with the identity of the witness.

Date: March 15, 2019



Deborah Adams
Registrar
College of Registered Psychotherapists
and Registered Mental Health Therapists
of Ontario

TO: **DAVID HOLAN**



STATEMENT OF ALLEGATIONS

The Member

1. David Leon Holan (the "Member") has been a member of the College of Registered Psychotherapists of Ontario (the "College") since approximately January 18, 2016.
2. The Member has practised the profession in Kitchener, Ontario.

Client A

3. In or around August 2018, the Member was retained by Client A.
4. Client A received psychotherapy from the Member for approximately seven (7) sessions between approximately August and October 2018.

Remarks and Images of a Personal and/or Sexual Nature

5. It is alleged that on or about October 16, 17 and/or 18, 2018 the Member made remarks of a personal and/or sexual nature to Client A via text message and telephone.
6. It is alleged that on or about October 16 and/or 17, 2018 the Member sent images of a personal and/or sexual nature to Client A via text message.
7. It is alleged that the above conduct constitutes professional misconduct pursuant to section 51(1)(b.1) of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991* (the "Code"), namely that the Member sexually abused Client A by engaging in behaviour or remarks of a sexual nature.
8. It is alleged that the above conduct also constitutes professional misconduct pursuant to section 51(1)(c) of the Code as set out in one or more of the following paragraphs of section 1 of Ontario Regulation 317/12 made under the *Psychotherapy Act, 2007*:
 - a. **Paragraph 1** – Contravening, by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession, namely,
 - i. 1.5 – General Conduct;
 - ii. 1.7 – Dual and Multiple Relationships; and/or
 - iii. 1.8 – Undue Influence and Abuse;
 - b. **Paragraph 2** - Abusing a client or a client's representative verbally, physically, psychologically or emotionally;
 - c. **Paragraph 52** – Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or

unprofessional; and/or

- d. **Paragraph 53** – Engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession.

APPENDIX

1. The documents to be tendered in evidence at the hearing have been sent with this Notice of Hearing.
2. The *Rules of Procedure of the Discipline Committee* have been sent with this Notice of Hearing.
3. Take notice that the documents that have been and may later be disclosed to you will be tendered as business documents pursuant to the *Evidence Act* of Ontario.
4. All documents that are disclosed to you in this matter are disclosed on the basis that they are to be used solely for the purpose of this proceeding and for no other purpose.

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DISCIPLINE COMMITTEE OF
THE COLLEGE OF REGISTERED
PSYCHOTHERAPISTS AND REGISTERED
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NOTICE OF HEARING

STEINECKE MACIURA LEBLANC

Barristers & Solicitors
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Rebecca Durcan

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Lawyers for the College of Registered
Psychotherapists and Registered Mental Health
Therapists of Ontario