

As from June 19, 2018, the following is imposed as a term, condition and limitation on the certificate of registration held by Dr. John David Hammett in accordance with an undertaking and consent given by Dr. Hammett to the College of Physicians and Surgeons of Ontario:

UNDERTAKING, ACKNOWLEDGEMENT AND CONSENT
("Undertaking")

of

DR. JOHN DAVID HAMMETT
("Dr. Hammett")

to

COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO
(the "College")

A. PREAMBLE

(1) In this Undertaking:

"Code" means the Health Professions Procedural Code, which is Schedule 2 to the Regulated Health Professions Act, 1991, S.O. 1991, c. 18, as amended;

"Discipline Committee" means the Discipline Committee of the College;

"OHIP" means the Ontario Health Insurance Plan;

"Public Register" means the College's register that is available to the public;

"QAC" means the Quality Assurance Committee of the College.

(2) I, Dr. Hammett, certificate of registration number 21998, am a member of

the College. I acknowledge that concerns have been identified with respect to my knowledge, skill and judgment. As a result, I was required to undergo a specified continuing education and remediation program ("SCERP"). I enter into this Undertaking in lieu of completing the reassessment portion of the SCERP.

(3) I, Dr. Hammett, acknowledge that I currently have hospital privileges at Lake of the Woods District Hospital ("LWDH").

(4) I, Dr. Hammett, acknowledge that I do not practice at any practice location, including but not limited to, any hospitals, clinics and offices, in any jurisdiction other than LWDH (collectively, my "Practice Location" or "Practice Locations"), nor do I have privileges at any other hospital whatsoever.

B. UNDERTAKING

(5) I, Dr. Hammett, undertake to abide by the provisions of this Undertaking, effective immediately.

(6) Practice Restrictions

(a) I, Dr. Hammett, undertake that I shall not engage in the practice of medicine as the Most Responsible Physician for any patient whatsoever.

(b) I, Dr. Hammett, undertake that the entirety of my scope of practice will be limited in the following ways:

(i) I shall only practise medicine as a surgical assistant of a surgeon:

a. certified by the Royal College of Physicians and Surgeons or recognized as a surgical specialist by the College; and

b. who holds privileges at LWDH, or other Practice Location as may be approved by the College,

(collectively, a "Qualified Surgeon"); and

(ii) for further clarity, but without limiting the generality of section (6)(b)(i) above:

a. I will not provide any pre-operative or post-operative care whatsoever; and

b. a Qualified Surgeon must always be physically in attendance when I am engaging in my practice as a surgical assistant.

(c) I, Dr. Hammett, undertake that I will not engage in any practice of medicine that is not expressly and specifically listed in section (6)(b) above.

(d) I, Dr. Hammett, undertake that I will not commence surgical assisting at any other Practice Location (other than LWDH) without prior approval of the College. Should I seek privileges to perform surgical assisting at any other Practice Location, I shall advise the College within five (5) days of making such application, and shall seek approval to practice surgical assisting at the Practice Location at least fourteen (14) days before I plan to commence surgical assisting at that location.

(7) Compliance and Monitoring

(a) I, Dr. Hammett, give my irrevocable consent to the College to make appropriate enquiries of OHIP and/or any person who or institution that may have relevant information, in order for the College to monitor my compliance with the provisions of this Undertaking.

(b) I, Dr. Hammett, acknowledge that I have executed the OHIP consent form, attached hereto as Appendix "A".

(c) I, Dr. Hammett, undertake that I will submit to, and not interfere

with, unannounced inspections of my Practice Locations by a College representative for the purposes of monitoring my compliance with the provisions of this Undertaking.

- (8) I, Dr. Hammett, undertake to abide by the College's Policy on Practice Management Considerations for Physicians Who Cease to Practise, Take an Extended Leave of Absence or Close Their Practice Due to Relocation, a copy of which is attached hereto as Appendix "B".

C. ACKNOWLEDGEMENT

- (9) I, Dr. Hammett, acknowledge that all appendices attached to or referred to in this Undertaking form part of this Undertaking.
- (10) I, Dr. Hammett, acknowledge and undertake that I shall be solely responsible for payment of all fees, costs, charges, expenses, etc. arising from the implementation of any of the provisions of this Undertaking.
- (11) I, Dr. Hammett, acknowledge that I have read and understand the provisions of this Undertaking and that I have obtained independent legal counsel in reviewing and executing this Undertaking, or have waived my right to do so.
- (12) I, Dr. Hammett, acknowledge that the College will provide this Undertaking to any Qualified Surgeon and any Chief of Staff, or a colleague with similar responsibilities, at any Practice Location ("Chief of Staff" or "Chiefs of Staff").
- (13) I, Dr. Hammett, acknowledge that a breach by me of any provision of this Undertaking may constitute an act of professional misconduct and/or incompetence, and may result in any one or more of the following: consideration by the QAC, an investigation by the College, or further action by the College, including a referral of specified allegations to the Discipline Committee.

(14) I, Dr. Hammett, acknowledge that this Undertaking constitutes terms, conditions, and limitations on my certificate of registration for the purposes of section 23 of the Code.

(15) Public Register

(a) I, Dr. Hammett, acknowledge that, during the time period that this Undertaking remains in effect, this Undertaking shall be posted on the Public Register.

(b) I, Dr. Hammett, acknowledge that, in addition to this Undertaking being posted in accordance with section (15)(a) above, the following summary shall be posted on the Public Register during the time period that this Undertaking remains in effect:

Concerns have been identified with respect to Dr. Hammett's knowledge, skill and judgment. As a result, Dr. Hammett was required to undergo a specified continuing education and remediation program. In lieu of completing the reassessment portion of the program, Dr. Hammett agreed to only practise as a surgical assistant under the direction of a qualified surgeon. Further, Dr. Hammett shall practice only at Lake of the Woods District Hospital.

D. CONSENT

(16) I, Dr. Hammett, give my irrevocable consent to the College to provide all Qualified Surgeons and Chiefs of Staff with any information arising from the monitoring of my compliance with this Undertaking.

(17) I, Dr. Hammett, give my irrevocable consent to any Qualified Surgeon and any Chief of Staff to disclose to the College, and to one another, all information relevant to this Undertaking and/or relevant for the purposes of monitoring my compliance with this Undertaking.