

UNDERTAKING, ACKNOWLEDGEMENT AND CONSENT
(“Undertaking”)

of

DR. MARTIN GERARD OWEN
(“Dr. Owen”)

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 Tribunal” means the Ontario Physicians and Surgeons Discipline Tribunal of the College;

“OHIP” means the Ontario Health Insurance Plan;

“Ontario Physicians and Surgeons Discipline Tribunal” means the Discipline Committee established under the Code;

“Public Register” means the College’s register that is available to the public.

(2) I, **Dr. Owen**, certificate of registration number **120685**, am a member of the College.

(3) I, **Dr. Owen**, acknowledge that the College conducted an investigation bearing File Number CAS-370003-F8H2D2 (the “Investigation”) into whether I engaged in professional misconduct and/or am incompetent in my family medicine practice and in my conduct, including in my care, conduct and communications in relation to the COVID-19 pandemic and my completion of COVID-19 vaccine exemptions.

(4) I, **Dr. Owen**, acknowledge that there has been no referral to the Discipline Tribunal in respect of the Investigation and that, if my signed Undertaking is accepted and approved by the ICR Committee, no further action will be taken on the Investigation.

B. UNDERTAKING, ACKNOWLEDGEMENT AND CONSENT

(5) I, **Dr. Owen**, acknowledge that this Undertaking takes effect upon the date that it is approved by the ICR Committee (“Effective Date”).

(6) I, **Dr. Owen**, hereby resign from the College effective July 31, 2022.

- (7) I, **Dr. Owen**, hereby undertake not to apply or re-apply for registration as a physician to practise medicine in Ontario after July 31, 2022.
- (8) I, **Dr. Owen**, acknowledge that in the event that the College should become aware that I am in breach of this Undertaking including, but not limited to, becoming aware that I have either applied, re-applied or attempted to apply or re-apply for registration as a physician or for a certificate of registration to practise medicine in Ontario after the Effective Date, the College shall, in its sole discretion, have the right to proceed with a disciplinary proceeding on the basis of a breach of this Undertaking and shall have the right to proceed with the Investigation it terminated as a result of this Undertaking and/or to proceed with a referral of specified allegations to the Discipline Tribunal.
- (9) I, **Dr. Owen**, hereby agree to bear the risk of any prejudice that the passage of time might cause to my ability to make full answer and defence, and waive the right to seek any remedy on the basis of the passage of time, should the College proceed with any allegations that may arise as a result of a breach of this Undertaking and/or pursuant to section (8) above.
- (10) I, **Dr. Owen**, undertake to abide by the College's Policy on [Closing a Medical Practice](#).
- (11) I, **Dr. Owen**, undertake that upon signing this Undertaking, I shall forward a request to the General Manager of OHIP that my billing number be deactivated for services rendered after July 31, 2022.
- (12) I, **Dr. Owen**, acknowledge and undertake that I shall be solely responsible for payment of all fees, costs, charges, expenses, etc., if any, arising from the implementation of any of the provisions of this Undertaking.
- (13) I, **Dr. Owen**, acknowledge and confirm 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.
- (14) I, **Dr. Owen**, 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.
- (15) I, **Dr. Owen**, acknowledge that I have executed the OHIP consent form, attached hereto as Appendix "A" and that the consent attached at Appendix "A" forms part of this Undertaking.
- (16) ***Public Register***
 - (a) I, **Dr. Owen**, consent to this Undertaking being posted on the Public Register.
 - (b) I, **Dr. Owen**, acknowledge that, in addition to this Undertaking being posted in accordance with section (17)(a) above, the following summary shall be posted on the Public Register during the time period that this Undertaking remains in effect:

A College investigation was conducted into whether Dr. Owen engaged in professional misconduct and/or is incompetent in his family medicine practice and in his conduct, including in his care, conduct and communications in relation to the COVID-19 pandemic and his completion of COVID-19 vaccine exemptions. In the face of this investigation, Dr. Owen resigned from the College effective July 31, 2022, and has agreed never to apply or reapply for registration as a physician in Ontario.