

UNDERTAKING, ACKNOWLEDGEMENT AND CONSENT
("Undertaking")

of

DR. RAYMOND HOWARD RUPERT
("Dr. Rupert")

to

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

A. PREAMBLE

(1) In this Undertaking:

"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.

(2) I, Dr. Rupert, certificate of registration number 25597, am a member of the College.

(3) I, Dr. Rupert, acknowledge that I am subject to an undertaking to the College dated May 27, 2019 ("2019 Undertaking") and that concerns were raised by the College regarding my compliance with the 2019 Undertaking. In resolution of these concerns, I have agreed to enter into this Undertaking.

(4) I, Dr. Rupert, acknowledge that there has been no referral to the Discipline Committee in respect of the concerns regarding my compliance with the 2019 Undertaking and that, after the College receives an original copy of this Undertaking as signed by me, no further action will be taken in regards to my compliance with the 2019 Undertaking.

(5) I, Dr. Rupert, acknowledge that I have not fulfilled all of the terms of the 2019 Undertaking and that, at the time of executing this Undertaking, there is outstanding education, clinical supervision and a reassessment, which would need to be completed if I had not entered into this Undertaking.

B. UNDERTAKING, ACKNOWLEDGEMENT AND CONSENT

(6) I, Dr. Rupert, hereby resign from the College effective May 7, 2020 (the "Effective Date"). For greater clarity, I undertake not to perform or delegate any controlled acts (as

defined in the Regulated Health Professions Act, 1991 and the Medicine Act, 1991) in any capacity and, specifically, through Rupert Case Management after the Effective Date.

- (7) I, Dr. Rupert, hereby undertake not to apply or re-apply for registration as a physician to practise medicine in Ontario or any other jurisdiction after the Effective Date.
- (8) I, Dr. Rupert, 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, or equivalent, to practise medicine in any jurisdiction 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 investigate the concerns regarding my compliance with the 2019 Undertaking, which it terminated as a result of this Undertaking, and/or to proceed with a referral of specified allegations to the Discipline Committee.
- (9) I, Dr. Rupert, acknowledge that, in the event that the College learns that I may be in breach of this Undertaking, in addition to any action it may take action as outlined in section (8) above, the College may also require compliance with any or all of the terms of the 2019 Undertaking which remain outstanding at the time I entered into this Undertaking.
- (10) I, Dr. Rupert, 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.
- (11) I, Dr. Rupert, undertake to abide by the College's Policy on Closing a Medical Practice.
- (12) I, Dr. Rupert, 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 the Effective Date.
- (13) I, Dr. Rupert, acknowledge that all appendices attached to or referred to in this Undertaking form part of this Undertaking.
- (14) I, Dr. Rupert, 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.
- (15) I, Dr. Rupert, 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.

- (16) I, Dr. Rupert, 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.
- (17) I, Dr. Rupert, acknowledge that I have executed the OHIP consent form, attached hereto as Appendix "A" and that the consent forms part of this Undertaking.
- (18) Public Register
 - (a) I, Dr. Rupert, consent to this Undertaking being posted on the Public Register.
 - (b) I, Dr. Rupert, acknowledge that, in addition to this Undertaking being posted in accordance with section (18)(a) above, the following summary shall be posted on the Public Register during the time period that this Undertaking remains in effect:

Dr. Rupert entered into an Undertaking with the College dated May 27, 2019. During monitoring by the College, concerns were raised about Dr. Rupert's compliance with the Undertaking. In resolution of these concerns, Dr. Rupert resigned from the College on May 7, 2020 and has agreed never to apply or reapply for registration as a physician in Ontario or any other jurisdiction.