

UNDERTAKING, ACKNOWLEDGEMENT AND CONSENT
(“Undertaking”)
of
DR. JUDITH ELIN HAMILTON
(“Dr. Hamilton”)
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;

“ICR Committee” means the Inquiries, Complaints and Reports Committee of the College;

“NMS” means the Drug Program Services Branch, the Narcotics Monitoring System implemented under the *Narcotics Safety and Awareness Act, 2010*, S.O. 2010, c. 22, as amended;

“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. Hamilton**, certificate of registration number **25264**, am a member of the College.
- (3) I, **Dr. Hamilton**, acknowledge that the College has received information regarding my standard of practice in psychiatry and that the College is conducting an investigation, bearing File Number CAS-358137-V8D4V9, into the information. I am aware of the College’s concern about protecting the public.
- (4) I, **Dr. Hamilton**, acknowledge that the College has accepted this Undertaking in lieu of making an Order under section 25.4 of the Code at this time.
- (5) I, **Dr. Hamilton**, acknowledge that this Undertaking does not preclude the ICR Committee from making an order at a later date in accordance with the Code.

- (6) I, **Dr. Hamilton**, acknowledge that this Undertaking continues in force until the matters currently being investigated are disposed of by a panel of the ICR Committee or the Discipline Tribunal.

B. UNDERTAKING

- (7) I, **Dr. Hamilton**, undertake to abide by the provisions of this Undertaking, effective immediately.

(8) ***Resignation of Prescribing Privileges***

- (a) I, **Dr. Hamilton**, acknowledge that I have executed the Prescribing Resignation Letter to Health Canada, which is attached hereto as Schedule “A” (the “Resignation Letter”).

- (b) I, **Dr. Hamilton**, consent to the College sending the Resignation Letter to Health Canada on my behalf.

- (c) I, **Dr. Hamilton**, undertake that I will not issue new prescriptions or renew existing prescriptions for or administer any of the following substances:

- (i) **Narcotic Drugs** (from the Narcotic Control Regulations made under the *Controlled Drugs and Substances Act*, S.C., 1996, c. 19);

- (ii) **Narcotic Preparations** (from the Narcotic Control Regulations made under the *Controlled Drugs and Substances Act*, S.C., 1996, c. 19);

- (iii) **Controlled Drugs** (from Part G of the Food and Drug Regulations under the *Food and Drugs Act*, S.C., 1985, c. F-27);

- (iv) **Benzodiazepines and Other Targeted Substances** (from the Benzodiazepines and Other Targeted Substances Regulations made under the *Controlled Drugs and Substances Act*, S.C., 1996, c. 19);

(A summary of the above-named drugs [from Appendix I to the Compendium of Pharmaceuticals and Specialties] is attached hereto as Schedule “B”; and links to the current regulatory lists are attached hereto as Schedule “C”)

- (v) **Monitored Drugs** (as defined under the *Narcotics Safety and Awareness Act*, 2010, S.O. 2010, c. 22, with a link to the current regulatory list attached hereto as Schedule “D”);

and as amended from time to time.

- (d) I, **Dr. Hamilton**, undertake to immediately refer all patients to whom I am prescribing any of the substances described in section (c), above, to other physicians for assessment and care.

- (e) I, **Dr. Hamilton**, undertake to keep a log of all patients referred to other physicians pursuant to section (8)(d), above (the “Log”). I, **Dr. Hamilton**, undertake to include in the Log the name of each patient referred, the name of the physician referred to, and the date of referral.
- (9) I, **Dr. Hamilton**, undertake that I will return any supplies of the substances referred to in section (8)(c) above that are presently in my possession, in any place, to a pharmacy in a safe and secure manner, as stipulated in the College’s Policy “[Prescribing Drugs](#).”
- (10) I, **Dr. Hamilton**, undertake to inform the College of each and every location at which I practice, delegate, or have privileges, including, but not limited to, any hospitals, clinics, offices, and any Out-of-Hospital Premises and Independent Health Facilities with which I am affiliated, in any jurisdiction (collectively my “Practice Location” or “Practice Locations”), within five (5) days of executing this Undertaking. Going forward, I further undertake to inform the College of any and all new Practice Locations within five (5) days of commencing practice at that location.

C. ACKNOWLEDGEMENT

- (11) I, **Dr. Hamilton**, acknowledge that all schedules attached to or referred to in this Undertaking form part of this Undertaking.
- (12) I, **Dr. Hamilton**, 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.
- (13) I, **Dr. Hamilton**, 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.
- (14) I, **Dr. Hamilton**, acknowledge that the College will provide this Undertaking to any Chief of Staff, or a colleague with similar responsibilities, at any Practice Location (“Chief of Staff” or “Chiefs of Staff”).
- (15) I, **Dr. Hamilton**, acknowledge that, in the event of a referral to the Discipline Tribunal and in the event of an appeal of any Order of the Discipline Tribunal, if the Discipline Tribunal has directed the Registrar to revoke, suspend, or impose terms and conditions on my certificate of registration, that Order will take effect immediately despite any appeal.
- (16) I, **Dr. Hamilton**, acknowledge that this Undertaking constitutes terms, conditions, and limitations on my certificate of registration for the purposes of section 23 of the Code.
- (17) ***Public Register***
 - (a) I, **Dr. Hamilton**, acknowledge that, during the time period that this Undertaking remains in effect, this Undertaking shall be posted on the Public Register.
 - (b) I, **Dr. Hamilton**, 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:

The College has received information regarding Dr. Hamilton's standard of practice in psychiatry and is conducting an investigation into the information. During the investigation and in the event of a referral to the Discipline Tribunal:

Dr. Hamilton must not issue new prescriptions or renew existing prescriptions for or administer any of the following substances:

- (i) **Narcotic Drugs** (from the Narcotic Control Regulations made under the *Controlled Drugs and Substances Act*, S.C., 1996, c. 19);
- (ii) **Narcotic Preparations** (from the Narcotic Control Regulations made under the *Controlled Drugs and Substances Act*, S.C., 1996, c. 19);
- (iii) **Controlled Drugs** (from Part G of the Food and Drug Regulations under the *Food and Drugs Act*, S.C., 1985, c. F-27);
- (iv) **Benzodiazepines and Other Targeted Substances** (from the Benzodiazepines and Other Targeted Substances Regulations made under the *Controlled Drugs and Substances Act*, S.C., 1996, c. 19);
- (v) **Monitored Drugs** (as defined under the *Narcotics Safety and Awareness Act*, 2010, S.O. 2010, c. 22);

and as amended from time to time.

D. CONSENT

- (18) I, **Dr. Hamilton**, undertake that I will submit to, and not interfere with, unannounced inspections of my Practice Locations and patient charts by the College and to any other activity the College deems necessary in order to monitor my compliance with the provisions of this Undertaking.
- (19) I, **Dr. Hamilton**, give my irrevocable consent to the College to make appropriate enquiries of OHIP, NMS, and 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.
- (20) I, **Dr. Hamilton**, acknowledge that I have executed the OHIP and NMS consent forms, attached hereto as Schedule "E" and Schedule "F", respectively.
- (21) I, **Dr. Hamilton**, give my irrevocable consent to the College to provide all Chiefs of Staff with any information the College has that led to the circumstances of my entering into this Undertaking and any information arising from the monitoring of my compliance with this Undertaking.

