

UNDERTAKING, ACKNOWLEDGEMENT AND CONSENT
(“Undertaking”)

of

DR. MARY ELIZABETH O’CONNOR
(“Dr. O’Connor”)

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. O’Connor**, certificate of registration number **25579**, am a member of the College.

(3) I, **Dr. O’Connor**, acknowledge that the College initiated an investigation bearing File # CAS-352320-Z2D1P0 (the “Investigation”) into whether I engaged in professional misconduct or am incompetent in my general medicine and psychotherapy practice and in my conduct.

(4) I, **Dr. O’Connor**, acknowledge that an order was made on January 19, 2022 by Justice Morgan of the Superior Court of Justice in an application by the College in Superior Court of Justice File No. CV-21-00670634, requiring me to comply with sections 76(3) and (3.1) of the Code (the “Superior Court Order”), and that I have filed an appeal of this order (Court of Appeal File No. C70365, the “Appeal”).

(5) I, **Dr. O’Connor**, acknowledge that the College has brought a motion to have me held in contempt of the Superior Court Order (the “Contempt Motion”).

(6) I, **Dr. O'Connor**, acknowledge that the College referred allegations of professional misconduct against me to the Discipline Tribunal in a Notice of Hearing dated June 28, 2022 (the "Notice of Hearing").

(7) I, **Dr. O'Connor**, acknowledge that, after the College receives an original copy of this Undertaking signed by me, as well as after I comply with paragraph B(10) below, (i) the College will withdraw the Notice of Hearing, (ii) no further action will be taken on the Investigation, and (iii) the College will not proceed with its Contempt Motion.

B. UNDERTAKING, ACKNOWLEDGEMENT AND CONSENT

(8) I, **Dr. O'Connor**, hereby resign from the College effective immediately (the "Effective Date").

(9) I, **Dr. O'Connor**, 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.

(10) I, **Dr. O'Connor**, undertake to abandon my Appeal of the Superior Court Order by delivery of a Notice of Abandonment forthwith.

(11) I, **Dr. O'Connor**, acknowledge that, other than in Ontario, I am not currently registered to practise medicine in any other jurisdiction, and I currently do not have any outstanding applications for registration to practice medicine in any jurisdiction.

(12) I, **Dr. O'Connor**, acknowledge that if the College becomes aware that I have breached this Undertaking including, but not limited to, by having 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/or the specified allegations set out in the Notice of Hearing, as well as to proceed with the Investigation that was terminated as a result of this Undertaking.

(13) I, **Dr. O'Connor**, 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, if the College proceeds with any allegations as a result of a breach of this Undertaking and/or under section (12) above.

(14) I, **Dr. O'Connor**, undertake to abide by the College's Policy on [Closing a Medical Practice](#).

(15) I, **Dr. O'Connor**, 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.

(16) I, **Dr. O'Connor**, acknowledge that all appendices attached to or referred to in this Undertaking form part of this Undertaking.

(17) I, **Dr. O'Connor**, acknowledge and undertake that I shall be solely responsible for payment of any fees, costs, charges, expenses, etc. that I may incur in implementing any of the provisions of this Undertaking.

(18) I, **Dr. O'Connor**, acknowledge and confirm that I have read and understand this Undertaking and that I have obtained independent legal counsel in reviewing and signing this Undertaking, or have waived my right to do so.

(19) I, **Dr. O'Connor**, give my irrevocable consent to the College to make appropriate enquiries of OHIP and/or any person who or institution that may have information relevant to monitoring my compliance with this Undertaking.

(20) I, **Dr. O'Connor**, acknowledge that I have signed the OHIP consent form, attached as Appendix "A," which is part of this Undertaking.

(21) ***Public Register***

(a) I, **Dr. O'Connor**, consent to this Undertaking being posted on the Public Register.

(b) I, **Dr. O'Connor**, acknowledge that, in addition to this Undertaking being posted as described in section (21)(a) above, the following summary shall be posted on the Public Register while this Undertaking is in effect:

While allegations of professional misconduct were pending before the Discipline Tribunal but not yet determined and her practice was under investigation, Dr. O'Connor voluntarily agreed to resign from the College and not to apply or reapply for registration as a physician in Ontario or any other jurisdiction.