

UNDERTAKING, ACKNOWLEDGEMENT AND CONSENT
(“Undertaking”)

of

DR. EMAD MIKHAIL GUIRGUIS
(“Dr. Guirguis”)

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. Guirguis**, certificate of registration number **55334**, am a former member of the College. My certificate of registration expired on September 4, 2020.
- (3) I, **Dr. Guirguis**, have not, since September 4, 2020, in any jurisdiction, practiced medicine, been registered as a physician, had any applications pending for registration as a physician, or applied or re-applied for registration as a physician.
- (4) I, **Dr. Guirguis**, acknowledge that the College referred allegations of professional misconduct to the Discipline Committee, namely, that I have contravened the *Medicine Act, 1991*, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts, and that I have engaged in an act or omission relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, in a Notice of Hearing dated January 10, 2020 (the “Notice of Hearing”).
- (5) I, **Dr. Guirguis**, acknowledge that, following public complaints, the College conducted investigations bearing File Numbers 1111008, 1111997, 1112281, 1112345, 1112520, 1112539, 1112699, and 1113116 (collectively, the “Investigations”) into whether I engaged in professional misconduct and/or am incompetent in my general surgery/cosmetic surgery practice.
- (6) I, **Dr. Guirguis**, acknowledge that there has been no referral to the Discipline Committee in respect of the Investigations referred to in section (5) and that, after the College receives

an original copy of this Undertaking as signed by me, no further action will be taken on the Investigations.

- (7) I, **Dr. Guirguis**, acknowledge that I entered into undertakings with the College dated June 19, 2017 (“2017 Undertaking”), July 23, 2019 (“2019 Undertaking”) and May 29, 2020 (“May 2020 Undertaking”), and that, at the time of executing this Undertaking, there is outstanding education and a reassessment which would need to be completed if I had not entered into this Undertaking. I agree that this Undertaking replaces the 2017 Undertaking, the 2019 Undertaking, and the May 2020 Undertaking.

B. UNDERTAKING, ACKNOWLEDGEMENT AND CONSENT

- (8) I, **Dr. Guirguis**, hereby undertake not to apply or re-apply for registration as a physician to practise medicine in Ontario or any other jurisdiction after November 23, 2020 (“the Effective Date”).
- (9) I, **Dr. Guirguis**, acknowledge that I am not currently registered to practise medicine in any jurisdiction, and I further acknowledge that I currently do not have any outstanding applications for registration to practice medicine in any jurisdiction.
- (10) I, **Dr. Guirguis**, 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 proceed with the specified allegations set out in the Notice of Hearing, the right to proceed with the Investigations it terminated as a result of this Undertaking and/or the right to proceed with a referral of specified allegations to the Discipline Committee.
- (11) I, **Dr. Guirguis**, 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 (9) above.
- (12) I, **Dr. Guirguis**, undertake to abide by the College’s Policy on [Closing a Medical Practice](#).
- (13) I, **Dr. Guirguis**, undertake that upon signing this Undertaking, I shall forward a request to the General Manager of the OHIP that my billing number be deactivated for services rendered after the Effective Date.
- (14) I, **Dr. Guirguis**, acknowledge that all appendices attached to or referred to in this Undertaking form part of this Undertaking.
- (15) I, **Dr. Guirguis**, 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.

- (16) I, **Dr. Guirguis**, 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.
- (17) I, **Dr. Guirguis**, 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.
- (18) I, **Dr. Guirguis**, acknowledge that I have executed the OHIP consent form, attached hereto as Appendix “A” and that the consent forms part of this Undertaking.
- (19) ***Public Register***
- (a) I, **Dr. Guirguis**, consent to this Undertaking being posted on the Public Register.
- (b) I, **Dr. Guirguis**, acknowledge that, in addition to this Undertaking being posted in accordance with section (19)(a) above, the following summary shall be posted on the Public Register during the time period that this Undertaking remains in effect:

Dr. Guirguis was referred to the Discipline Committee on allegations that he has contravened the *Medicine Act, 1991*, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts; and that he has engaged in an act or omission relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional. College investigations were also conducted into whether Dr. Guirguis engaged in professional misconduct and/or is incompetent in his general surgery/cosmetic surgery practice. Dr. Guirguis’s certificate of registration expired on September 4, 2020. In the face of these allegations and these investigations, Dr. Guirguis has agreed never to apply or reapply for registration as a physician in Ontario or any other jurisdiction.