

UNDERTAKING, ACKNOWLEDGEMENT AND CONSENT
(“Undertaking”)

of

DR. JAMES MUNDY HARDWICK
(“Dr. Hardwick”)

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. Hardwick**, certificate of registration number **29347**, am a member of the College.

(3) I, **Dr. Hardwick**, I resigned my membership in the College on April 11, 2017.

(4) I, **Dr. Hardwick**, acknowledge that the College referred allegations of professional misconduct that I engaged in conduct or 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 to the Discipline Committee in a Notice of Hearing dated April 4, 2018 (the “Notice of Hearing”).

B. UNDERTAKING, ACKNOWLEDGEMENT AND CONSENT

(5) I, **Dr. Hardwick**, hereby undertake not to apply or re-apply for registration as a physician to practise medicine in Ontario or any other jurisdiction effective March 27, 2019 (the “Effective Date”).

(6) I, **Dr. Hardwick**, 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.

- (7) I, **Dr. Hardwick**, 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 (6) above.
- (8) I, **Dr. Hardwick**, undertake to abide by the College's Policy on Practice Management Considerations for Physicians Who Cease to Practise, Take an Extended Leave of Absence or Close Their Practice Due to Relocation, a copy of which is attached hereto as Appendix "A".
- (9) I, **Dr. Hardwick**, 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.
- (10) I, **Dr. Hardwick**, acknowledge that all appendices attached to or referred to in this Undertaking form part of this Undertaking.
- (11) I, **Dr. Hardwick**, 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.
- (12) I, **Dr. Hardwick**, 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.
- (13) I, **Dr. Hardwick**, 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.
- (14) I, **Dr. Hardwick**, acknowledge that I have executed the OHIP consent form, attached hereto as Appendix "B" and that the consent forms part of this Undertaking.
- (15) ***Public Register***
 - (a) I, **Dr. Hardwick**, consent to this Undertaking being posted on the Public Register.
 - (b) I, **Dr. Hardwick**, acknowledge that, in addition to this Undertaking being posted in accordance with section (15)(a) above, the following summary shall be posted on the Public Register during the time period that this Undertaking remains in effect:

Dr. Hardwick was referred to the Discipline Committee on allegations that he engaged in conduct or 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. Dr. Hardwick resigned from the College on April 11,

2017. In the face of these allegations, Dr. Hardwick has agreed never to apply or reapply for registration as a physician in Ontario or any other jurisdiction.