

UNDERTAKING, ACKNOWLEDGEMENT AND CONSENT
(“Undertaking”)

of

DR. THOMAS JOSEPH BARNARD
(“Dr. Barnard”)

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;

“Public Register” means the College’s register that is available to the public.

(2) I, **Dr. Barnard**, certificate of registration number **31831**, am a member of the College.

(3) I, **Dr. Barnard**, acknowledge that the College referred allegations of disgraceful, dishonourable or unprofessional conduct to the Discipline Committee in a Notice of Hearing dated May 16, 2018 (the “Notice of Hearing”). The Notice of Hearing also alleged that I was found guilty of an offence that is relevant to my suitability to practise.

(4) I, **Dr. Barnard**, acknowledge that the College conducted investigations bearing File Numbers 7216408 and 1100409 (the “Investigations”) into whether I engaged in professional misconduct and/or am incompetent in my cosmetic and family practice.

(5) I, **Dr. Barnard**, acknowledge that, after the College receives an original copy of this Undertaking as signed by me, no further action will be taken with respect to the Investigations.

B. UNDERTAKING, ACKNOWLEDGEMENT AND CONSENT

(6) I, **Dr. Barnard**, hereby resign from the College effective June 30, 2019 (the “Effective Date”).

(7) I, **Dr. Barnard**, hereby undertake not to apply or re-apply for registration as a physician to practise medicine in Ontario after the Effective Date.

(8) I, **Dr. Barnard**, 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 Ontario 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 Investigations 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. Barnard**, 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.
- (10) I, **Dr. Barnard**, 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".
- (11) I, **Dr. Barnard**, acknowledge that all appendices attached to or referred to in this Undertaking form part of this Undertaking.
- (12) I, **Dr. Barnard**, 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.
- (13) I, **Dr. Barnard**, 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.
- (14) I, **Dr. Barnard**, give my irrevocable consent to the College to make appropriate enquiries of 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.
- (15) ***Public Register***
 - (a) I, **Dr. Barnard**, consent to this Undertaking being posted on the Public Register.
 - (b) I, **Dr. Barnard**, 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. Barnard was referred to the Discipline Committee on allegations that he was found guilty of an offence relevant to his suitability to practise, and that he engaged in disgraceful, dishonourable or unprofessional conduct. College investigations were also conducted into whether Dr. Barnard engaged in professional misconduct and/or was incompetent in his cosmetic and family practice. After the allegations were referred to the Discipline Committee and prior to the hearing, and in the face of the allegations from the College investigations, Dr. Barnard resigned from the

College and has agreed never to apply or re-apply for registration as a physician in Ontario.