

UNDERTAKING, ACKNOWLEDGEMENT AND CONSENT
(“Undertaking”)

of

DR. DONATO ANTHONY RUGGIERO
(“Dr. Ruggiero”)

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. Ruggiero**, certificate of registration number **24397**, received my certificate of registration authorizing independent practice from the College in 1972.
- (3) I, **Dr. Ruggiero**, was thereafter a member of the College until my certificate of registration was revoked by the Discipline Committee of the College, by its order signed October 14, 2016, pursuant to a finding of sexual impropriety with a patient (the “Revocation of my Certificate of Registration”).
- (4) I, **Dr. Ruggiero**, acknowledge that in a Notice of Hearing dated September 9, 2015, May 5, 2016, and February 14, 2017 (the “Notice of Hearing”), the College referred other allegations of professional misconduct against me to the Discipline Committee, namely failing to maintain the standard of practice of the profession, sexual abuse of a patient, and having 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.
- (5) I, **Dr. Ruggiero**, acknowledge that the College also initiated (i) an investigation bearing File Number 7214437 into whether I engaged in professional misconduct and/or am incompetent in my general practice, and (ii) an investigation bearing File Number 7214995 into whether I engaged in professional misconduct in

respect of my submission of claims to the Ontario Health Insurance Plan (together, “the Investigations”).

- (6) I, **Dr. Ruggiero**, acknowledge that there has been no referral to the Discipline Committee in respect of the Investigations and that, after the College receives an original copy of this Undertaking as signed by me as well as the documentation required by paragraph B(11) below, (i) no further action will be taken on the Investigations, and (ii) the allegations set out in the Notice of Hearing will be withdrawn.
- (7) I, **Dr. Ruggiero**, confirm that I have not applied or re-applied for registration as a physician to practise medicine in Ontario or any other jurisdiction after the Revocation of my Certificate of Registration.

B. UNDERTAKING, ACKNOWLEDGEMENT AND CONSENT

- (8) I, **Dr. Ruggiero**, undertake not to apply or re-apply for registration as a physician to practise medicine in Ontario or any other jurisdiction, or to seek reinstatement of my certificate of registration, as of the date I sign this Undertaking (the “Effective Date”).
- (9) I, **Dr. Ruggiero**, agree 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 or reinstatement 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 allegations set out in the Notice of Hearing as well as with the Investigations that were terminated as a result of this Undertaking.
- (10) I, **Dr. Ruggiero**, 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 paragraph B(9) above.
- (11) I, **Dr. Ruggiero**, undertake to withdraw my appeal of the finding of the Discipline Committee that underlay the Revocation of my Certificate of Registration, and to provide documentation of this withdrawal to the College forthwith.
- (12) I, **Dr. Ruggiero**, 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.”

- (13) I, **Dr. Ruggiero**, 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, and shall provide proof to the College of my request within ten (10) days of the date it was sent.
- (14) I, **Dr. Ruggiero**, acknowledge that all appendices attached to or referred to in this Undertaking form part of this Undertaking.
- (15) I, **Dr. Ruggiero**, 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. Ruggiero**, 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. Ruggiero**, 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. Ruggiero**, acknowledge that I have executed the OHIP consent form, attached hereto as Appendix “B” and that the consent forms part of this Undertaking.
- (19) ***Public Register***
 - (a) I, **Dr. Ruggiero**, consent to this Undertaking being posted on the Public Register.
 - (b) I, **Dr. Ruggiero**, 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. Ruggiero's certificate of registration was revoked by the Discipline Committee of the College in respect of sexual impropriety with a patient on October 14, 2016.

In a Notice of Hearing dated September 9, 2015, May 5, 2016, and February 14, 2017, Dr. Ruggiero was referred to discipline on further allegations of professional misconduct, namely failing to maintain the standard of practice of the profession, sexual abuse of a patient, and having 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. Ruggiero engaged in professional misconduct or was incompetent in his general practice and into whether he engaged in professional misconduct regarding his submission of claims to the Ontario Health Insurance Plan.

Prior to these investigations and allegations being resolved, Dr. Ruggiero agreed never to apply or re-apply to practise medicine in Ontario or any other jurisdiction, nor to apply for reinstatement of his certificate of registration.