

**DISCIPLINE COMMITTEE OF THE  
COLLEGE OF OPTOMETRISTS OF ONTARIO**

**B E T W E E N:**

**THE COLLEGE OF OPTOMETRISTS OF ONTARIO**

**-AND-**

**MARG L. COURCHESNE**

**NOTICE OF HEARING**

**THE INQUIRIES, COMPLAINTS, AND REPORTS COMMITTEE OF THE COLLEGE OF OPTOMETRISTS OF ONTARIO** has referred the following allegations about you to the Discipline Committee:

1. You have committed an act or acts of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code* (the “Code”) being Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991 C.18, and defined in the following paragraphs:

With respect to the period of your suspension commencing January 17, 2017:

- (a) You contravened the *Regulated Health Professions Act, 1991*, and paragraph 1.36 of Regulation 119/94 to the *Optometry Act, 1991* in that you continued to practice optometry while your certificate of registration was suspended after January 17, 2017, including by conducting a complete eye examination and issuing a prescription to Patient X on January 20, 2018;
- (b) You contravened a term, condition or limitation on your certificate of registration, in that you failed to submit an annual report to the Registrar for the year 2016, as required by s. 7(1)(b) of Regulation 837/93 to the *Optometry Act, 1991*; and
- (c) You have engaged in conduct or performed acts that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical contrary to paragraph 1.39 of Regulation 119/94 in that you continued to practice optometry while your certificate of registration was under suspension after January 17, 2017, despite having been advised of the suspension at that time.

Particulars of the above allegations are set out in Schedule “A” of this Notice of Hearing.

**TAKE NOTICE THAT THE DISCIPLINE COMMITTEE WILL HOLD A HEARING** pursuant to the provisions of the Health Professions Procedural Code (the “Code”) which is Schedule 2 to the *Regulated Health Professions Act*, 1991, R.S.O. 1991 cs. 18 and the Discipline Committee’s Rules of Procedure (a copy of which is available to you upon request) for the purpose of deciding whether you are guilty of professional misconduct.

**AND FURTHER TAKE NOTICE THAT** a hearing will be held before a panel of the Discipline Committee of the College of Optometrists of Ontario on a date to be set at the Pre-Hearing Conference on the date to be determined at 65 St. Clair Avenue East, Suite 900, Toronto, Ontario.

**AND FURTHER TAKE NOTICE THAT** at the hearing a panel of the Discipline Committee will do the following:

1. Consider the allegations of professional misconduct;
2. Make its findings based exclusively on evidence admitted before it; and
3. Determine whether in respect of the allegations you have committed an act or acts of professional misconduct.

**AND FURTHER TAKE NOTICE THAT** pursuant to subsections 51(2) of the Code, if the Panel finds you guilty of professional misconduct, it may make an order doing one or more of the following:

1. Directing the Registrar to revoke your certificate of registration.
2. Directing the Registrar to suspend your certificate of registration for a specified period of time.
3. Directing the Registrar to impose specified terms, conditions and limitations on your certificate of registration for a specified or indefinite period of time.
4. Requiring you to appear before the panel to be reprimanded.
5. Requirement you to pay a fine of not more than \$35,000 to the Minister of Finance.

**AND FURTHER TAKE NOTICE THAT** pursuant to section 53.1 of the Code if the Panel finds you guilty of professional misconduct the Panel may make an Order requiring you to pay all or part of the College’s legal costs and expenses incurred in investigating this matter and conducting the hearing.

**AND FURTHER TAKE NOTICE THAT** you are entitled to be represented by counsel at the said Hearing and to call witnesses and to adduce evidence in answer to the allegations set out in this Notice of Hearing.

**AND FURTHER TAKE NOTICE THAT** a member whose conduct is being investigated in proceedings before the Discipline Committee is entitled to certain disclosure of evidence pursuant to section 42 of the Code. To facilitate that process, you or your lawyer may contact directly the lawyer for the College of Optometrists of Ontario. The College's lawyer in this matter is:

Andrew M. Porter  
Lenczner Slaght Royce Smith Griffin  
Barristers  
Suite 2600  
130 Adelaide Street West  
Toronto ON M5H 3P5  
Tel: (416) 865-3554  
Fax: (416) 865-3732  
Email: aporter@litigate.com

**AND FURTHER TAKE NOTICE THAT** if you do not attend at the Pre-Hearing Conference on the date above, or on any subsequent date fixed by the Discipline Committee, the panel of the Discipline Committee may proceed in your absence and you will not be entitled to any further notice.

**AND FURTHER TAKE NOTICE** that the College intends to introduce any writings and/or records that were made in the usual and ordinary course of business as business records under section 35 of the *Evidence Act*, R.S.O. 1990, c. E.23, as amended.

DATED at Toronto, Ontario this 25<sup>th</sup> day of October, 2018.

**COLLEGE OF OPTOMETRISTS  
OF ONTARIO**

65 St. Clair Avenue East  
Suite 900  
Toronto ON M4T 2Y3

(Signed)

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**Dr. Paula Garshowitz  
Registrar**

**LENCZNER SLAGHT ROYCE  
SMITH GRIFFIN LLP**

Barristers  
Suite 2600  
130 Adelaide Street West  
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TO: Marg L. Courchesne

**Schedule "A"**

1. Marg Courchesne is a suspended member of the College of Optometrists of Ontario, registration number #8540.
2. Effective January 17, 2017, Marg Courchesne was suspended as a result of her failure to submit an annual report for the year 2016 to the College's Registrar, as required, after which time she was not permitted to practice optometry nor to hold herself out as an optometrist.
3. During this period, Marg Courchesne maintained an active optometry practice at 5291 Lakeshore Road, Burlington, Ontario, L7L 1C7, including by conducting a comprehensive eye exam, communicating a diagnosis, providing a new prescription, and issuing an invoice for optometry services, to Patient X on January 20, 2018, and otherwise without regard for the suspension.
4. From January 17, 2017 through January 2018, despite the suspension, Marg Courchesne held herself out to the public as a member of the College entitled to practice optometry.