

**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

UNDERTAKING & SURRENDER AGREEMENT

TO: COLLEGE OF OPTOMETRISTS OF ONTARIO
65 St. Clair Avenue East
Suite 900
Toronto ON M4T 2Y3

FROM: MARG L. COURCHESNE
5291 Lakeshore Rd.
Burlington ON L7L 1C7

WHEREAS the College commenced an investigation of Ms. Marg L. Courchesne practice pursuant to s. 75(1)(a) of the Health Professions Procedural Code (the "Code");

AND WHEREAS it was the decision of the Inquiries, Complaints and Reports Committee (the "ICRC") to refer specified allegations of professional misconduct in respect of Ms. Courchesne (the "Decision") to the Discipline Committee under section 26(1), paragraph 1 of the *Health Professions Procedural Code*;

AND WHEREAS a Notice of Hearing containing specified allegations was issued on October 25, 2018;

AND WHEREAS the allegations referred to the Discipline Committee were that during the period of Ms. Courchesne's suspension commencing January 17, 2017, Ms. Courchesne had:

- a) contravened the *Regulated Health Professions Act, 1991*, and paragraph 1.36 of Regulation 119/94 to the *Optometry Act, 1991* in that Ms. Courchesne continued to practice optometry while her 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) contravened a term, condition or limitation on your certificate of registration, in that Ms. Courchesne 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) 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 Ms. Courchesne continued to practice optometry while her certificate of registration was under suspension after January 17, 2017, despite having been advised of the suspension at that time.

AND WHEREAS Ms. Courchesne's certificate of registration was automatically revoked on January 17, 2019 upon the expiry of the two-year re-instatement period for non-payment of the 2017 annual fee.

AND WHEREAS the College retains continuing jurisdiction over Ms. Courchesne's conduct referable to the period of the suspension by operation of s. 14(1) and (2) of the *Health Professions Procedural Code*, being Schedule II to the *Regulated Health Professions Act, 1991* SO 1991, c. 18.

AND WHEREAS Ms. Courchesne is desirous of resolving the matter by entering into this Undertaking and Surrender Agreement in order to surrender her Certificate of Registration and to forever withdraw from the practice of optometry in the province of Ontario or in any other jurisdiction in order to avoid having the above-described matters considered by the Discipline Committee in a full and open hearing;

AND WHEREAS Ms. Courchesne acknowledges the accuracy of these recitals;

NOW THEREFORE, in consideration of the College agreeing to stay the outstanding proceedings at this time, and agreeing not to proceed with the discipline proceedings above-referenced, or to seek any of the penalties available to the College under the provision of the Code, including the revocation of Ms. Courchesne's Certificate of Registration, costs and other penalties that could rise following a finding of guilt by the Discipline Committee,

I, Marg L. Courchesne, do hereby covenant, undertake and agree, as follows:

1. To surrender my Certificate of Registration #8540 to the College immediately;
2. To refrain now, and in the future, from practicing and/or holding myself out as an optometrist or any variation thereof, anywhere in the Province of Ontario or in any other jurisdiction;

3. To refrain now, and in the future, from applying for the reinstatement of my Certificate of Registration with the College, or from applying for registration with the College or any other licensing body governing the practice of optometry in the Province of Ontario or in any other jurisdiction;
4. To refrain now, and in the future, from using the restricted title of “Doctor”, “optometrist” or any variation or abbreviation thereof;
5. To take all necessary steps to take down, remove, and otherwise disable the website available at “www.dr margcourchesne.ca”, and any associated or other webpages, advertisements, or publicly available statements which would leave the impression that I engage in the practice of optometry;
6. Pending the completion of the obligation in paragraph 5, above, to modify the content of www.dr margcourchesne.ca to clearly communicate on the welcome page, and otherwise on the website in a clear and prominent manner:
 - (a) that I am no longer practicing Optometry; and
 - (b) details regarding how my former patients can access their patient health record.
7. To take all necessary steps to provide effective and timely access to patient records upon receipt of a request.

IT IS UNDERSTOOD AND AGREED that, should the College receive information that I have failed to abide by any of the terms of this Undertaking and Surrender Agreement, it may conduct further investigations, and/or reactivate the proceedings stayed pursuant to this Undertaking and Surrender Agreement, and/or refer me to the Discipline Committee of the College in respect of any allegations of professional misconduct or incompetence that could arise therefrom, and/or refer me to another panel of the Inquiries, Complaints and Reports Committee in respect of allegations of professional misconduct or incompetence arising out of:

- (i) my failure to abide by any of the terms of this Undertaking/Agreement; and/or
- (ii) the conduct forming the subject of the Inquiries, Complaints and Reports Committee's investigation hereinbefore referred to.

I FURTHER UNDERSTAND AND AGREE that, in the event that the current proceedings are reactivated and/or further proceedings are referred to the Discipline Committee by the Inquiries, Complaints and Reports Committee, in accordance with the immediately preceding paragraph, this signed Undertaking and Surrender Agreement, or a true copy duly certified as such by the Registrar of the College, may be used as evidence and filed as an exhibit before a duly constituted panel of the Discipline Committee.

I, THE UNDERSIGNED, hereby acknowledge that I am signing this document, having read and understood it, of my own free will and without coercion of any kind, and after having the opportunity to seek independent legal advice.

I **FURTHER** understand, and acknowledge that this Undertaking and Surrender Agreement will be published in the College's routine publications, including on the College's website, and that this Undertaking and Surrender Agreement will form part of my history with the College and may be referred to in any future investigation or proceeding.

SIGNED AND WITNESSED, this²² day of March, 2019

SIGNED, SEALED AND DELIVERED

in the presence of

(Signed)

Witness

(Signed)

MARG L. COURCHESNE