

80 COLLEGE STREET, TORONTO, CANADA M5G 2E2

In reply please quote:45040

**PRIVATE AND CONFIDENTIAL**

April 6, 2001

Dr. Terry Polevoy  
105 University Avenue East  
WATERLOO, Ontario N2J 2W1

FILE COPY



THE  
COLLEGE  
OF  
PHYSICIANS  
AND  
SURGEONS  
OF  
ONTARIO

FAX: (416) 961-3330  
TOLL FREE: (800) 268-7096  
TEL: (416) 967-2600

Dear Dr. Polevoy:

Re: Christine McPhee, Jeanne Gagne, Tim Bolen, Sharon Birzvilkis, Todd Gastaldo, Gerald Foye,  
and Julian Winston

I am writing to advise you that the Complaints Committee has now considered the complaint referenced above. A copy of the Committee's written decision and reasons is enclosed.

This letter is your notice, pursuant to subsection 27(c) of the Health Professions Procedural Code, that you may, in accordance with subsection 29(2) of the code, request the Health Professions Appeal and Review Board to review the decision. Should you wish to request such a review, you must do so within 30 days of receipt of this letter. A request for a review must be directed to the Registrar of the Board, whose address and telephone number are:

Registrar  
The Health Professions Appeal and Review Board  
Health Boards Secretariat  
151 Bloor Street West, 9th Floor  
Toronto, Ontario  
M5S 2T5  
(416) 327-8512

The Complaints Committee, having rendered its decision, is not able to consider the matter again, unless directed to do so by the Board.

Yours truly,

James Cranton  
Decisions Administrator  
Complaints Committee Support Area

JFC:ss/Enclosure

80 COLLEGE STREET, TORONTO, CANADA M5G 2E2

Reference: ROC45040

August 25, 2000

**PRIVATE AND CONFIDENTIAL**

Dr. Terry Polevoy  
105 University Avenue East  
Waterloo, ON N2J 2W1



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**FILE COPY**

Dear Dr. Polevoy:

Further to your e-mail requests of August 19, and August 20, I can confirm that the College of Physicians and Surgeons of Ontario has received complaints from the following people:

Christine McPhee	August 16, 2000
Richard Copeland	August 12, 2000
Tim Bolen	August 12, 2000
Craig Zee	August 14, 2000
Gordon Corp	August 14, 2000
Sharon Birzvilkis	August 14, 2000
Jeanne Gagne	August 23, 2000
Todd Gastaldo	August 18, 2000
Gerald Foye	August 20, 2000
Julian Winston	August 21, 2000

Although many of these people have sent the College the same letter, I have enclosed copies of each letter as requested.

These letters will be presented to the Complaints Committee for direction at its next available meeting. The earliest this could occur would be October of this year. You will receive correspondence from the Committee after its review.

Yours very truly,

Maureen Boon  
Manager, Intake/Inquiries  
Investigations and Resolutions  
Direct Line: (416) 967-2607 or 1-800-268-7096, extension 607

**COPY**

**COMPLAINTS COMMITTEE DECISION AND REASONS**

**COMPLAINANTS:** Christine McPhee  
Jeanne Gagne  
Tim Bolen  
Sharon Birzvilkis  
Todd Gastaldo  
Gerald Foye  
Julian Winston

**RESPONDENT:** Dr. Terry Polevoy

**BACKGROUND AND AREAS OF CONCERN**

The complainants in this matter, listed above, have raised a number of concerns regarding the conduct of Dr. Terry Polevoy, Paediatrician. Broadly speaking, these concerns relate to the manner in which Dr. Polevoy has expressed criticism of “alternative medicine” and its proponents. The complainants are concerned that Dr. Polevoy’s “public attacks” on alternative medicine are in breach of various sections of the *Regulated Health Professions Act*. They have, as well, alleged that Dr. Polevoy (i) has stalked Ms McPhee, a former radio talk show host; (ii) operates a hate website in which he characterizes all practitioners of alternative medical treatment as frauds; and (iii) is mentally incompetent. In the view of the complainants, Dr. Polevoy’s comments with respect to alternative medicine are based on falsehood, and devoid of scientific analysis.

This matter was first considered at the Committee’s October 2000 meeting. At this time, the Committee made a preliminary determination, further to subsection 26(4) of Schedule 2 of the *Regulated Health Professions Act*, that this complaint could fairly be described as “frivolous, vexatious, made in bad faith or otherwise an abuse of process.” By way of correspondence dated December 18, 2000, the College advised the complainants of the Committee’s preliminary finding with respect to their complaints as well as its intention to take no action regarding same, and informed them of their right to make further written submissions to the Committee regarding

their complaint.<sup>1</sup> The complainants did not provide any further written submissions with regard to their complaints, and this matter returned to the Committee in February 2001.

### COMMITTEE'S REASONS AND DECISION

Having considered again the complainants' various allegations regarding Dr. Polevoy, the Committee remains of the view that this complaint can fairly be described as "frivolous, vexatious, made in bad faith or otherwise an abuse of process," and for this reason has decided to take no further action with respect to it.

The essence of the complaint that arises through the course of the complainants' correspondence to the College is that Dr. Polevoy has engaged in "virulent, obsessive attacks on proponents of alternative medicine," and in the process been guilty of professional misconduct. The complainants have suggested that Dr. Polevoy operates a "hate" website through which he targets alternative health practitioners, and have expressed concerns over a "campaign" which they say Dr. Polevoy has initiated against Ms McPhee. They have claimed that Dr. Polevoy has "stalked" Ms McPhee, and have suggested further that his behaviour has led them to have concerns as to whether Dr. Polevoy, "in his present mental state, is a danger to the Canadian community."

To fall within the authority of the Complaints Committee, the conduct complained of must generally relate, either directly or indirectly, to the subject physician's practice of medicine and the care he or she provides to his or her patients. In the Committee's view, Dr. Polevoy's expression of personal opinions regarding the shortcomings of alternative medicine does not relate in any way to his own practice of medicine. While the Committee acknowledges that there may be cases in which the conduct of a physician outside his or her own professional practice may be so serious as to bring the profession as a whole into disrepute, it is satisfied that such has not occurred here. This being the case, the Committee is of the opinion that the complaint raised herein does not fall within its jurisdiction, and for that reason will take no further action regarding same.

In the alternative, the Committee has decided that this complaint does not warrant any further action, even if it does fall within its jurisdiction.

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<sup>1</sup> Under the *Regulated Health Professions Act*, a complainant is entitled to make written submissions with respect to his or her complaint and the Committee's stated intention to take no further action regarding same within 30 days of receiving notice of said intent.

Under the *Regulated Health Professions Act*, the Committee has the authority to take no action if it considers a complaint to be frivolous, vexatious, made in bad faith or otherwise an abuse of process. In this instance, it appears to the Committee that Dr. Polevoy is entitled to express his opinions regarding alternative health practices. Whether Dr. Polevoy has defamed anyone in the course of expressing these opinions, as has been suggested in the complainants' correspondence to the College, is a legal question best left for a forum other than that provided by the Complaints Committee. The fact that Dr. Polevoy -- whether in "disguise" or not -- may have attended public meetings or presentations organized by alternative health practitioners does not constitute "stalking," and certainly there is nothing before the Committee which would lead to the supposition that Dr. Polevoy is mentally unstable and/or a threat to the community.

In light of the foregoing, the Committee can see no justification for proceeding with an investigation of the within complaint against Dr. Polevoy, and indeed is of the view that this complaint can fairly be described as "frivolous, vexatious, made in bad faith or otherwise an abuse of process."

#### DISPOSITION

For the reasons set out above, no action will be taken with respect to this matter.

A handwritten signature in black ink, appearing to read "D.M.C. Walker". The signature is fluid and cursive, with a large initial "D" and "W".

D.M.C. Walker, M.D., Chairman

PANEL MEMBERS: February 15, 2001

D.M.C. WALKER, MD - Chair, Complaints Committee  
O.J. MANDEL, MD  
MR. G. DEMERY - Public Member