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Patients take Ontario medical regulator to Court for unlawful power grab

Toronto, Ontario, CANADA – Patients of an Ontario physician filed a legal challenge against the College of Physicians and Surgeons of Ontario (“CPSO”) for unlawful investigation against their family doctor and unconstitutional demand for their medical records in Toronto. The Patients object to the release of their personal information because the investigation and demand for records is based on a third-party non-patient complaining about a mask exemption written by the doctor for two child patients. Court documents claim both the CPSO investigation and the demand for medical records is without lawful authority, an abuse of power, and the patients want their day in Court to challenge it.

The Patients filed an application for judicial review of the CPSO orders in Ontario Divisional Court in October 2022. Their court file states CPSO does not have the legal justification, or the “reasonable and probable grounds” required to even begin an investigation of this nature. If there is no valid investigation, then the demand for records is also unlawful and violates their *Charter* right to privacy against unlawful seizure. The CPSO claims the doctor’s mask exemption to two little girls from “COVID 19 mask mandate” is misconduct and/or incompetence. The doctor must hand over medical records of *all* her patients now or face discipline.

The complaint about the girls was *not* made by a patient, or even another doctor, but by a third-party interloper. The girls’ parents and over one hundred of the doctor’s patients object to the release of their private, sensitive, and personal information on this flimsy basis as an unlawful search and seizure. In December, 2022, the CPSO filed a motion to block the patients from going to Court. In its materials, the CPSO claims that neither the public, nor a doctor’s patients, can legally challenge how it uses its powers. This would make the CPSO unaccountable! The CPSO shockingly claims that patients should not have any say about *their own* medical records, or how the CPSO wants to use that information, including their names and personal details that have nothing to do with the doctor’s practice. It claims the doctor must succumb to the “unfettered” power of the CPSO to all information about her patients or lose her licence. The Patients filed their objection in January 2023 and the case is scheduled to be heard on **March 30, 2023 at 10:00 A.M. at 130 Queen Street West, Toronto’s Osgoode Hall.**

A patient named in case, Leslie Peel, says “This case transcends individual decisions or beliefs about the pandemic, masking, lockdowns, or vaccinations that have divided society. It is a case about the privacy of our health and personal information. *Our challenge affects all Canadians.* I think that most people would be shocked to realise that, right now, their medical records are not safe with their doctor.” Another patient, asks the question “Who is regulating the regulator if the Courts do not allow us to?” The lawyer for the patients, Rocco Galati, states “This is an *unprecedented* attack on the sanctity and privacy of the doctor-patient relationship and the right to privacy of personal and health information in

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Canada. Medical regulatory overreach must be subject to judicial scrutiny by the Courts. The Rule of Law requires it.”

**PRESS CONFERENCE WILL BE HELD ON
MARCH 27, 2023 - 11:00 A.M. – 1062 COLLEGE ST. TORONTO**

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