



In reply please quote: 59371

**PRIVATE AND CONFIDENTIAL**

August 30, 2006

Dr. Terry A. Polevoy  
938 King Street West  
Kitchener, ON N2G 1G4

Dear Dr. Polevoy:

**Re: Mr. William O'Neill**

I am writing to advise you that the Complaints Committee of the College of Physicians and Surgeons of Ontario has now considered the complaint referenced above. A copy of the Committee's decision is enclosed. Please accept my apologies for your lengthy wait to receive these materials.

If you do not agree with the decision, you can request that it be reviewed by the Health Professions Appeal and Review Board (HPARB). HPARB, a body created by the government of Ontario, is entirely independent and separate from the College. **Your request for a review must be made directly to HPARB, and not to the College.** It should be addressed as follows:

Attention: Abby Katz Starr, Registrar  
The Health Professions Appeal and Review Board  
151 Bloor Street West, 9th Floor  
Toronto, ON M5S 2T5  
Tel: (416) 327-8512 or Fax: (416) 327-8524

Please note that your right to ask for a review expires 30 days after the date you receive this letter.

Should this matter be appealed by either party to the decision, HPARB will contact the College to confirm your address. We will advise them that you may be contacted at the address noted above. If you have any concerns in this regard, please let us know as soon as possible.

Yours truly,

Angela Bates  
Manager  
Complaints Committee Support  
Investigations and Resolutions

AB/ss

encl.

## COMPLAINTS COMMITTEE DECISION AND REASONS

**COMPLAINANT:** Mr. William O'Neill

**RESPONDENT:** Dr. Terry Polevoy

### BACKGROUND AND AREAS OF CONCERN

Mr. William O'Neill is the CEO of Canadian Cancer Research Group (CCRG). Dr. Terry Polevoy is a Paediatrician practicing in Ontario. There is no doctor-patient relationship between the parties.

#### Areas of Concern

Mr. O'Neill asserts that Dr. Polevoy:

- has engaged in obsessive harassment of him for the past 10 years;
- has made vexatious and false complaints to provincial/federal regulators, broadcasters, journalists, healthcare providers and consumers;
- has acted in contravention of the Medical Privacy Laws; and
- had engaged in professional misrepresentation.

### INVESTIGATION

The materials obtained by the Committee in its investigation of this matter included the following:

- letter of complaint from Mr. O'Neill (with enclosures)
- memorandum of telephone conversation with Mr. O'Neill and Dr. O'Shea, dated February 9, 2006
- memorandum of telephone message from Dr. Polevoy, dated March 1, 2006
- memorandum of telephone conversation with Dr. Polevoy, dated March 1, 2006
- response from Dr. Polevoy

- further correspondence from Mr. O'Neill

### REVIEW OF INFORMATION RELATING TO COMPLAINT

Mr. O'Neill asserted that he had been the subject of "obsessive harassment" by Dr. Polevoy for the better part of 10 years, which had included "stalking, death threats, libel, defamation, slander and interference in [his] economic livelihood". He stated that Dr. Polevoy had been party to "vexatious and false" complaints to provincial and federal regulators, broadcasters, journalists, and healthcare providers and consumers. He maintained that Dr. Polevoy obtained and distributed private medical information without the appropriate consents, and that he "misrepresents his interests, abilities, qualifications, specialties and expertise as a physician through various internet activities and sites that are designed to create a sense of doubt, suspicion, misinformation and prejudice amongst healthcare consumers, regulators and providers, when there are grounds for none".

Mr. O'Neill provided enclosures that he claimed support his allegations. They included:

- an email from a journalist to a CCRG patient which Mr. O'Neill stated indicated that the journalist had received private medical information from Dr. Polevoy when there was no consent for Dr. Polevoy to obtain or release this information<sup>1</sup>
- information from a website, to which Mr. O'Neill stated that Dr. Polevoy regularly posted comments, which he alleged demonstrated Dr. Polevoy's public presentation as a physician and which included a death threat by Dr. Polevoy<sup>2</sup>
- information from discussion groups on the internet which Mr. O'Neill asserts demonstrate, Dr. Polevoy's unprofessional manner and his obsession with Mr. O'Neill and CCRG

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<sup>1</sup> In the email, the journalist addressed the patients by their first names, and stated that he was not provided with their last name.

<sup>2</sup> There are postings in the website information provided which raise questions as to whether or not postings are being made by a third party using Dr. Polevoy's name. Included in the postings is one that states as follows: "I've had just about enough of you O'Neill. I can kill you or have you killed! Dr. Terry Polevoy 938 King St. West Kitchener, Ontario N2G 1G4 1.519.725.2263"

- information from a web log or blog that Mr. O'Neill states is operated by Dr. Polevoy, and which he asserts contains libellous information and the disclosure of private medical information without consent
- information authored by Dr. Polevoy which, Mr. O'Neill asserts, illustrates the degree and extent of his obsession with discrediting Mr. O'Neill and misinforming the public
- information from Dr. Polevoy's website in which Mr. O'Neill asserts Dr. Polevoy is claiming to be qualified in areas of medicine for which he does not possess the requisite academics or expertise

In a subsequent telephone conversation with the College's Investigator (in which Mr. O'Neill's colleague Dr. O'Shea also took part), Mr. O'Neill stated that he was looking for assistance from the College to stop Dr. Polevoy from "bullying them about their practice at CCRG", and that he also wanted an apology from Dr. Polevoy.

When advised of the complaint by Mr. O'Neill, Dr. Polevoy telephoned the College's Investigator on March 1, 2006 and left a message expressing his displeasure with the fact that the College was investigating the complaint, which he saw as an abuse of process on the part of Mr. O'Neill. In a conversation with the College' Investigator later that day, Dr. Polevoy advised that he was upset by the College's investigation of Mr. O'Neill's complaint and that the information provided by Mr. O'Neill was all "lies and forgery", and indicated that he would not be providing a letter of response.

Dr. Polevoy did in fact provide a written response to Mr. O'Neill's complaint, dated March 2, 2006. He pointed out that Mr. O'Neill had filed a previous complaint with the College regarding his website, which had been closed in August 2005. He commented that Mr. O'Neill is a "deranged megalomaniac and scam artist who has been exposed as a vile and malicious individual for years". He asserted that Mr. O'Neill and his associates had been exposed on CTV's W-5 on January 28 and 29, 2006 after an undercover investigation.

Dr. Polevoy asserted that the statements made by Mr. O'Neill in his letter of complaint were false. He noted that he did not in fact learn about Mr. O'Neill until he saw a story about one of his patients in the spring of 1999. He alleged that Mr. O'Neill has made various false claims and misrepresentations about the treatment being provided at CCRG, and that his practices have been criticized by health professionals other than himself.

With respect to the allegations of harassment made by Mr. O'Neill, Dr. Polevoy stated that they are "baseless lies". He maintained that Mr. O'Neill has forged websites to make it appear that he

is making libellous statements, and stated that he had been the victim of private and public attacks by Mr. O'Neill for many years. He expressed the opinion that Mr. O'Neill was a "liar" who takes advantage of individuals through fraudulent practices, and urged the College to take actions to protect the public by investigating his clinic.

In reply, Mr. O'Neill stated that it was his belief that Dr. Polevoy's actions were unbecoming of the medical profession and breached the College's regulations guiding the medical profession. He felt that Dr. Polevoy's response failed to factually deal with the issues raised in his complaint, and only strengthened his argument that Dr. Polevoy was engaged in the harassment of himself and CCRG.

#### **COMMITTEE'S ANALYSIS AND CONCLUSIONS**

The Committee is of the view that the underlying issue being raised in this matter is essentially a debate between the parties regarding the practices of CCRG. Differences of opinion and approach can and certainly do occur between professionals, and the Committee does not necessarily find the expression of such differences to be inappropriate. In the present case, it would appear that the statements that can definitively be attributed to Dr. Polevoy from the various documentation before the Committee were motivated by a sincere desire to protect the public, and while the statements were perhaps somewhat forceful at times, we are not of the opinion that they were made in a manner which could be said to bring the profession into disrepute. There is obvious disagreement between the parties as to the authorship of many of the comments included in the website materials provided by Mr. O'Neill, and the Committee is certainly not in a position to determine definitively whether Dr. Polevoy is in fact responsible for a number of the statements being attributed to him.

Mr. O'Neill asserts that Dr. Polevoy has engaged in various forms of harassment of him for many years, including making written death threats against him. As stated above, the Committee is of the opinion that Dr. Polevoy has the right to voice his opinion about the treatment and services being offered by CCRG and Mr. O'Neill, and we do not consider it our role to determine the point at which his expression of that opinion constitutes "harassment". While it is evident that Mr. O'Neill finds Dr. Polevoy's opinions to be distressing, this does not mean that his conduct in making his comments has been unprofessional. With respect to the allegations that Dr. Polevoy's conduct has included stalking and death threats, the Committee has before it little more than the bald allegations on the part of Mr. O'Neill (together with a written comment on a website which cannot be clearly attributed to Dr. Polevoy), and we would point out that if Mr. O'Neill feels that he has evidence supporting such allegations, it would be more appropriate for him to contact the police for further investigation into such matters.

Similarly, if Mr. O'Neill believes that his reputation has been negatively affected by the actions of Dr. Polevoy, there are legal remedies available to him through the court process that he is free to pursue. As noted above, the Committee does not feel that the comments made by Dr. Polevoy in this case were of such a nature that they could be said to have brought the profession into disrepute.

While Mr. O'Neill believes that Dr. Polevoy, through his various publications, has violated patient confidentiality, the Committee finds no evidence to suggest that Dr. Polevoy has violated any privacy laws. It is clear that Dr. Polevoy did not release identifying information (ie the full patient names) of CCRG patients to the media interviewer, and it would appear that his references to patients on his website relate to cases that had received considerable media attention and did not divulge information that was not already part of the public domain.

Finally, there is no indication in the materials before the Committee from which we could conclude that Dr. Polevoy has misrepresented his qualifications, or improperly claimed a particular level of expertise in any specific area of practice.

In the circumstances of this case, the Committee does not feel that any further action is warranted against Dr. Polevoy.

#### DISPOSITION

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



PANEL MEMBERS: June 2006

G.H. BOND, MD - Co-Chair, Complaints Committee

C. LEET, MD - Co-Chair, Complaints Committee

MS. S. SUTHERLAND - Public Member