Bittersweet victory for CMA past president

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Those 8 brief words, which summed up the decision of the Yukon Court of Appeal decision in a case involving CMA Past President Allon Reddoch, came as a great relief for the Whitehorse physician, even if it took 5 years for them to be written. In essence, the December ruling dismissed the notion that Reddoch had been guilty of unprofessional conduct, the charge that had been levelled successfully against him by the Yukon Medical Council (YMC).

“There is some sense of vindication that the truth has finally come out,” Reddoch told CMAJ. “The information was all available years ago, yet I was held up as not being credible. And that was devastating to me.”

In 1998 the YMC, the territory’s regulatory body, ruled that Reddoch had failed “to take appropriate steps in the management, treatment and care” of Mary-Ann Grennan. The 16-year-old girl had been admitted to the Whitehorse General Hospital in September 1995 with what medical staff thought was food poisoning caused by smoked fish. She slipped into a coma 3 days later after experiencing respiratory failure secondary to Clostridium botulinum poisoning. She died in April 1996.

The YMC allowed that botulism is rare — this was the first case recorded in the Yukon — but decided that Reddoch had “failed to apply requisite skill and knowledge” and relied too heavily on the “focus and misadvice of other physicians and nursing staff.”

Reddoch denied the charges, and in December the court agreed with him. “What I do say is that when the issue is one of a failure of reasonable care, the conduct of the physician in order to constitute unprofessional conduct must have about it some quality of blantancy — some cavalier disregard for the patient and the patient’s well-being,” wrote Madam Justice Mary Southin. “There was no blatant disregard in this case.”

The case hinged on the definition of “unprofessional conduct” in the Yukon’s Medical Profession Act. “The critical issue,” wrote Southin, “is whether the words ‘unprofessional conduct’ encom-