

After 6 years, vindication for CMA past president

Allon Reddoch's long legal ordeal appears to be over.

On Dec. 13, the Court of Appeal for the Yukon Territory overturned an earlier decision and found that the CMA past president and the Whitehorse General Hospital were not negligent in their care of Mary-Ann Grennan. The 16-year-old Yukon woman died of botulism in 1995 after eating smoked fish.

"This should be the end," Reddoch, a family physician, told *CMAJ*. "I'm pleased, obviously, but I'm really disappointed it's taken this long."

In February 2001, a Yukon Supreme Court judge awarded more than \$140 000



Reddoch: a 6-year trial

to the Grennan family following a civil action against Reddoch and the Whitehorse General Hospital. That court decided that Reddoch should have conducted further investigations, considered alternatives and perhaps consulted specialists. The decision was appealed by Reddoch and the hospital, and the December ruling means the monetary award is now void.

In a written judgement (www.courts.gov.bc.ca/jdb-txt/ca/02/yk/2002ykca0017.htm), Mr. Justice John Hall found that Reddoch was "not ... negligent in his care of Ms. Grennan."

Hall stated that the trial judge "fell into the type of error in approach ... namely, reviewing the events of September 10 and 11, 1995 with the considerable benefit of hindsight and failing to have sufficient regard to the actual situation then faced by [Reddoch]. This [the first case of *Clostridium botulinum* poisoning recorded in the Yukon] was not an obvious potential emergency case."

Hall found the trial judge erred by relying too much on the findings of the Yukon Medical Council (YMC) and on the expert testimony of Dr. Paul Assad. Assad said Grennan had ocular symptoms that point to botulism, but Hall said there was no evidence of that.

Grennan was admitted to the Whitehorse General with what medical staff thought was food poisoning caused by smoked fish. After her death, the YMC decided that Reddoch had been guilty of

unprofessional conduct. The ruling came as he was to assume the CMA presidency in 1998.

Reddoch, 53, was cleared of that charge by the Yukon Court of Appeal in December 2001 (*CMAJ* 2002;166[2]:227).

Reddoch says the 6-year legal battle changed his life. He closed his family practice in August 2001 and is now a medical adviser with the Yukon Workers' Compensation Board. He says his biggest disappointment was missing the opportunity during his presidency to speak out about issues confronting rural and remote physicians and the Aboriginal population. He says he "dropped off the end of the earth" after the YMC released its findings.

Yukon ombudsman Hank Moorlag is studying the process the YMC used in its investigation. "They found me guilty before the inquiry happened," says Reddoch.

Reddoch remains livid about his treatment by the YMC, but has agreed to help its new registrar. "Ultimately, [my case] will have a positive impact."

Reddoch also hopes to use his experiences to help other physicians, particularly young ones, break the cult of secrecy surrounding malpractice litigation. "I don't think physicians know the toll these processes can take, and that's sad."

The Canadian Medical Protective Association had told Reddoch not to discuss his case with anyone. "I think that's wrong. You need the support of colleagues." — *Barbara Sibbald, CMAJ*

Fight for Ottawa's money will be fierce

Given the competing demands for federal dollars to reform health care, refurbish the military and implement the Kyoto protocol, many observers say Ottawa's much-ballyhooed national innovation strategy (www.innovationstrategy.gc.ca/) has little chance of surviving the upcoming political stickwork.

Nevertheless, Industry Minister Allan Rock remains optimistic that he will be able to convince his cabinet colleagues about the value of the strategy, which is supposed to double Canadian investment in R&D by 2010. And he thinks they will place a healthy measure of financial muscle behind the innovation

blueprint, which is now assuming final form after being scrutinized by 500 delegates at November's National Summit on Innovation and Learning. "We have momentum to maintain," Rock told *CMAJ*, and cabinet will climb aboard because "the innovation strategy is the centrepiece of our economic policy."

Well, maybe.

The blueprint, which will now be refined to reflect priorities identified during the summit, will be presented to cabinet this winter. The 17 priorities culled from a list of 70 possibilities generally focused on improving industrial innovation and competitiveness — one example is a

proposal to focus economic development initiatives around specific industries. Other recommendations included developing a national plan to improve the process for recognizing the credentials of foreign-trained workers and increasing funding for university-based research.

In other summit developments, Health Minister Anne McLellan told delegates that Ottawa will unveil a streamlined regulatory framework for drug approvals early in the new year that will allow Canadians faster access to recently developed drugs, while simultaneously improving the climate for pharmaceutical research. — *Wayne Kondro, Ottawa*