



October 12, 2007

Delivered

The Honourable Mr. Justice Goudge, Commissioner
Inquiry into Pediatric Forensic Pathology in Ontario
180 Dundas Street West, 22nd Floor
Toronto ON M5G 1Z8

Your Honour:

Re: College of Physicians and Surgeons of Ontario Request for Standing at the Inquiry

The College of Physician and Surgeons of Ontario (“CPSO”) respectfully requests that it be granted standing to participate in this inquiry.

The CPSO is the self-regulating body for the medical profession in the Province of Ontario. It regulates the practice of medicine to protect and serve the public interest by, among other things, issuing certificates of registration to doctors, monitoring and maintaining standards of practice through peer assessment and remediation, investigating complaints against doctors on behalf of the public and disciplining doctors who may have committed an act of professional misconduct or incompetence.

There exists a relationship between the Office of the Chief Coroner for Ontario (“OCCO”) (the body for whom most pediatric forensic pathology in Ontario is conducted) and the CPSO in that OCCO affiliated coroners and pathologists are also medical doctors regulated by the CPSO.

Pursuant to the Order in Council of April 27, 2007, the Commission is mandated to conduct a systemic review and assessment and report on:

- (a) the policies, procedures, practices, accountability and oversight mechanisms, quality control measures and institutional arrangements of pediatric forensic pathology in Ontario from 1981 to 2001 as they relate to its practice and use in investigations and criminal proceedings;

- (b) the legislative and regulatory provisions in existence that related to, or had implications for, the practice of pediatric forensic pathology in Ontario between 1981 to 2001; and
- (c) any changes to the items referenced in the above two paragraphs, subsequent to 2001

in order to make recommendations to restore and enhance public confidence in pediatric forensic pathology in Ontario and its future use in investigations and criminal proceedings.

It is respectfully submitted that the Commission's mandated review, assessment and report on the above items, in particular those in subparagraph (a) above, are relevant to the CPSO in its role as the self-regulating body for the medical profession in Ontario.

The CPSO's role in this inquiry was acknowledged by you in your ruling on the CPSO motion for direction regarding the summons issued September 17, 2007 to the CPSO Registrar, as follows:

“Oversight by CPSO through its complaints process of Dr. Smith's expertise as a pathologist, albeit in non-forensic cases, must therefore be part of the Commission's evaluation of one of the oversight mechanisms of pediatric forensic pathology.”

Commission counsel, in its submissions on that motion, stated as follows:

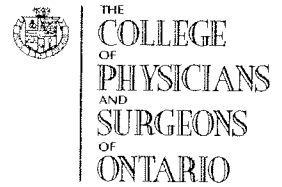
In our view, it is self evident that The College of Physicians and Surgeons, which regulates the conduct and competence of physicians in this province and is, therefore, one (1) of the accountability and oversight mechanisms that you must assess in order to fulfill your mandate.

Pathologists and the subset of pediatric pathologists and the subset of Forensic pathologists and, indeed, the smallest subsetted of all, of pediatric forensic pathologists are all physicians whose competence and conduct falls broadly within the regulatory mandate and jurisdiction of the CPSO.

...

So what we envisage, Commissioner, is that your Inquiry will look at the way in which various oversight mechanisms and accountability mechanisms in Ontario operated, including the Office of the Chief Coroner, including the Hospital for Sick Children, and including The College of Physicians and Surgeons and it will up to you, sir, to determine whether the manner in which they fulfilled their oversight was up to the standard that is needed to restore confidence in pediatric forensic pathology in Ontario.

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In light of the foregoing, the CPSO respectfully submits that it has a substantial and direct interest in the subject matter of the inquiry and requests standing to participate therein.

Yours very truly,

A handwritten signature in black ink that reads "Carolyn Silver". The signature is written in a cursive style.

Carolyn Silver

CS/mg

cc Robert Centa