

# Toronto lawyer unhappy with Oak Ridge policy

Confidentiality of patient records is causing a hot debate that has finally gone to the Supreme Court of Canada for a decision.

Ronald Maines, a Toronto lawyer, has been

representing patients at the Oak Ridge Mental Health Center, for a number of years, and he says he's not being given enough access to patient records by the MHC administrators. Accord-

ing to Mr. Maines, a lawyer cannot properly represent his client without access to his client's background records — in this case records kept by staff of the MHC.

According to Les Moricz, MHC administrator, the MHC must use its discretion about releasing patient information because certain information contained in the records

could be detrimental to the patient and other parties should they find out about it.

"Often the records concern more than one patient," Mr. Moricz explained, "and much information cannot be released to anyone but a medical authority."

According to Mr. Maines however, as long as it is in the best interest of the patient, information should be available to a lawyer.

"The policy of the MHC since 1976 has been that a lawyer doesn't have direct access to the patient records — neither does the lawyers medical appointee — such as a psychiatrist," Mr. Maines said.

The problem came to a head when Mr. Maines felt that he needed all the information on a patient for the annual advisory review board hearing.

The advisory review board meets annually, and during these hearings, patients may be re-evaluated as to the state of their mental health. For patients of the MHC, the advisory review board is the only possibility of being released from the Center.

If the advisory review board recommends that a patient be released, or moved to another treatment setting such as a minimum security institution, the government almost always follows that recommendation. Without the advisory review board, patients of the MHC remain there for life.

Denied information When Mr. Maines requested the records of a patient for the board hearing, he claims he was denied. A representative of the lawyer came to Penetanguishene and met

with MHC administrators, and he also was denied the information he wanted.

The representative was told by one administrator that "patients didn't need a lawyer, and that lawyers didn't serve the best interests of the patient."

When the advisory review board met, Mr. Maines requested an adjournment because he didn't have the information he felt he needed to represent his client properly.

The board refused the adjournment on the basis that since it only met once a year, there wasn't time to adjourn and meet again at a later date.

There is no provision for giving complete access to records to a lawyer representing an MHC patient.

Mr. Moricz says that the Mental Hospitals Act states the hospital may use its discretion when releasing information regarding patients.

If the information is relevant, and will not be harmful to anyone, the MHC will release information from patient records.

Will not release actual records "There is not, never has been and if my mind is correct, never will be, a policy of releasing the entire patient records to lawyers," Mr. Moricz said.

Another section of the Mental Hospitals Act states that the officer in charge (of the hospital) will release any and all patient information when

ordered by a court of law. Mr. Maines hopes that the Supreme Court will rule in his favour, and order the MHC to release the information he feels he needs.

Dr. Barry Boyd, head medical officer at the MHC feels that there is only one basic disagreement between Mr. Maines and the Center administrators.

"Mr. Maines is trying to prove a point of law — that a lawyer is entitled to patient files. A lawyer — or a patient — is not automatically entitled to see patient files," Dr.

Boyd said. While he doesn't agree with Mr. Maines completely, Dr. Boyd says that MHC policy is to release information from patient files that are definitely in the best interests of the patient.

"If you ask Mr. Maines, he will be hard pressed to say that we haven't cooperated as far as giving information to him. We're only concerned about the patient," Dr. Boyd said.



Runaway

A riderless snowmobile caused extensive damage to a garage door on Champlain Road last Sunday. The driver of the machine, Colleen Keenan of Richmond Hill, apparently lost control of the snowmobile when the throttle became stuck. She abandoned the machine and it continued on its way, until it eventually hit the

garage belonging to John Hercia. Damage to the machine is estimated at \$50, and to the garage door, \$300. The owner of the snowmobile, Andrew Keenan, has been charged by the OPP under the Motorized Snow Vehicle Act.

Staff photo

## Police report few accidents

Penetanguishene drivers are taking care according to recent police statistics on accidents.

Only one accident was reported to police in the last week — and that was a minor one.

That accident took place on Jan. 21 at 1 p.m. Victor Belcourt, Penetanguishene, was

travelling north on Main Street when he attempted to make a right turn into the old post office parking lot.

He slid into a parked car, owned by Roland Desroches of Midland. No charges were laid in that accident.

Damage to the Belcourt car was \$20, and to the Desroches car, \$350.

## McCullough elected president of School Trustees Association

John McCullough, the chairman of the Area Three Committee of the Simcoe County School Board and school board trustee was elected Saturday as the president of the Ontario Public School Trustee's Association.

For the next year, Mr. McCullough will head the largest single trustee's association in the province, an association which is influential in the establishing of policies for school boards across the province, and which speaks to the government on behalf of school boards.

Mr. McCullough's election took place at the association's annual meeting in Toronto. He defeated Dwayne Dickson of the Renfrew School Board for the post.

He says his election was an "exciting experience", and that he looks forward to the duties which lie ahead of him.

"I am very pleased at being elected — it's quite an honour. It's going to be a real challenge, especially with things like financial restrictions, declining enrolments, and teacher surpluses to deal with," Mr. McCullough commented.

He explained that the Public School Trustees Association is an organization based in Toronto. Although other

trustees associations exist, like the separate school trustees and the northern Ontario trustees, the Public School Trustees Association is by far the largest in the province.

Besides playing a policy formulation role, Mr. McCullough said, the association also performs other school board related tasks. For instance, it operates a data research centre for salary negotiations and is at present preparing a submission to the Jackson Commission on declining enrolments.

As the association's president Mr. McCullough will have considerable contact with the Minister of Education, presenting its position concerning various matters of education in the province. He says that the association's executive, of which he is now a member, will meet every three or four weeks in Toronto.

Mr. McCullough said that although his new position will entail a considerable amount of work beyond his already busy school board and personal schedules, he is looking forward to assuming the duties of the association's presidency, and feels that he has assumed the post at an important time in the

history of Ontario education.

"It's a time when we all have to work together

with all the sectors involved in education. I'm looking forward to the challenge," he remarked.

## Centre d'activités françaises

télé: 549-8594 Penetanguishene



Danse de la fête de la St-Valentin: Les comités des garderies "Les petits anges" de Penetanguishene et les bambins de Lafontaine organisent une danse de la fête St-Valentin, samedi, le 11 février à la salle paroissiale de Lafontaine avec l'orchestre "The Apollos". Le prix d'entrée est \$8.00 du couple. Les billets sont en vente au Centre ou des professeurs des garderies. Un goûter sera servi.

Les 24 et 25 février: Carnaval d'hiver "Winterama". Le Centre sera transformé en un restaurant. De 10h00 à 4h00 repas chaud servi à la canadienne — soupe aux pois, tourtières, beignes, café ou thé avec musique "live".

Disqu'o-Centre: Ici vous trouverez une très bonne sélection de disques. Si nous avons pas le disque que vous désirez, il nous fera plaisir de le commander.

Reunion annuelle: Une invitation à tous à la réunion annuelle du Centre d'activités françaises à 8h00 p.m. le 13 février, 1978.

## Wyevale couple announce birth

Mr. and Mrs. William Trew Jr. of R.R. 1 Wyevale are the proud parents of a baby boy born on Thursday, January 19 at Penetanguishene General Hospital.

A baby boy was also born on January 17 to Mr. and Mrs. Michael Cadeau of R.R. 3, Penetanguishene.

Club Court in Penetanguishene announce the birth of a baby girl on Tuesday, January 17 born at PGH.

A baby boy was also born on January 17 to Mr. and Mrs. Michael Cadeau of R.R. 3, Penetanguishene.

## Mrs. Irene Watson

A service was held for Mrs. Irene Watson on January 3, 1978 at the Beausoleil Funeral Home in Penetanguishene.

Mrs. Watson was born on November 9, 1900 in Penetanguishene and died at the General Hospital here, on January 1st following a brief illness.

Reverend Robert Sinclair conducted the service.

Irene Watson lived in Penetanguishene most of her life. The last few

years her residence had been in Gloucester Pool.

Mrs. Watson is survived by a daughter, Mrs. Renee Gallagher of Leamington, and grandsons William and Michael Cosgrove. Also survived by sisters, Mrs. Edna Williams of Midland, Miss Ellen Cosgrove and Mrs. Agnes Nosworthy, both of Toronto.

Pre-deceased by husbands W.H. George and Harry Watson and Parents Thomas Cosgrove and Amelia Bellrose.

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