

ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE REGIONAL
SENIOR JUSTICE HACKLAND

on Thursday, the 22nd day
OF MAY, 2014

B E T W E E N:

COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO

- and -

Applicant

EVE STEWART

Respondent

ORDER

ON READING the Application Record, Factum and Brief of Authorities of the Applicant, and the Consent of the parties, filed,

1. THIS COURT ORDERS that:

- i) Eve Stewart, her employees, servants, agents or any person acting in association with her or under her instructions must comply with sections 27 and 30 of the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18, and in particular to permanently refrain from:
 - a) performing controlled acts as set out in section 27(2) of the *Regulated Health Professions Act, 1990*, S.O. 1991, c. 18, and section 4 of the *Medicine Act, 1991*, S.O. 1991, c. 30, including but not limited to:
 - communicating to the individual or his or her representative a diagnosis identifying a disease or disorder as the cause of symptoms of the individual

in circumstances in which it is reasonably foreseeable that the individual or his or her personal representative will rely on the diagnosis;

- performing a procedure on tissue below the dermis, below the surface or the mucus membrane;
- setting or casting a fracture of a bone or a dislocation of a joint;
- administering a substance by inhalation;
- putting an instrument, hand or finger beyond the external ear canal, beyond the point in the nasal passages where they normally narrow, beyond the larynx, beyond the opening of the urethra, beyond the labia majora, beyond the anal verge, or into an artificial opening into the body;

b) administering a substance by injection, unless receiving written confirmation from the College of Physicians and Surgeons of Ontario that she is in compliance with Section 27(1) of the Regulated Health Professions Act, 1991, S.O. 1991, c. 18, having regard to any College policies and/or applicable regulations in effect at the relevant time with respect to delegation of controlled acts, which written confirmation shall not be unreasonably withheld; and,

c) treating or advising a person with respect to his or her health in circumstances in which it is reasonably foreseeable that serious bodily harm may result from the treatment or advice or from an omission from them. *and otherwise*

2. THIS COURT FURTHER ORDERS that this Application is dismissed with costs payable to the Applicant in the amount of \$1,100.00.

3. THIS ORDER bears interest at the postjudgment interest rate of 3.0% (three per cent) per annum, effective from the date of this Order.

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| ON/LE MAY 22 2014 | |
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Hochholz J.

CPSO
Applicant

v. EVE STEWART
Respondent

Court File No: 14-60663

ONTARIO
SUPERIOR COURT OF JUSTICE
(Proceedings commenced at Toronto)
OTTAWA

ORDER

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