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February 13, 2012

Ajax/ Pickering General Hospital/ Rouge Valley Health System
580 Harwood Ave. S.
Ajax, ON
L1S 2J4

Attention: Mr. Rik Ganderton, President and CEO, Rouge Valley Health System

Dear Sir:

Re: Arthur Hippe, whose Attorney for personal care and property is Marilyn Nelson
File No.: 227354

We have been consulted by Marilyn Nelson, the holder of valid and legal Powers of Attorney for personal care and property of your inmate/patient Arthur Hippe, who resides normally at [REDACTED], Pickering, ON, [REDACTED]. We enclose her specific request and authorization that Mills and Mills write this letter to you.

You already have those Power of Attorney documents on file, according to your Rouge Valley Health System, April 14, 2011 letter to Marilyn Nelson from Michelle Springer, BSWRSW social worker, continuing complex care and rehab.

Marilyn Nelson feels ignored by your Hospital in her capacity as Attorney for Arthur Hippe and we therefore submit several testimonials from people who know her, attesting to her good character, reliability, credibility and dedication. Please read in particular, that of Mr. James Woewoda, which is included.

We enclose a copy of a Borden Ladner Gervais Law Firm letter of June 22, 2011 to Mr. Michael Blakely at the Consent and Capacity Board in Toronto, confirming that on behalf of Doctor Carmen Price of your hospital, they were withdrawing a Form G Application and stating that it is the intention of Dr. Price and the team to continue to try to work with the substitute decision maker for Mr. Hippe, Misspelled Hippee, Ms. Nelson, with respect to his current and proposed plans of treatment.

As you may see from the January, 2012 "to whom it may concern" document enclosed, written by Marilyn Nelson, she feels that you are not paying attention to either Mr. Hippe or herself as his Attorney, that you or the Hospital are overmedicating or mis-medicating

Mr. Hippe, depriving him of companionship of Ms. Nelson, who has been with him for 26 years now, the deprivation of her companionship and care causing him extreme loss of weight and depression and rapid decline in health.

Ms. Nelson informs us that she understands Mr. Hippe has recently lost between 12 and 16 pounds (since Ms. Nelson was barred from the hospital and bringing him dinner) and is now at a weight of 122 pounds and is sleeping over 18 hours a day. She attributes the latter to his being heavily sedated and drugged, and the precipitous loss of weight to malnutrition by inappropriate food being supplied to him, which he refuses.

According to Ms. Nelson, Mr. Hippe was mis-medicated with various drugs such as Zyprexa, which is, we understand, contra-indicated for strokes, even though Mr. Hippe had suffered from strokes. Her pointing this out to the physician "team" was unavailing and received only negative response.

Ms. Nelson is very concerned regarding the extreme decline of Mr. Hippe, her 26 year companion, the person for whom she is responsible, legally, and morally. We have read your letter of August 22, 2011 to Ms. Nelson, purporting to revoke or displace her Power of Attorney for Personal Care for Mr. Hippe, and her right to make substitute decisions on his behalf.

Your procedure in this matter violates the Health Care Consent Act, 1996, Section 20, in that Ms. Nelson meets the definition of spouse in section 20 (1), paragraph 4. Section 20 (1) says "If a person is incapable with respect to a treatment, consent may be given or refused on his or her behalf by a person described in one of the following paragraphs: (4) the incapable person's spouse or partner". Mr. Hippe was incapable of giving consent to his own treatment at the time, last August. Ms. Nelson meets the definition of spouse in section 7, because she has been living in a conjugal relationship outside marriage with Mr. Hippe for many years and is in fact engaged to him. She also meets the definition of partner, found in sub-paragraph (9)(b), which defines partner as either of two persons who have lived together for at least one year and have a close personal relationship that is of primary importance in both person's lives. You say there is a do not resuscitate order in place since October 13, 2010. Ms. Nelson does not know who put that there. She certainly did not. On what authority was this order made?

With regard to substitute decision making, referred to in page 3 of your August 22, 2011 letter, Marilyn Nelson as holder of Mr. Hippe's Power of Attorney certainly had capacity under the Health Care Consent Act, section 4, because she certainly was capable of making a decision about the treatment of the patient, Mr. Hippe. The fact is, that you simply disagreed with her recommended treatment of him, or plan of care, and your remedy if that were your concern, was to take the matter to the Consent and Capacity Board for its decision, not to surreptitiously and suddenly try to override her valid and existing Power of Attorney.

Marilyn Nelson tells us that you did not try to call her on an urgent basis at the time in question, and in fact she had spoken to the specialist on the matter, only the afternoon before, briefly had to be away from her residence the following morning and was back there before noon. The day before this surreptitious act of yours, his specialist assured Ms. Nelson that there was no urgency whatsoever.

Your opinion that Ms. Nelson no longer met the requirements to be Mr. Hippe's substitute decision maker was wrong and not legally based. She certainly was willing and able to make treatment decisions for Mr. Hippe.

Since you have never properly revoked, overridden or displaced her Power of Attorney, it continues in force.

When a Power of Attorney document is unrevoked by the grantor, it gives the Attorney authority to make decisions about any category of personal care of the donor, including decisions about healthcare, housing, safety, hygiene, clothing and nutrition, as well as having the first right to give or refuse consent to medical treatment. Furthermore, as his Attorney, she may claim his patient's rights, which include the right to complete information, the right to know the various pros and cons of treatments and medications, and the possible hazards thereof, the right to give or refuse consent to treatment, procedures and medications, the right to change doctors, and most of all the right to leave the hospital or doctor's office whenever Mr. Hippe or she on his behalf decides, even if advised against it.

This letter is to demand that you release Mr. Hippe as soon as possible from your facility into the care of another hospital. We also demand that Ms. Nelson be granted regular visiting hours immediately as she was barred from the hospital for no valid legal reason that she or we know and Mr. Hippe's condition is worsening daily.

Kindly contact Marilyn Nelson directly at [REDACTED]

Yours truly,

MILLS & MILLS LLP

Per:

Philip R. A. Hooker

Philip R. A. Hooker

PRH/kg
cc: Marilyn Nelson