

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: Horne v. Capital District Health Authority, 2005 NSSC 41

Date: 20050223

Docket: S.H. No. 214181

Registry: Halifax

Between:

Dr Gabrielle Horne

Applicant

v.

Capital District Health Authority and Queen Elizabeth II Health Sciences Centre

Respondent

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Judge: The Honourable Justice Donald M. Hall

Heard: September 8, 2004 in Halifax

Subject: Variation of medical staff privileges

Summary: Certain privileges of the applicant who is a cardiologist and research scientist employed by the Capital Health District Authority were suspended because of conflicts in the cardiology department concerning the applicant triggering a "privileges review". In order to resolve the issues the CEO of the hospital and the applicant engaged in a mediation process which resulted in a settlement whereby the applicant was reinstated subject to conditions. Subsequently the hospital administration refused to acknowledge the settlement saying that it was not bound because the CEO did not have authority to enter into such an agreement on behalf of Capital Health. The applicant maintained that it was a binding agreement and initiated this application for judicial review and to enforce the agreement.

Issue: Was Capital Health bound by the agreement.

Result: Capital Health was not bound. The CEO had neither actual nor ostensible authority to enter into the settlement on behalf of Capital Health. Capital Health does not have power to delegate such authority respecting medical staff privileges.

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