

## FOR IMMEDIATE RELEASE

Toronto, Ontario – From January 20-21, 2019, the appeal of three physicians' organizations – the Christian Medical and Dental Society of Canada, the Canadian Federation of Catholic Physicians' and Societies and the Canadian Physicians for Life - and five physicians – Dr. Michelle Korvemaker, Dr. Betty-Anne Story, Dr. Isabel Nunes, Dr. Agnes Tanguay and Dr. Donato Gugliotta - was heard in the Appeal Court of Ontario. The respondent in the case is the College of Physicians and Surgeons of Ontario (CPSO).

This case was an appeal of a lower court decision on an application that was filed asking the court to declare that portions of the CPSO's *Professional Obligations and Human Rights* policy violate the *Canadian Charter of Rights and Freedoms*. Another application for judicial review was simultaneously filed asking the court to declare that similar sections of the CPSO's *Medical Assistance in Dying* policy were also unconstitutional. The controversial sections in question required doctors to refer for procedures despite the fact that those procedures violated the moral convictions of the physicians.

On May 15, 2019, the Appeal Court upheld the lower court's decision, which had declared that these CPSO policies violate freedom of religion by requiring physicians and surgeons to make referrals when their consciences will not allow them to perform a procedure or treatment. The Court stated, (at para. 73): "[The] burdens and costs of complying with the Policies, viewed objectively, could not be characterized as 'trivial or insubstantial'." However, the Court found that the violations were justified because of the importance of providing access to these services. The appellants are currently considering whether or not to appeal this decision to the Supreme Court of Canada.

"We are deeply disappointed that the Appeal Court upheld what we view to be a flawed and damaging position for the freedom of conscience and professional integrity of Ontario physicians. Patients in home care, nursing homes and hospitals already have numerous avenues to access an assessment for medical assistance in dying (MAiD). The appellants made it clear that they would provide information to community-based patients about Telehealth, a generic health information service that can provide these patients with access to such an assessment. Our doctors are prepared to care for their patients in all other aspects of their care," Dr. Sheila Harding, President of the Christian Medical and Dental Society of Canada, said. "We will be considering our options going forward and will be opening further discussions with the Ministry of Health and Long-Term Care and the CPSO in an attempt to find creative solutions to this complex problem. We believe that we could create a systems-based solution that would respect the integrity and freedom of conscience of Ontario doctors without impeding access to MAiD for those patients who want it."

"We are encouraged," said Nicole Scheidl, Executive Director for CPL, "that the court restrained the CPSO by ruling that an effective referral is not a medical referral.

Furthermore, it ruled that not making an effective referral is not a matter for professional misconduct.”

“We remind all the parties,” said Dr. Ryan Wilson, President of CPL, “that the only reason this was decided on a religious basis is that these were the doctors who courageously stepped forward to object to the policy. The whole area of conscience objection, which is wider than religious objection, still needs to be developed and is essential in a multicultural society.”

The CFCPS is very disappointed that the Appeal Ontario Court upheld the lower Court’s decision, which denied conscience rights to many Ontario physicians. “All Canadians are guaranteed the freedom of religion and conscience by the *Canadian Charter of Rights and Freedoms*,” stated Dr. Tim Lau, President of the CFCPS. “We hope that there is another way to work with the Ministry of Health and Long-Term Care and the CPSO to resolve this issue. Furthermore, many patients have expressed the wish to have healthcare providers who share their values. Catholics represent a large proportion of the population. These patients will suffer if the very physicians who currently care for them are unable to do so, because of this decision. The diversity of Ontario’s population should be represented in the diversity of the members of the medical profession.”

*CMDS Canada is a national association of Christian doctors and dentists who strive to integrate their Christian faith with medical or dental practice. CMDS Canada represents approximately 1600 medical doctors, dentists and medical and dental students, over 500 of which are located in Ontario.*

*The CFCPS is a national association of Catholic physicians’ guilds, associations and societies from eleven cities across Canada, four of which are in Ontario.*

*The physicians represented by CMDS Canada and CFCPS hold sincere religious and moral beliefs that form the basis of their moral and religious objection to physician-assisted death.*

*Canadian Physicians for Life (“CPL”) is a secular, multicultural and multi-faith based, national association of pro-life physicians, retired physicians, medical residents and students.*

**For more information and media requests contact:**

Stephanie Potter  
Communications Manager  
Christian Medical and Dental Society of Canada  
902-466-2849  
[office@cmdscanada.org](mailto:office@cmdscanada.org)