

Ontario court says doctors must give referrals for procedures they oppose

An appeals court in Ontario has upheld a College of Physicians and Surgeons of Ontario requirement that doctors in the province must give referrals for medical services such as assisted dying and abortion that conflict with their moral or religious beliefs.

A 74-page ruling released May 15 by a three-judge panel of the Ontario Court of Appeal agreed with a 2018 divisional court decision that upheld the referral requirement.

While the divisional court found the policy infringes upon doctors' religious freedom, it said the benefits to the public outweigh the cost to physicians.

A group of five doctors and three professional organizations, including the Christian Medical and Dental Society (CMDS), argued the ruling was unreasonable as it gave more weight to an assumed problem with access to health care as opposed to the real infringement on a doctors' rights.

CMDS executive director Deacon Larry Worthen had been optimistic the court would overturn the lower court's ruling.

"We feel that the judges erred when they were balancing the positive effect for the patient against the deleterious effect on the doctor," Worthen told Canadian Catholic News when the appeal was launched.

The divisional court said doctors can ask staff to provide a referral for services that run up against religious or conscience rights or they could choose to specialize in a type of medicine where they wouldn't come up against such issues.

That violated doctors' religious freedom and conscience rights under the Charter of Rights and Freedoms, the CMDS argued.

In Alberta, there is already an expectation for physicians to make that referral.

Physicians are expected to refer patients on to another care provider for the purposes of allowing them to access care if the physician does not feel they can/will provide that care due to conscientious objection," said Jessica McPhee, a spokesperson for the College of Physicians and Surgeons of Alberta.

"Physicians are expected to act in the best interest of the patient."

McPhee added: "The ruling doesn't change the way physicians in Alberta are

expected to manage patients; we have guidance through our Standards of Practice – Conflict of Interest, Medical Assistance in Dying, Transfer of Care Code of Ethics.”

-With files from Grandin Media