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February 19, 2015

**Delivered via email**

College of Physicians and Surgeons of Ontario  
80 College Street  
Toronto, ON M5G 2E2

Dear Sirs/Mesdames:

**RE: Current Consultations**

Thank you for the invitation to comment on the College of Physicians and Surgeons of Ontario (CPSO) policies currently under review. The attached enclosure provides comments and suggestions on *Consent to Treatment, Planning for and Providing Quality End-of-Life Care and Professional Obligations and Human Rights* policies.

Enclosure

<p><b><i>Professional Obligations and Human Rights</i></b></p>	<p>We strongly support this document and provide suggestions for succinctness and clarity.</p> <ul style="list-style-type: none"> <li>• Line 4: must statements may be more appropriate to include in the actual policy instead of in the introduction.</li> <li>• Introduction: acknowledge the Supreme Court of Canada Decision <i>Carter v. Canada (Attorney General)</i> recommendation to reconcile the Charter rights of patients and physicians where physicians have a right to decline care for reasons of conscience or religion. Consider language that identifies physicians’ professional and legal obligations to provide health services within reason as influenced by conscientious or religious objection.</li> <li>• Line 33: acknowledge physicians have a collective responsibility to ensure patients have access to health services without discrimination while individual physicians have a right to limit the health services they provide. Consider <b>this policy outlines an individual physician’s rights to limit the health services they provide while upholding their fiduciary duty to their patients.</b></li> <li>• Line 43: improve clarity. Consider including equity as the standard for eliminating discrimination.</li> <li>• Line 65: improve clarity. Consider <b>the patient may</b> experience to replace <b>they may experience.</b></li> <li>• Line 77: identify the threshold for duty to accommodate in more general terms. Consider <b>a point</b> of undue hardship to replace <b>the point</b> of undue hardship and <b>could result</b> to replace <b>would result.</b></li> <li>• Line 104: improve clarity. Consider <b>physician’s decision</b> to replace <b>their decision.</b></li> <li>• Line 123: improve clarity. Consider <b>the context of care will impact how Charter rights of patients and physicians are reconciled.</b></li> <li>• Line 127: improve clarity. Consider clarifying whose conduct (the physicians’) considering this policy only has authority over physicians. Acknowledge the previous sentence and consider <b>significantly interfere with the rights of others.</b></li> <li>• Line 152: consider available <b>and considered appropriate</b> to replace available or appropriate.</li> </ul>