January 11, 2016

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

Subject: College’s Interim Guidance on Physician-Assisted Death (PAD)

The Ontario Medical Association (OMA) appreciates the opportunity to comment on the College’s draft interim guidance. Due to the condensed consultation period for this document, we have not had the opportunity to consult with our clinical sections or our Board of Directors, therefore please consider these preliminary comments, consistent with existing OMA views. We anticipate more substantive guidance once the Ontario regulatory framework for PAD is established. We look forward to reviewing and commenting on further College PAD documents in the future.

In light of the fact that this guidance is provisional in nature, we have refrained from providing specific comments on the document. For the time being, we suggest the College emphasize that physicians who decide to participate in PAD contact the College as well as the Canadian Medical Protective Association to obtain standard of care information as well as guidance on legal requirements.

Conscientious Objection
As we proceed in developing a framework for physician aid in dying, it will be important to address the issue of conscientious objection. The ruling in Carter v. Canada made it clear that a physician who is morally opposed to PAD maintains the right not to participate in it. The OMA maintains that a physician cannot be forced to make an effective referral for PAD if making that referral is perceived by the physician as active participation in the activity to which he or she has a conscientious objection. Direct patient access to a third party that maintains information about service providers who are willing to offer PAD is an option that warrants consideration.

We look forward to ongoing dialogue on this important issue.