Alberta Doctors' Digest

The “Death” of Bill 207

On November 23, 2019, an all-party legislative committee voted eight to two against *Bill 207*, the *Conscience Rights (Health Care Providers) Protection Act* proceeding to house for debate. This essentially stopped the progress of the bill, which was subsequently confirmed prior to the spring 2020 sitting of the legislature. This is not new news, but it is interesting to reflect on this given what is currently occurring in Canada’s Federal House of Parliament.

By way of background, *Bill 207* was introduced as a Private Member’s Bill by Peace River MLA and United Conservative Party backbencher Dan Williams. This is an unusual happening in the legislature – usually, private member’s bills are introduced by opposition members.

In essence, the bill provided that health care providers could not be sued or otherwise sanctioned if they refused to provide a service to patients that offended their conscience. The genesis of this bill was likely the decision of the Ontario Court of Appeal in *Christian Medical and Dental Society of Canada et al* vs. *CPSO*, which was reported in the July-August 2019 *Alberta Doctors’ Digest*.

That case, in turn, revolved around the duty of physicians to provide “an effective referral” in situations where their conscience prohibited them from performing a given procedure. Front and centre in the debate was, of course, the application of the principles of medical assistance in dying (MAiD).

As was pointed out by a reader in the November-December 2019 edition of *ADD*, Alberta had at the time addressed this issue through Standards of Practice issued by the College of Physicians & Surgeons of Alberta. Nevertheless, Mr. Williams thought it important to bring forward the issue in a legislative format. The problem, however, was that the provisions of *Bill 207* providing protection for health care providers would clearly have conflicted with the Standards of Practice, and more particularly, the enforcement of that standard.

The concerns of the medical profession with regards to *Bill 207* were clearly heard at the November 2019 all-party legislative committee meeting. At least one physician felt this legislation was an invitation to re-open the long-simmering abortion debate in Alberta.

As hinted at earlier, the “death” of *Bill 207* is topical given the review currently underway at the federal government level into the June 2016 amendments to the *Criminal Code* which had the impact of de-criminalizing physician/health care provider participation in MAiD. Readers will recall that following the decision of the Quebec Superior Court in *Truchon and Gladue* vs. *Attorney General of Canada* (which was the subject of an *ADD* article in January-February 2019) dealing with striking down the requirement for “reasonable foreseeability of death,” the federal government was given one year to bring forward the necessary amendments to remove the offending section. However, the government has gone one step further and is holding discussions across the country regarding a host of possible amendments not limited to the “reasonable foreseeability”

factor. How this pans out remains to be seen, although the clock is ticking on the federal Department of Justice.

Which brings us back to *Bill 207*. The point is, this continues to be a live issue, one which inspires deep and passionate views on both sides. Clearly, the voices of doctors (and other health providers) have been heard and the courts (as was the case in Ontario) or the colleges (as in Alberta) have paid attention by creating a balance between health care provider rights and patient rights.

While MLA Williams' motivations were admirable, legislation further complicating this already complex issue is not necessary.

Editor's note: The views, perspectives and opinions in this article are solely the author's and do not necessarily represent those of the AMA.

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