

October 9, 2019

Hon. David Lametti, MP. Attorney General

Cc:

Right Hon. Justin Trudeau, Prime Minister, Leader of the Liberal Party of Canada,
Hon. Carla Qualtrough, MP. Minister of Accessibility, Liberal Party of Canada
Hon. Ginette Petitpas Taylor, MP. Minister of Health, Liberal Party of Canada

Dear Minister Lametti,

Re: Physicians Call for Appeal of the Quebec Superior Court's Decision in *Truchon & Gladu*

We, the undersigned, are physicians representing a broad range of specialties and geographical regions across Canada. We write to add our strong support to the call for an appeal of the Quebec Superior Court's decision in *Truchon & Gladu*. Groups representing citizens who are living with disabilities are also making a very strong case for a federal appeal of this flawed ruling from the perspective of inclusion and equality. We heartily endorse their points and their conclusions¹. In addition, we add a number of concerns from our own perspective.

As physicians, we are eyewitnesses to the myriad vulnerabilities and challenges that are faced by our patients and their loved ones every day. To those living with limitations, difficulties which may seem minor to the general public can present enormous obstacles to healthy, fulfilling life in community. Many of these obstacles and difficulties result *not* primarily from a medical condition *per se*, however, but from a lack of adequate or appropriate supports for the social determinants of health.

Day after day, we participate in a healthcare system and a social support system that do not come close to meeting the basic needs of our most vulnerable patients. Many physicians experience significant distress due to these disheartening interactions with those whom we are pledged to help, but to whom we have only paltry resources to offer. We are aware of numerous patients across Canada who have chosen medical assistance in dying (MAiD) due to the suffering caused by a lack of proper supports². For all patients who seek an assisted death, we must ask first if they have had access to adequate and funded social and living supports, as

¹ The letter can be viewed here:

<https://cacl.ca/2019/10/04/advocates-call-for-disability-rights-based-appeal-of-the-quebec-superior-courts-decision-in-truchon-gladu/>
Et en Français, ici: <https://cacl.ca/2019/10/04/jugement-de-la-cour-superieure-du-quebec-dans-laffaire-truchon-et-gladu-des-intervenants-reclament-un-pourvoi-fonde-sur-les-droits-des-personnes-handicapees/>

² See, for example:

- a) <https://montrealgazette.com/news/local-news/saying-goodbye-to-archie-rolland>
- b) <https://www.cbc.ca/news/canada/british-columbia/als-bc-man-medically-assisted-death-1.5244731>

well as exemplary health care and symptom management, in order to assure that they are not seeking an assisted death due to the lack of such basic care and support.

When the original medical assistance in dying legislation was debated in Parliament, there was a clear understanding that MAiD must have limits; that individual rights must be balanced with protections not only for our most vulnerable citizens, but for our society as well. One of the most important foundations of our Canadian identity is that we are a caring, compassionate country. We are proud of our universal healthcare mandate, and we place a high premium on being inclusive and tolerant while working hard toward the accommodation and integration of minority members of our communities. And yet, if the Quebec decision is allowed to stand, we will be in serious danger of losing this fundamental element of our Canadian identity. Our neighbours and our loved ones living with disabilities already continually experience the devaluation of their lives. They are frequently told—often bluntly—that they would be “better off dead.” The Foley case in London, Ontario, is one example of this.³ This decision, if it remains unquestioned, will simply erode provincial health responsibilities for expert clinical care and social support of citizens who are fragile.

“Autonomy” means little without assurance of a predicate right to the elements needed for a full, if different or physically restricted, life. If unchallenged, the judicial decision as it stands means MAiD will proceed without assuring all citizens first have a right to life with dignity--despite limits--rather than only a quick death delivered without the assurance that people who are fragile receive necessary care. In addition, future courts will be more likely to open MAiD to ever-wider “indications” for hastened death if the balance between individual desires and the necessity of community protection and support is not clarified by an appeal of the *Truchon & Gladu* decision to the Québec Court of Appeal and, if necessary, up to the Supreme Court of Canada. Without an appeal, Canada will have moved well beyond allowing an autonomous life-ending decision at the end of life into the realm of death on demand--for almost any reason at any time.

Court decisions matter, and if we truly desire a Canadian society that is inclusive and compassionate, we must defend both our laws and our citizens from misguided decisions such as this one. With strong evidence from the millions of collective patient encounters that we represent, we are deeply concerned for our most vulnerable patients and their loved ones if this decision is not appealed. With the hope of retaining our Canadian identity as a compassionate society and a strong desire to protect both our patients and our healthcare system, we urge Mr. Lametti to appeal the *Truchon & Gladu* decision. We also urge all Canadians to take immediate action by contacting both Minister Lametti and their own Members of Parliament to urge an appeal before the deadline passes on October 11th, 2019.

³ See: <https://www.ctvnews.ca/health/chronically-ill-man-releases-audio-of-hospital-staff-offering-assisted-death-1.4038841>

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219. Dr. Majid Iqbal, MD, PhD, CCFP(PC)
Academic Palliative Medicine Physician, Kingston Health Sciences Centre
Assistant Professor, Queen's University – Division of Palliative Medicine
220. Nicolette Pearce, MD, CCFP, FCFP
Duncan, BC
221. Dr. Devin S. Hasanally MD MSc
PGY-2 Family Medicine Resident
Iqaluit and St. John's, Nunavut and Newfoundland & Labrador
222. Dr. Tim Kostamo
Orthopedic Surgeon
Burnaby Hospital
Clinical Assistant Professor, UBC
223. Dr. Jonathan Chan, MD, FRCPC
Rheumatology
Clinical assistant professor, UBC
Vancouver, BC
224. Victoria Marianchuk, MD
Family medicine resident
Toronto, ON
225. John R McLeod, BSC, MD, CCFP.
Hospitalist
Burnaby BC
226. Robert Banner, MD, CCFP, FCFP, FRCP(C)
London, ON
227. Iris Liu, BSc, MD, CCFP
Family Medicine, Abbotsford, BC
Faculty of Behavioral Medicine and Scholar at Abbotsford-Mission Site of Family Medicine, UBC
228. Shannon Rabuka, MD, FRCPC
Anesthesiology
Calgary, AB
229. Dr. James Yeung, MD, FRCPC
Rheumatologist
Richmond, BC

230. Wi-Guan Lim M.D.
 Family physician
 Vancouver, B.C.
231. Dr.Philippa Hawley FRCPC (PM)
 BC Cancer
 Vancouver, BC
232. Dr. Genevieve Eder, MSc, MD, CCFP
 Family Physician
 Calgary, AB
233. Dr Bill Martin CCFP
 FP/ER
 Miramichi, NB
234. William F. Sullivan, MD, CCFP (COE), PhD
 Associate Professor, Dept. of Family and Community Medicine, University of Toronto
 St. Michael's Hospital and Surrey Place
 Ontario
235. Dr. Julia Bright, MD
 Family Physician
 Chilliwack, BC
236. Dr Toyin Adeyemo, MD FRCPC
 Psychiatrist
 Langley Memorial Hospital
237. Sheila Rutledge Harding, MD, MA, FRCPC
 Medical Consultant & Division Head, Transfusion Medicine, Saskatoon Area
 Professor, College of Medicine, University of Saskatchewan
 Saskatoon, SK
238. Cyril Chan M.D
 Family Physician (retired)
 British Columbia
239. Dr. Joel Emery
 Staff Physician
 Kamloops, BC
240. Vanna Schiralli, MD, CCFP, FCFP
 Family Physician
 St. Michael's Hospital
 Toronto, ON

241. Peter Chan, MD, FRCPC (Geriatric Psychiatry)
Clinical Professor of Psychiatry, UBC
Consultant Psychiatrist,
Vancouver General Hospital
242. Harvey Max Chochinov, OC, OM, MD, PhD, FRCPC, FRSC, FCAHS
Distinguished Professor of Psychiatry, University of Manitoba
Winnipeg, MB
243. Lucinda McQuarrie, MD, CCFPC
Langley Memorial Hospital, UBC,
British Columbia
244. Dr. Althea Burrell BAsC MD FRCPC
Adult Respiriology
Markham, ON
245. Dr. Lubomir Alexov. BSc, CCFP(PC)
Associate Professor University of Toronto
Scarborough, ON
246. Melaine Ryper, MD, FRCP
Emergency Medicine
Vancouver, BC
247. Dr Virgil Danescu CCFP
Abbotsford, BC
248. Dr. Kaspar Ng, BScPhm, MD
Pediatrics Resident
University of Calgary
249. Carolyn Van Schagen
Family doctor
Langley Memorial Hospital
British Columbia
250. Dr. Hailey Barker BSc, MD
Family Physician
Calgary, AB
251. Hester Vivier
Family Physician
Fort Langley, BC
252. Paul Graham, MD, CCFP
University of Calgary
British Columbia
253. Dr Alicia Bong, MD, CCFP
Vancouver, BC

254. Philip J. Hanam MD, CCFP
Family Physician
Vancouver, BC
255. Warren Terry MD, MEd, CCFP(EM), FRCSC
Pediatric Orthopedic Surgeon, Clinical Instructor UBC
Maple Ridge, BC
256. Christopher More, MD, CCFP (FPA)
Carman, MB
257. Renata Leong, MDcM, MHSc, CCFP, FCFP
Staff Physician
DFCM, St. Michael's Hospital
Assistant Professor
DFCM, University of Toronto
258. Pamela Gold, MD, CCFP
Hanover, ON
259. Susan MacDonald MD MHSc FCFP
Queens Dept of Family Medicine
260. Andrew Yan Sim, MD, CCFP(SEM), Dip. Sport Med
Adjunct Professor McMaster University
Toronto, ON
261. Balfour M. Mount, OC, OQ, MD, FRCSC, LLD
Emeritus Professor, McGill University
262. Dr. Robert S. Hauptman, BMSc, MD, MCFP
Family Physician
St. Albert, AB
263. Tiffaney Kittmer, MD, FRCSC
Goderich, ON
264. Michael Destounis, MD CM
Psychiatry resident at McGill University
Montreal, QC
265. Wei Liu, MD
London, ON
266. Ron Starra, MD, FRCP(C)
Full-time Internist CISSSO (Gatineau), associate professor McGill
Cantley, QC
267. Nadine Marquis, BSc (H)
UBC Medical Student Class of 2020
268. Dion Davidson, MD, FRCSC, FACS
Vascular Surgery and Critical Care - Valley Regional Hospital
Assistant Professor - Dalhousie University Department of Surgery
Kentville, NS

269. Peter Daley, MD, MSc, FRCPC, DTM+H
Associate Professor, Disciplines of Medicine and Laboratory Medicine
Memorial University and Eastern Health
St John's, NL
270. Maryam Garabedian, BSc, MD, PGY-1 Family Medicine
University of British Columbia - Okanagan South Program
Penticton, BC
271. Dr. Heather Craig, MD, CCFP
Calgary, AB
272. Dr. Kevin Kobes, MD
Resident in Radiology & Nuclear Medicine
Edmonton, AB
273. Dr. Jonathan Ehmann
Diagnostic and MSK Interventional Radiologist
Calgary, AB
274. Lisa Marguerite Sennewald, MD
Primary Care Physician: Mental Health & Substance Use
FHA/ UBC Faculty of Medicine Clinical Teacher
Surrey, BC
275. LeeAnne Luft, MD, MSc, FRCPC
Infectious diseases
Kelowna, BC
276. Dr. Paul Marrocco MD, FRCP(C)
Radiologist
Northumberland Hills Hospital
Coburg, ON
277. Roman Gusztak MD, MSc, FRCP(C)
Pediatric anesthesia/critical care
Staff pediatric anesthesiologist
University of Saskatchewan
Saskatoon, SK
278. H. Schipper BSc (Eng), MD, FRCPC
Professor of Medicine
Adjunct Professor of Law
University of Toronto
279. Karen Trollope, MD, PhD, CCFP
Family Physician
Part-time faculty member at McMaster University
Hamilton Ontario
280. Emily Kogel, BAS, MD Candidate 2021
Schulich School of Medicine & Dentistry (Western University) - Windsor Campus
281. Dr. Kristin Harris, MD, CCFP
Winnipeg, Manitoba

282. Jonathan Lee, MA
Medical Student
University of Alberta
283. Juliane Riemer
Family Physician,
Victoria, BC
284. Keith M Lee, BHSc (Hons), MD
Internal Medicine Resident
University of Toronto
285. Dr Benjamin McNaull, CCFP
Orillia, ON
286. Arnold J Voth, MD LMCC, FRCP(C), FACP
Retired professor of Internal Medicine, University of Alberta
Edmonton, AB
287. Jason Wilson, PhD, MD, FRCPC
Anesthesiology
Vancouver General Hospital
British Columbia
288. Dr. Cheryl Wilson
Peace Arch Hospital
White Rock, BC
289. Dr. Claire Gaudreault
Montréal, QC
290. D. Bruce Snyder, MD
General Practitioner (Retired)
Cambridge, ON
291. Norman D. Causton, M.D.
General Surgeon,
Chilliwack, BC
292. Dr. Robert W. Wilson MD, FRCPC (Pediatrics)
Clinical Associate Professor UBC
Kelowna, BC
293. Denise C. Hill MD FRCP(C) CSCN (EMG)
Clinical Associate Professor, Physical Medicine and Rehabilitation
Calgary, AB
294. Keith G. Boughton, MD, CCFP
Kamloops, BC
295. Rebecca Adams MD
Fraser Health
Langley, BC

296. **Dr Amy Megyesi, MD CCFP**
Shuswap Lake Hospital
UBC clinical instructor
Salmon Arm BC
297. **Randy Montag**
Family doctor, ER physician, chief of staff at HDH
Hanover, ON
298. **James Boudreau**
PGY-3 Internal Medicine
Halifax, NS
299. **Patrick Stel**
Family Physician
Victoria, BC
300. **Christopher Newcombe**
Emergency Physician CCFP (EM)
Nanaimo, BC