

HEALTH LAW IN CANADA



Institute of Health Policy, Management & Evaluation
UNIVERSITY OF TORONTO

Medical Aid in Dying – Developing a Framework

October 27, 2015

Music Room, Hart House, University of Toronto

Background: In Canada it has historically been a criminal offence to assist another person in ending his or her own life. This includes the inability of a person to seek a physician-assisted death. On February 6, 2015 this law was declared constitutionally invalid with the Supreme Court of Canada decision in *Carter v. Canada (Attorney General)*. The main issue was whether the prohibition on physician-assisted dying found in the *Criminal Code of Canada* violated the claimants' rights under the *Charter of Rights and Freedoms*. The Court held that provisions in the *Criminal Code* as they applied to physician-assisted dying, violated the *Charter*, thus depriving adults of their right to life, liberty and security of the person in a manner that is inconsistent with the principles of fundamental justice.

Since the *Carter* decision was released, the federal and provincial governments have each organized panels to review the issues. As well, many health-related associations, organizations, institutions, academics, patients, healthcare professionals, the public-at-large and other stakeholders, have been actively contemplating how physician-assisted dying (hereinafter, "medical aid in dying" or "medically assisted dying") will roll out in this country.

Invitation: this conference invites stakeholders and other interested individuals to analyze the issues, identify possible frameworks and discuss delivery of care in the context of medical aid in dying in Canada.

The Goal of the Conference is to: discuss and shape the development of a framework (legislative and operational) for medically assisted dying in the context of the delivery, administration and management of our healthcare system.

PROGRAM

Tuesday, October 27, 2015

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8:00 am - 8:30 am	Breakfast and Registration
8:30 am - 9:00 am	<p>Welcome Address</p> <p>Keynote Speaker</p> <p>"Opening Reflections" by Dr. Jennifer Gibson</p> <ul style="list-style-type: none"> • Sun Life Financial Chair in Bioethics and Director, University of Toronto Joint Centre for Bioethics • Associate Professor, Institute of Health Policy, Management and Evaluation • Director, World Health Organization Collaborating Centre for Bioethics
9:00 am - 10:15 am	<p>The Nuts and Bolts: Overview of Health Law in Canada, the Carter Decision and the Medical Aid in Dying Landscape</p> <ul style="list-style-type: none"> • Dr. Joan Gilmour, Professor, Osgoode Hall Law School • Rosario Cartagena, Associate, Fasken Martineau DuMoulin LLP • Kathryn Beck, Associate, Fasken Martineau DuMoulin LLP
10:15 am - 10:30 am	Health Break
10:30 am - 11:45 am	<p>Critical Review and Presentation of Legislative Framework Options</p> <ul style="list-style-type: none"> • Louise Sweatman, Legal Counsel and Dr. Cécile Bensimon, Director, Ethics, Canadian Medical Association (Presentation of: Principles-based recommendations for a Canadian approach to assisted dying) • Daniel Boivin, Partner, Gowlings LLP (Presentation of: Quebec Bill 52) • David Baker, Principal, BakerLaw, Counsel for Council of Canadians with Disabilities, Canadian Association for Community Living (Interveners) in the Carter Decision (Presentation of: Draft framework) <p>Moderator: Louise Shap, Health Counsel, Fasken Martineau DuMoulin LLP</p>
11:45 am - 12:30 pm	Lunch
12:45 pm - 2:15 pm	<p>PLENARY #1 - Delivering Medical Aid in Dying: The 'Big Issues'</p> <p><i>Goal: to identify and discuss physician and health care team responsibilities and impact when delivering treatment and care</i></p> <ul style="list-style-type: none"> • Dr. Sandy Buchman, Associate Professor, Department of Family & Community Medicine, University of Toronto, Provincial Lead Primary Care Engagement, Palliative Care, Cancer Care Ontario and Education Lead and Family Physician practicing in Palliative Care, The Temmy Latner Centre for Palliative Care, Mount Sinai Hospital • Dr. Monica Branigan, Associate Professor, Department of Family and Community Medicine, University of Toronto, Professional Development Lead in the Division of Palliative Care at the University of Toronto and Psychosocial Counsellor, The Temmy Latner Centre for Palliative Care, Mount Sinai Hospital • Dr. Jocelyn Downie, Professor of Law, Associate Dean, Graduate Studies, Dalhousie University • Dr. Carol Leet, President, College of Physicians and Surgeons of Ontario • Dr. Vanessa Burkoski, President, Registered Nurses Association of Ontario <p>Moderator: Dr. Cécile Bensimon, Director, Ethics, Canadian Medical Association</p>

2:15 pm - 3:15 pm	<p>PLENARY #2 - Delivering Physician-Assisted Dying: Patients and Process</p> <p><i>Goal: to identify and discuss procedural considerations when delivering physician-assisted dying including: initiating a request, the healthcare team response and any patient responsibilities</i></p> <ul style="list-style-type: none"> • Tim Lenartowych, Director of Nursing and Health Policy, Registered Nurses Association of Ontario • Dr. Sholom Glouberman, Associate Scientist Kunin-Lunenfeld Applied Research Unit, Baycrest and Founder, Patients Canada • Dr. Amir Attaran, Professor, Faculty of Law, Common Law Section, University of Ottawa • Dr. Carol Leet, President, College of Physicians and Surgeons of Ontario <p>Moderator: Mark Handelman, Counsel, Whaley Estate Litigation</p>
3:15 pm - 3:30 pm	Health Break
3:30 pm - 4:45 pm	<p>PLENARY #3 - Organization of Medical Aid in Dying Services</p> <p><i>Goal: to discuss and address issues related to institutional conscientious objection, accessing the service across the region and health system governance</i></p> <ul style="list-style-type: none"> • Dr. Gillian Kernaghan, CEO, St. Joseph's Healthcare London • Theresa Mudge, Board Member, Hospice Palliative Care Ontario and Executive Director of ARCH Residential Hospice, Sault Ste. Marie • Dr. Adalsteinn Brown, Associate Professor, Director of the Institute of Health Policy, Management and Evaluation, Dalla Lana School of Public Health, University of Toronto • Daphne Jarvis, Partner, Borden Ladner Gervais LLP <p>Moderator: Dr. Terrence Sullivan, Professor, Dalla Lana School of Public Health, University of Toronto and President of Terrence Sullivan & Associates</p>
4:45 pm - 5:00 pm	<p>Final Reflections and Closing Remarks</p> <p>Alissa Raphael, Associate, Miller Thomson LLP</p> <p>Wendy Lawrence, Legal Counsel, SickKids Hospital</p>

ORGANIZING COMMITTEE*

Name	Title
Jean Nelson	Director, Governance and Legal Services, CMA
Dr. Jeff Blackmer	Vice President, Medical Professionalism, CMA
Louise Sweatman	Legal Counsel, CMA
Dr. Cécile Bensimon	Director, Ethics, CMA
Martha Forestell	Senior Policy Analyst - End of life Portfolio, OMA
Jeffrey Bagg	Legislative Advisor, OHA
Dr. Irmajean Bajnok	Director of the International Affairs and Nursing Best Practice Guideline Centre, RNAO
Victoria Zwicker	Quality Lead, CCO
Dr. Sandy Buchman	Clinical Lead, QI and Primary Care Engagement, Palliative Care and Palliative Care Physician, Mount Sinai Hospital

Dr. Amir Attaran	Professor, Faculty of Law, Common Law Section, University of Ottawa
Sara Azargive	Group Manager/Legal and Privacy Office, CCO and Managing Editor – Publisher and Author Liaison, <i>Health Law in Canada</i>
Rosario G. Cartagena	Associate, Fasken Martineau DuMoulin LLP and Managing Editor-in-Chief, <i>Health Law in Canada</i>
Natasha Danson	Associate, Steinecke Maciura LeBlanch and Managing Editor - Publisher and Author Liaison, <i>Health Law in Canada</i>
Wendy Lawrence	Legal Counsel, SickKids and Managing Editor- Events, <i>Health Law in Canada</i>
Alissa Raphael	Associate, Miller Thomson LLP and Managing Editor- Events, <i>Health Law in Canada</i>
Gilbert Sharpe	Adjunct Professor, IHPME, University of Toronto and Counsel, Abrahams LLP
Sharon Vanin	Policy and Program Advisor, Fairness Commissioner and Managing Editor – Strategic Partnerships

*The views expressed by the speakers, do not represent the views of the organizing committee members and their organizations.

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The goals of *Health Law in Canada* are to:

- (1) increase diversity in authorship and encourage collaborations;
- (2) encourage diverse readership across healthcare, legal and government/policy sectors;
- (3) stimulate innovation in the health sector;
- (4) ensure relevance to the health sector; and
- (5) include content that is current, forward thinking and that shapes the future of health law in Canada.

We publish original legal articles and non-analytical articles including: practice-based articles; health law related news domestically and internationally; case comments related to law and health; letters to the editor; updates regarding major career changes; book reviews; and upcoming events.

Health Law in Canada is published four times a year, in February, May, August and November. In the future, conferences or seminars may be planned with specific editions. Each publication contains approximately 32 pages (16,000 words).

Medical Aid in Dying Special Issue: CALL FOR PAPERS

We invite speakers, attendees and volunteers to submit papers to be included in a special edition of *Health Law in Canada* which will be published in February 2016.

- Papers for consideration to be submitted by December 15, 2015

DETAILS

PRICE

\$175 - Regular

\$ 75 - Students

To purchase tickets: <http://www.eventbrite.ca/e/medical-aid-in-dying-conference-tickets-18799281156>

VENUE INFORMATION

The Music Room is located on the 2nd floor of Hart House, at the West side of this historic building.

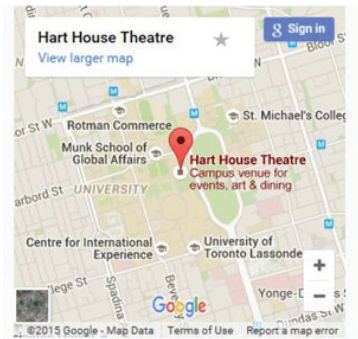
Address: 7 Hart House Circle, University of Toronto

Telephone: (416) 978-2452

DIRECTIONS

Hart House is between two subway stations, Museum and St. George. To walk here from Museum station, exit the station on the west side of the street, in front of The ROM. Walk south down Queen's Park Circle, continue south until just past Hoskin Ave.

To walk here from St. George station, exit on St. George, walk south down St. George until you get to Hoskin Ave. Walk east on Hoskin Ave until you come to Tower Rd, you can access our west entrance directly from Tower Rd.



FOR MORE INFORMATION

Please email: INFO@HLCJ.CA or ihpme.events@utoronto.ca

Visit: www.hlcj.ca