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 conclusions. 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 supports. 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

2 See, for example:
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.

Signed,

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    Clinical Instructor, Dept of Family Practice, Faculty of Medicine, University of British Columbia

201. Dr Jessica Simon, MB, ChB, FRCPC
    Palliative Medicine
    Calgary, AB

202. Natasha Gattey, MD
    Psychiatry Resident, University of Saskatchewan
    Saskatoon, SK

203. Lauren E Jackson, BSc, MD, FCFP
    Duncan, BC
204. Karol Boschung  
Medical Student  
University of British Columbia

205. Lauren Bolster, MD, MEd, FRCPC  
Hematologist  
University of Alberta

206. Young Sang Sohn  
Family Physician  
Duncan, BC

207. Luke Savage, MD, CCFP  
Clinical Assistant Professor, Cumming School of Medicine, University of Calgary.  
Rural Family Physician  
Three Hills, AB

208. Darrel G Eliason, BMedSc, MD  
Physician  
Calgary, AB

209. Philip Hui, MD FRCPC  
Surrey Memorial Hospital, BC

210. Dr. Duncan Etches, BSc, MD, Dip Obs, CAC Elderly, MCiSc, CCFP, FCFP,  
Faculty of Medicine, UBC  
Vancouver, BC

211. Dr. Nathan Lim B.Sc., M.D., CCFP-EM  
Royal Columbian Hospital Emergency Department

212. Marian Ma, MD  
Fernie, BC

213. Avril E. Castagna, MD, FRCPC, MRCPI  
Staff Paediatric Neurologist  
Scarborough Health Network  
Ontario

214. Natalia Novosedlik, MD, CCFP(PC)  
Scarborough, ON

215. H. Niall Jones MD FRCPC  
Rheumatology  
Associate Clinical Professor University of Alberta  
Edmonton, AB

216. Esther Lee, MD FRCPC  
Palliative Medicine, BC
217. Theresa Lo, MD, FRCPC  
    Psychiatrist  
    Surrey, BC  

218. Michael J. Passmore, MD, FRCPC  
    Geriatric Psychiatrist, Vancouver, BC  
    Clinical Associate Professor, UBC  

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, FRCPC  
    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
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    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
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244. Dr. Althea Burrell BASc MD FRCPC
   Adult Respirology
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245. Dr. Lubomir Alexov, BSc, CCFP(PC)
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246. Melaine Ryper, MD, FRCP
   Emergency Medicine
   Vancouver, BC

247. Dr Virgil Danescu CCFP
   Abbotsford, BC

248. Dr. Kaspar Ng, BScPhm, MD
   Pediatrics Resident
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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  
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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  
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