



Protection of Conscience Project

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A watchdog in need of a leash

Ontario College of Physicians manipulates consultation process

Sean Murphy, Administrator
Protection of Conscience Project

Following a preliminary consultation ending in August, 2014, a working group at the College of Physicians and Surgeons released a draft policy called *Professional Obligations and Human Rights* (POHR) in December for a second stage of consultation ending on 20 February, 2015.¹ The most contentious element in POHR is a requirement that physicians who object to a procedure for reasons of conscience must help the patient find a colleague who will provide it.

The consultation process is intended to provide the public and members of the profession an opportunity to comment on policies being developed by the College.² One of the strands in the consultation process is a Discussion Forum on the College website.³ The Forum is used to solicit direct feedback from forum participants. In addition, the College uses the Forum to post submissions received by email and regular mail.

Remarkably, it appears that the College is manipulating the current consultation process by intervening in the Discussion Forum in order to discredit critics and defend its draft policy.

On 29 January, 2015, the College posted the following comment in the Forum:

225. Organization.

January 29, 2015 at 4:40 pm

The College of Physicians and Surgeons of Ontario.

Recently, the National Post published a commentary that falsely attributed the following statement to a College spokesperson: "Physicians unwilling to provide or facilitate abortion for reasons of conscience should not be family physicians." This quote is categorically false, and misrepresents the College's expectations of physicians who limit the health services they provide on moral or religious grounds. The College has asked the National Post to publish the letter below to correct this false statement and to clarify the College's position. Read the letter here.⁴ (Appendix "A," Figure 1.)

The commentary in question was a column in the National Post by

Professor Margaret Somerville making the following observation:

Dr. Gabel has been reported as saying that "physicians unwilling to provide or facilitate abortion for reasons of conscience should not be family physicians"and it seems wants the College to approve that stance. Sean Murphy, of the Protection of Conscience Project, argues that "if it does, ethical cleansing of Ontario's medical profession will begin this year, ridding it of practitioners unwilling to do what they believe to be wrong."⁵

The College's post in the Discussion Forum ended with a link to a letter to the *National Post* about Professor Somerville's column from the Dr. Carol Leet, President of the College. She said that she was "dismayed" to read the quote attributed to Dr. Gabel.

"Dr. Gabel said no such thing," she insisted. "It appears to be an inference based on paraphrasing another source."⁶

The source was "Ethical Cleansing in Ontario," a commentary by the Project Administrator.⁷

But the ultimate origin of the comment attributed to Dr. Gabel was a *Catholic Register* story published in mid-December under the headline, "Catholic doctors who reject abortion told to get out of family medicine." As quoted in the *Register*, Dr. Gabel said:

"It may well be that you would have to think about whether you can practice family medicine as it is defined in Canada and in most of the Western countries," said Dr. Marc Gabel, chair of the college's policy working group reviewing 'Professional Obligations and Human Rights.'

And further:

Gabel said there's plenty of room for conscientious Catholics in various medical specialties, but a moral objection to abortion and contraception will put family doctors on the wrong side of human rights legislation and current professional practice.⁸

Dr. Gabel's interview in *The Catholic Register* was subsequently reported in other media, reporters and editors taking his comments to mean exactly what the Register's headline announced. "Doctors who oppose abortion should leave family medicine: Ontario College of Physicians" was the headline in *LifeSite News* two days later - after interviewing both Dr. Gabel and Dr. Leet.⁹

If Dr. Gabel "said no such thing," why did neither he nor Dr. Leet object to these stories or later reports to the same effect?

More to the point, why is Dr. Gabel missing in action?

If he really "said no such thing," it should be a simple matter for him to write the *National Post* and explain exactly what he did say - or meant to say. He does not need Dr. Leet to act as his mouthpiece.

The real story here is that Professor Somerville, like *The Catholic Register*, simply and accurately conveyed the implications of Dr. Gabel's comments (whether or not the quote attributed to him is word-perfect) and went on to explain why the draft policy is unacceptable. A pair of misplaced

quotation marks gave Dr. Leet an excuse to create a smokescreen to distract readers from Professor Somerville's able critique: hence the letter to the *National Post*.

Whatever the merits of her complaint, Dr. Leet was clearly within her rights to respond to Professor Somerville's criticism by expressing her belated "dismay" in a letter to the editor. However, the College's manipulation of the consultation Discussion Forum to defend its draft policy is unacceptable. Posting its own comment was an abuse of its power and objectionable in itself, but the College went beyond this in attempting to influence the consultation process.

The next day the College official discovered two entries lauding Dr. Somerville's *National Post* column, one made six days earlier. The official added an anonymous reply to both, copying the text of the College comment in order to rebut the respondent's contribution and "correct" the record, as it were (Appendix "A," Figures 2,3),^{10,11} despite the College's statement that it does not do such things.¹² Someone reading the replies would have assumed that they were made by forum participants who agreed with the College.

How do we know that these anonymous replies were made by the College?

Because on 2 February the College changed the replies from "anonymous" to "organization" and identified itself as the author, renumbering one of the entries in the process (Appendix "A," Figures 4,5).^{13,14} We do not know whether this was done because someone was concerned that the impersonation of anonymous respondents might be discovered, or if it was thought that identifying the College as the author would give its "corrective" interventions more credibility.

What is most ironic here is that the College is supposed to be the watchdog protecting the public and profession from unethical conduct.

It seems this watchdog needs a leash.

Response from the CPSO: On 2015-02-09 the College responded as follows:

We have read your Blog article that questions the College's consultation process and insertion of comments on the Discussion Board. As with any policy consultation, the College will at times respond to feedback received on the discussion page to provide consultation participants and readers with further information and/or clarification. In this case, a quote, published in the *National Post* was falsely attributed to a College spokesperson. Where this *National Post* article is mentioned on the Discussion Board, we have pointed readers to our formal response, which was sent to the *National Post*. An administrative error, which initially labelled these posts as "anonymous" has been corrected. The posts have now been appropriately labeled as authored by the College of Physicians and Surgeons of Ontario.

Notes

1. College of Physicians and Surgeons of Ontario. Professional Obligations and Human Rights (Draft) [cited 2018 Dec 03]. Available from:
<http://www.consciencelaws.org/archive/documents/cpso/2014-12-cpso-draft.pdf>

2. College of Physicians and Surgeons of Ontario. The Consultation Process and Posting Guidelines. [cited 2018 Dec 03]. Available from: <http://www.cpso.on.ca/Footer-Pages/The-Consultation-Process-and-Posting-Guidelines>.
3. College of Physicians and Surgeons of Ontario. Professional Obligations and Human Rights-Discussion. 2014 Dec 10 to 2015 Mar 03 (CPSO Discussion) [cited 2018 Dec 03]. Available from: http://policyconsult.cpso.on.ca/?page_id=5191.
4. CPSO Discussion. Entry 225: Organization (The College of Physicians and Surgeons of Ontario). 2015 Jan 29, at 4:40 pm. Screen shot taken 2015 Feb 01 at 6:29 pm [cited 2018 Dec 03]. Available from: <http://consciencelaws.org/archive/documents/cpso/2015-02-01-1829-cpso-225.png>.
5. Somerville M. A modest proposal for respecting physicians' freedom of conscience. National Post. 2015 Jan 23: Full Comment [cited 2018 Dec 03]. Available from: <http://news.nationalpost.com/2015/01/23/margaret-somerville-a-modest-proposal-for-respecting-physicians-freedom-of-conscience/>.
6. Leet, Carol. (Office of the President, College of Physicians and Surgeons of Ontario). Letter to: National Post, Op-Ed Editor. 2015 Jan 23 [cited 2018 Dec 03]. Available from: <http://policyconsult.cpso.on.ca/wp-content/uploads/2015/01/Letter-to-National-Post-January-23-2015.pdf>.
7. Murphy, S. Ethical Cleansing in Ontario. Protection of Conscience Project News and Blog. 2015 Jan 12 [cited 2018 Dec 03]. Available from: <http://www.consciencelaws.org/blog/?p=5535>.
8. Swan M. Catholic doctors who reject abortion told to get out of family medicine. The Catholic Register. 2014 Dec 17 [cited 2018 Dec 03]. Available from: <http://www.catholicregister.org/item/19394-catholics-doctors-who-reject-abortion-told-to-get-out-of-family-medicine>.
9. Weatherbe S. Doctors who oppose abortion should leave family medicine: Ontario College of Physicians. LifeSite News. 2014 Dec 19 [cited 2018 Dec 03]. Available from: <https://www.lifesitenews.com/news/doctors-who-oppose-abortion-should-leave-family-medicine-ontario-college-of?>.
10. CPSO Discussion. Entry 169: Anonymous. 2015 Jan 23 at 1156 am. Reply: Anonymous. 2015 Jan 30, 2015 at 4:46 pm. Screen shot taken 2015 Feb 01 at 6:31 pm [cited 2018 Dec 03]. Available from: <http://www.consciencelaws.org/archive/documents/cpso/2015-02-01-1831-cpso-169.png>. The Reply was actually from the CPSO.
11. CPSO Discussion. Entry 226: Member of the Public. 2015 Jan 30 at 10:48 am. Reply: Anonymous. 2015 Jan 30 at 4:45 pm. Screen shot, taken 2015 Feb 01 at 6:22 pm [cited 2018 Dec 03]. Available from: <http://www.consciencelaws.org/archive/documents/cpso/2015-02-01-1822-cpso-226.png>. The Reply was actually from the CPSO. When it later identified itself as

the source of the reply, it renumbered the entry as 228 (see note 13).

12. "The College does not review any content of any feedback for accuracy. The College does not review any references or links in any feedback either for accuracy or with respect to the content of the document referred to or the site linked. . ." College of Physicians and Surgeons of Ontario. The Consultation Process and Posting Guidelines. [cited 2018 Dec 03]. Available from: <http://www.cpso.on.ca/Footer-Pages/The-Consultation-Process-and-Posting-Guidelines>.

13. CPSO Discussion. Entry 228 (previously 226: see note 11). Screen shot taken 2015 Feb 02 at 2:49 pm [cited 2018 Dec 03]. Available from <http://www.consciencelaws.org/archive/documents/cpso/2015-02-02-1449-cpso-228x226.png>).

14. CPSO Discussion. Entry 169 (See note 10). Screen shot taken 2015 Feb 02 at 2:51 pm [cited 2018 Dec 03]. Available from: <http://www.consciencelaws.org/archive/documents/cpso/2015-02-02-1452-cpso-169.png>.

Appendix “A” CPSO Interventions in Discussion Forum

225. **Organization**
January 29, 2015 at 4:40 pm
The College of Physicians and Surgeons of Ontario
Recently, the *National Post* published a commentary that falsely attributed the following statement to a College spokesperson: “Physicians unwilling to provide or facilitate abortion for reasons of conscience should not be family physicians.” This quote is categorically false, and misrepresents the College’s expectations of physicians who limit the health services they provide on moral or religious grounds. The College has asked the *National Post* to publish the letter below to correct this false statement and to clarify the College’s position. [Read the letter here.](#) Reply

Figure 1, Note 4.

169. **Anonymous**
January 23, 2015 at 11:56 am
As a retired Palliative Care physician, I am very concerned about the words apparently given to the Press regarding physicians rights (or lack of them). It would appear that, rather than supporting Ontario physicians, there would be a form of “ethnic cleansing” and many MDs of Christian, Jewish and Muslim background would be ousted from the profession to which many of us have devoted our entire professional life. (This is especially pertinent to my husband and myself who have two grandchildren in Med School – what we say to them?) Probably Dr Somervilles suggestion that the College set up a list, easily accessible, of MDs who are willing to provide “doctor-assisted suicide” and/or abortion, is a very reasonable idea. Reply

Anonymous
January 30, 2015 at 4:46 pm
REPLY FROM ADMINISTRATOR: The National Post published a commentary that falsely attributed the following statement to a College spokesperson: “Physicians unwilling to provide or facilitate abortion for reasons of conscience should not be family physicians.” This quote is categorically false, and misrepresents the College’s expectations of physicians who limit the health services they provide on moral or religious grounds. The College has asked the National Post to publish the following letter to correct this false statement and to clarify the College’s position: <http://policyconsult.cpso.on.ca/wp-content/uploads/2015/01/Letter-to-National-Post-January-23-2015.pdf> Reply

Figure 2, Note 11.

226. **Member of the Public**

January 30, 2015 at 10:48 am

Thank-you for the opportunity to comment on this draft policy "Professional Obligations and Human Rights."

First off, I am disappointed to see that, despite the overwhelming number of comments against the direction of previous consultation document, this draft continues to override the legitimate rights of physicians who refuse, for reasons of conscience, to provide certain procedures.

I am also alarmed by the reported comments of a College official to the effect that "physicians unwilling to provide or facilitate abortion for reasons of conscience should not be family physicians." At a time when Ontario is experiencing a shortage of family physicians (something which I went through when trying to find a new family physician), to say that some of them should leave profession because of their moral or religious beliefs is appalling. I am in full agreement with this statement by Margaret Somerville (National Post, January 23, 2015): "Physicians with conscientious objections to supplying medical procedures that would destroy human life or contravene respect for it, including euthanasia and assisted suicide, must not be drummed out of the profession." We need doctors, and we need to have choice in health care, and this includes having physicians who honour Canadian's choices on either side of a life issue. I don't want a doctor taking care of me who would be willing to kill me (though assisted suicide, euthanasia, care in dying, or whatever term you want to employ).

Again, to quote Ms. Somerville: "Forcing physicians to act against their conscience, to do something they believe is deeply wrong against their will, not only harms them. This coercive violation of their freedom of conscience also harms society and the values that inform its culture." I believe physicians should have a means to state their clinical, religious or ethical limitations of care so that I can make an informed choice when seeking health care. This is an extremely important aspect for me in selecting a health care professional. I believe the implications of this draft policy, and certainly the comments of one of the College's officials, would remove this choice for me by forcing physicians to act against their conscience.

Reply

Anonymous

January 30, 2015 at 4:45 pm

REPLY FROM ADMINISTRATOR: Recently, the National Post published a commentary that falsely attributed the following statement to a College spokesperson: "Physicians unwilling to provide or facilitate abortion for reasons of conscience should not be family physicians." This quote is categorically false, and misrepresents the College's expectations of physicians who limit the health services they provide on moral or religious grounds. The College has asked the National Post to publish the following letter to correct this false statement and to clarify the College's position: <http://policyconsult.cpso.on.ca/wp-content/uploads/2015/01/Letter-to-National-Post-January-23-2015.pdf>

Reply

Figure 3, Note 10.

169. **Anonymous**
January 23, 2015 at 11:56 am
As a retired Palliative Care physician, I am very concerned about the words apparently given to the Press regarding physicians rights (or lack of them). It would appear that, rather than supporting Ontario physicians, there would be a form of "ethnic cleansing" and many MDs of Christian, Jewish and Muslim background would be ousted from the profession to which many of us have devoted our entire professional life.(This is especially pertinent to my husband and myself who have two grandchildren in Med School – what we say to them?) Probably Dr Somerville's suggestion that the College set up a list, easily accessible, of MDs who are willing to provide "doctor-assisted suicide" and/or abortion, is a very reasonable idea. Reply

Organization
February 2, 2015 at 11:31 am
 **The College of Physicians and Surgeons of Ontario**
Recently, the National Post published a commentary that falsely attributed the following statement to a College spokesperson: "Physicians unwilling to provide or facilitate abortion for reasons of conscience should not be family physicians." This quote is categorically false, and misrepresents the College's expectations of physicians who limit the health services they provide on moral or religious grounds. The College has asked the National Post to publish the letter below to correct this false statement and to clarify the College's position. [Read the letter here](#) Reply

Figure 4, Note 13 (Compare to Figure 2).

228. **Member of the Public**
January 30, 2015 at 10:48 am
Thank-you for the opportunity to comment on this draft policy "Professional Obligations and Human Rights."

First off, I am disappointed to see that, despite the overwhelming number of comments against the direction of previous consultation document, this draft continues to override the legitimate rights of physicians who refuse, for reasons of conscience, to provide certain procedures.

I am also alarmed by the reported comments of a College official to the effect that "physicians unwilling to provide or facilitate abortion for reasons of conscience should not be family physicians." At a time when Ontario is experiencing a shortage of family physicians (something which I went through when trying to find a new family physician), to say that some of them should leave profession because of their moral or religious beliefs is appalling. I am in full agreement with this statement by Margaret Somerville (National Post, January 23, 2015): "Physicians with conscientious objections to supplying medical procedures that would destroy human life or contravene respect for it, including euthanasia and assisted suicide, must not be drummed out of the profession." We need doctors, and we need to have choice in health care, and this includes having physicians who honour Canadian's choices on either side of a life issue. I don't want a doctor taking care of me who would be willing to kill me (though assisted suicide, euthanasia, care in dying, or whatever term you want to employ).

Again, to quote Ms. Somerville: "Forcing physicians to act against their conscience, to do something they believe is deeply wrong against their will, not only harms them. This coercive violation of their freedom of conscience also harms society and the values that inform its culture." I believe physicians should have a means to state their clinical, religious or ethical limitations of care so that I can make an informed choice when seeking health care. This is an extremely important aspect for me in selecting a health care professional. I believe the implications of this draft policy, and certainly the comments of one of the College's officials, would remove this choice for me by forcing physicians to act against their conscience. Reply

Organization
February 2, 2015 at 11:59 am
 **The College of Physicians and Surgeons of Ontario**
Recently, the National Post published a commentary that falsely attributed the following statement to a College spokesperson: "Physicians unwilling to provide or facilitate abortion for reasons of conscience should not be family physicians." This quote is categorically false, and misrepresents the College's expectations of physicians who limit the health services they provide on moral or religious grounds. The College has asked the National Post to publish the letter below to correct this false statement and to clarify the College's position. [See letter here.](#) Reply

Figure 5, Note 14 (Compare to Figure 3)