



Review of Bill 41: Health Professions Statutes Amendment Act 2007

Submitted to the Standing Committee on Community Services

September 2007

Introduction

On September 4, 2007, the Provincial Health Ethics Network (PHEN) held a provincial discussion to review Bill 41: Health Professions Statutes Amendment Act 2007 from an ethics perspective and provide feedback to the Standing Committee on Community Services.

The discussion session was facilitated by teleconference and attended by 12 people representing a number of health regions, professional associations and colleges and sectors of the health care system.

This document summarizes the discussion around two changes to the Act that have ethics implications, namely, the mandatory reporting of public health issues and government involvement in the development or amendment of a profession's code of ethics.

This document provides a summary of the feedback garnered from this discussion. It is not intended to be a position paper and does not express the organizational opinion of PHEN. While every effort has been made to accurately reflect the most salient concerns and suggestions raised, the information outlined below does not necessarily represent a consensus among participants.

Mandatory Reporting of Public Health Issues

Participants supported the addition of Section 1.1, mandating the reporting of public health issues to the Medical Officer of Health. They felt that this section was a cross-reference to mandatory reporting requirements already included in the Public Health Act. Participants were unclear whether inclusion of this section into the Health Professions Act would have implications for the introduction of disciplinary measures for health professionals that do not report public health issues.

Codes of Ethics

Section 135.4 allows the government to develop or amend a profession's code of ethics. Given that codes of ethics developed by many health professions are based largely on those developed by professions' national associations, participants were unclear whether the alteration of a code of ethics at the provincial level would cause disjunction in this regard.

Participants also discussed the importance of considering that health professionals are not alone in having a vested stake and interested in their professions' codes of ethics. That is, the group considered that the public has a vested interest in the health professional associations' codes of ethics and how they are developed and updated. It may, as a result, be ethically justified for the government to act on behalf of and defend the public's interest, in this regard. The ethical issues that should be considered in the context of this legislative change then, are to what extent should there be limitations on the power of the Ministry to intervene in the development and amendment of a professional association's code of ethics

and on the power of the professional associations to self-regulate their codes of ethics. While the group acknowledged this ethics tension and the importance of considering it in light of these legislative changes, they did not reach a conclusion as to how it might be resolved.

PHEN thanks the Committee for this opportunity to review these amendments, and for being open to receiving this feedback.

*Provincial Health Ethics Network
September 7, 2007*