

## myth:

The Canada Health Act requires provinces to pay for abortions.

**FACT:** The Canada Health Act says that provinces must fund medically necessary services. The act does not mention abortion or any other services as being medically necessary.

On March 8, 2001, Health Canada stated in a letter,

“This is further to your request under the Access to Information Act, dated August 1, 2000, for: Documents, reports & correspondence in the department that provide evidence that abortions are “medically necessary”. I regret to inform you that after a thorough search of all likely record holdings, departmental officials have confirmed that they have no records relevant to your request.”

M. Snider, Assistant Coordinator

For information on the Canada Health Act: [www.canada.gc.ca](http://www.canada.gc.ca)

## myth:

The federal government provides the provinces with a list of medically necessary services that they must fund.

**FACT:** Provinces decide what services are medically necessary and will therefore be funded through the health care system.

The Standing Senate Committee on Social Affairs, headed by Liberal Senator Michael Kirby, states in its interim report, dated March 2001, that

“the determination of what services meet the requirement of medical necessity is made in each province by the provincial government in conjunction with the medical profession.”

Does the College of Physicians and Surgeons decide?

No, In a letter dated March 22, 2001, Gary Mar, Minister of Health and Wellness stated,

“You are correct in your assertion that the current guidelines provided by the College of Physicians and Surgeons of Alberta on termination of pregnancy do not address the medical necessity of abortion services.”

**FACT:** There has not been a court ruling on who should pay for abortions.

Edmonton lawyer Mark McCourt has compiled a summary of case law on abortion:

R. v. Morgentaler {1988, SCC}

B.C. Civil Liberties Association v. B.C. (A.G.) {1988, BCSC}

Borowski v. Canada (A.G.) {1989, SCC}

Tremblay v. Daigle {1989, SCC}

Lexogest Inc. v. Manitoba (A.G.) {1993, Man. CA}

R. v. Morgentaler {1993, SCC}

Morgentaler v. New Brunswick (A.G.) {1995, NBCA}

PEI (Minister of Health) v. Morgentaler {1996, PEICA}

“To conclude, as Alberta Justice is well aware, the applicable case law divulges no legal impediments whatsoever to a decision by Alberta Health to de-insure the 98% of abortions that are elective and medically unnecessary (done for socio-economic reasons or as a means of birth control), or indeed, to de-insure all induced abortion services. In short, the jurisprudence appears clear that the courts cannot force the Alberta government to tax-fund abortion services.”

McCOURT LAW OFFICES, Edmonton, Alberta, K. MARK McCOURT

**FACT:** In a May 8, 1995 letter, Dr. Larry Ohlhauser, then-registrar of the College of Physicians and Surgeons responded to the question, ‘Is the College of Physicians and Surgeons of Alberta consulted by Alberta Health on which procedures should be insured?’

“Frequently, but not always, are we consulted. We are most likely to be consulted on new items or when procedures are going from research status to recognized medical practice. Deinsuring routine examinations is one occasion when we were not consulted.”

## myth:

The Supreme Court has said abortions must be paid for by taxpayers.

## myth:

Doctors decide which procedures are medically necessary and therefore paid for by taxpayers.