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November 17, 2021

Our File No. 99000

Via email scott.mcleod@cpsa.ab.ca

Dr. Scott McLeod, Registrar
College of Physicians and Surgeons
2700, 10020 – 100 Street NW
Edmonton, AB T5J 0N3

Dear Dr. McLeod:

Re: COVID-19 Medical Exemption Inquiry

Thank you for your clarification that "the limited scope of what constitutes a medical exemption to the COVID 19 vaccination requirements for employment in certain sectors and participation in other public activities" was not a decision of the CPSA and, in fact, was a decision made by AHS.

Can you please provide us with a copy of that AHS Directive, along with the name of the AHS decision-maker who remarkably appears to claim jurisdiction to direct licensed physicians as to the form of medical exemption that they are permitted to issue their patients. This policy, with regard to COVID-19 vaccinations, appears to include denying psychiatric exemptions to patients on the basis of PTSD arising from previous trauma, including assault and sexual assault.

This policy also appears to deny patients a medical exemption based on the CPSA Standards of Care that clearly state that informed consent is the minimum applicable standard of medical care for the Province of Alberta. The AHS Directive that you allude to also appears to fly in the face of AHS' own policy on informed consent, which is that it must be voluntary and without "undue influence". Clearly, the tactics of the CPSA in sending agents to raid doctors' offices to root through patient files without the consent of patients to access their medical records in order to punish doctors granting medical exemptions seems to be a violation of patients' rights to privacy and to the doctrine of informed consent.
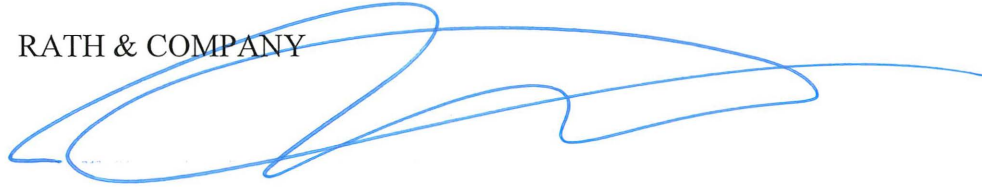
We ask you to advise us as to the basis for AHS jurisdiction to make such a grossly unethical and self-serving directive given that AHS is apparently using its own narrow declaration of applicable medical exemptions to the COVID-19 vaccination to constructively dismiss physicians from service in AHS facilities in the Province of Alberta.

Thank you in advance for your prompt response.

Yours very truly,

RATH & COMPANY

Jeffrey R. W. Rath, B.A. (Hons.), LL.B. (Hons.)
Barrister and Solicitor

Attachment

From: Scott McLeod <Scott.McLeod@cpsa.ab.ca>
Sent: November 16, 2021 7:44 AM
To: Jeff Rath <JRath@rathandcompany.com>
Cc: Sara Braun <SBraun@rathandcompany.com>
Subject: RE: COVID-19 Medical Exemption Inquiry

Mr. Rath;

I acknowledge receipt of your November 12, 2021 letter and the enclosure. Alberta Health has clearly stated the limited scope of what constitutes a medical exemption to the COVID 19 vaccination requirements for employment in certain sectors and participation in other public activities. Your form of letter attempts to redefine the scope of medical exemption already determined by Alberta Health. The CPSA does not endorse your interpretation of what constitutes a medical exemption. You are free to continue this discussion with Alberta Health and the Chief Medical Officer of Health.

Physicians are expected to comply with the CPSA Standards of Practice, including the Patient Record Content standard. It is therefore essential that any physician who issues an exemption that falls outside of the acceptable medical exemptions must clearly document the clinical reasoning for that exemption or deferral in the patients' medical record.

CPSA does not endorse your proposed letter.

Yours truly.

Scott McLeod, MD, MPH, MPA, CCFP, FCFP
(He/Him)
Registrar and CEO

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cpsa

This email was sent from the traditional territory of the Treaty 6 First Nations and the homelands of the Métis people.