



**RNAO submission to Bill 163,
Protecting a Woman's Right to Access
Abortion Services Act, 2017**

Submission to the Standing Committee on
General Government

October 19, 2017



Summary of RNAO Recommendations

Schedule 1

Recommendation 1. In Schedule 1 of Bill 163, amend section 3(1)(b) to include protected service provider.

Recommendation 2. Regulations for obtaining and/or extending the length of a safe access zone surrounding an abortion facility or clinic, or house of an individual providing or assisting in the provision of abortion services, must outline a clear and efficient process to ensure that safe access zones can be put into place in a timely manner.

Schedule 2

Recommendation 3. Develop structures and supports to enable timely, secure access to abortion services for those who require it, while maintaining the security of individuals and facilities.

Introduction

The Registered Nurses' Association of Ontario (RNAO) is the professional association representing registered nurses (RN), nurse practitioners (NP), and nursing students in all settings and roles across Ontario. Since 1925, RNAO has advocated for healthy public policy, promoted excellence in nursing practice, increased nurses' contributions to shaping the health system, and influenced decisions that affect nurses and the public they serve. RNAO is the strong, credible voice leading the nursing profession in Ontario.

We welcome the opportunity to provide feedback to the Standing Committee on General Government on Bill 163, An Act to enact the Safe Access to Abortion Services Act, 2017 and to amend the Freedom of Information and Protection of Privacy Act in relation to abortion services.

Schedule 1

RNAO is highly supportive of legislation to protect access to abortion services by ensuring the safety, security, and privacy of people seeking to use these services. No person should be at risk for physical or psychological violence, or experience harassment, interference, and intimidation, while accessing health care. Safe access zone protections and prohibition of harassment around facilities providing abortion services will help women feel safe while they access their chosen care option.

Health-care providers and staff working at facilities where abortion services are provided are also potentially at risk. As such, we strongly support the protections in this bill for health professionals and other clinic staff who provide or assist in the provision of surgical and medical abortion services. This includes regulated health professionals like physicians, nurse practitioners,¹ registered nurses, registered practical nurses, and pharmacists, and other clinic staff. Ontario's health-care providers should not be targeted at work or at their homes; we are pleased that safe access zone protections will extend to the homes of the abortion services providers and clinic staff.

We recommend that protected service providers be added to the protections under section 3(1)(b) which prohibits the sharing of oral, written, or graphic information about issues related to abortion services within the safe access zone.

Recommendation 1. In Schedule 1 of Bill 163, amend section 3(1)(b) to include protected service provider.

This bill is timely given the recent decision to publicly fund Mifegymiso.^{2 3} The legislation will ease concerns that may have discouraged individual physicians and nurse practitioners from prescribing Mifegymiso, and pharmacists from dispensing it.

Our only concern is that the process for obtaining a safe access zone designation, or extending the length of an existing safe access zone, must be clear and efficient or else it may become another barrier to accessing abortion services. Measures must be put in place to expedite this process.

Recommendation 2. Regulations for obtaining and/or extending the length of a safe access zone surrounding an abortion facility or clinic, or house of an individual providing or assisting in the provision of abortion services, must outline a clear and efficient process to ensure that safe access zones can be put into place in a timely manner.

Schedule 2

We are pleased that the amendments maintain the safety, security, and privacy of both people receiving abortion services, and those who provide or assist in the provision of these services. In particular, we support non-disclosure of identifying information and other information that, if disclosed, could reasonably be expected to threaten the health or safety of an individual – client and/or staff – or the security of a facility.

We are supportive of amendments to allow for public access, through the *Freedom of Information and Protection of Privacy Act* (FIPPA), to de-identified statistical information (e.g., counts, percentages) relating to the provision of abortion services. We believe that this is an adequate response to the Ontario Superior Court’s ruling that invalidated the abortion records exclusion in FIPPA and required that sufficient information be available to support meaningful public debate.⁴

We urge you to consider the impact that Schedule 2 amendments may have on women’s timely access to abortion services. There must be structures and supports in place so that people who require abortion services can obtain the information they need to access these services. For instance, to facilitate care coordination, the Ministry of Health and Long-Term Care could develop and maintain a *secure* roster of physicians, nurse practitioners, and pharmacists who are willing to provide abortion services. RNAO would be pleased to participate in further consultation about how to make his happen.

Recommendation 3. Develop structures and supports to enable timely, secure access to abortion services for those who require it, while maintaining the security of individuals and facilities.

References:

¹ College of Nurses of Ontario. (2017). What NPs should know about Mifegymiso. Retrieved from <http://www.cno.org/en/news/2017/july-2017/what-nps-should-know-about-mifegymiso/>.

² Ontario Ministry of Health and Long-Term Care. (2017). Abortion pill available across Ontario at no cost. Retrieved from <https://news.ontario.ca/mohltc/en/2017/08/abortion-pill-available-across-ontario-at-no-cost.html>.

³ Hudes, S. (2017, August 17). Abortion pill now free in Ontario, but still hard to find. *Toronto Star*. Retrieved from <https://www.thestar.com/news/gta/2017/08/17/abortion-pill-now-free-in-ontario-but-still-hard-to-find.html>.

⁴ *ARPA Canada and Patricia Maloney v R.*, 2017 ONSC 3285.