



OHIP pays for sterilization of retarded

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Toronto ON -- By DOROTHY LIPOVENKO Some Ontario families are having their mentally retarded offspring sterilized outside the province, possibly including those under age 16 for whom such contraceptive operations are illegal, and the Government is picking up the tab. Contraceptive sterilization is banned in Ontario on children under age 16 and legally questionable for the mentally incompetent over 16 unable to give consent.

While there is no statutory prohibition against sterilizing the mentally retarded over 16 based on the consent of a parent or guardian, common law (that established by the courts) has made it so legally questionable that few, if any, doctors will risk performing it on this age group, Dr. Jack Saunders, director of health services for the Ontario Medical Association, said in an interview yesterday. "It's our understanding that some families are going out-of-province to get sterilizations done on their mentally retarded children and submitting payment claims to the Ontario Health Insurance Plan," he said.

Dr. Saunders said he knows of no specific cases but the OMA has learned of the situation through "very reliable sources." He said the sterilizations are being done based on substitute consent and "it's our understanding that parents are going to the United States" for the service. "We are concerned and have voiced that concern to (Ontario) Health Minister Dennis Timbrell," Dr. Saunders added.

OHIP paid out claims last year on 126 sterilizations done out-of- province. They included hysterectomies, tubal ligations and vasectomies. But Dr. Eric Murray, director of OHIP's professional services, said yesterday he does not know how many involved children under 16.

Mr. Timbrell had a clause drafted last June that would exclude from OHIP payment sterilizations done out-of-province on children under age 16.

Introduction of the clause is pending until OHIP officials have reviewed their files to determine how many of these claims have been submitted since the Government's moratorium late in 1978 banning the contraceptive sterilization of youngsters under 16. The moratorium was extended indefinitely last spring.

The OMA has drafted a set of guidelines concerning sterilization of the mentally retarded, recommending that the moratorium be lifted.

It also recommended that, if the moratorium is lifted, candidates for the operation be examined by a pediatrician or internist, psychiatrist and general surgeon and "where appropriate," a geneticist's opinion should be sought and chromosome studies done.

Reports of the latter and a formal assessment of the patient's level of intelligence should be included in their hospital records.

The OMA also recommended that hospitals where these operations are performed establish committees to assess whether a physician's request for sterilization is valid and if the sterilization would be in the patient's best interests.

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