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ABSTRACT

Legislation requires physicians to sign a declaration of a patient's intention to use medical marijuana, and also requires patients to discuss risks with physicians.

OF INTEREST TO ALL PHYSICIANS

In October 2005, the CMPA mailed to members a notice about a “release from liability” form. (Note: Members in Québec did not receive the October mailing or the “release from liability” form with this mailing — please see the notice below.)

This form was created in response to Health Canada amendments (June 2005) to the *Marihuana Medical Access Regulations*. The amended regulations are intended to address, in part, the concerns of the Canadian Medical Association (CMA) and the CMPA about the obligations imposed on doctors under the original 2001 regulations.

The amended *Regulations* represent an improvement over the original legislation, but do not address all the CMA's and CMPA's previously expressed concerns. Under the amended *Regulations*, physicians are no longer required to “**recommend**” the daily dosage of marijuana, the form, or the route of administration. However, physicians are still required to indicate in their medical declaration, the daily amount, form and route of administration that “*the applicant intends to use.*”

While physicians are now not required to state the benefits of marijuana use outweigh the risks, the amended *Regulations* still require applicants to declare they have discussed the risks with the physician who signs the medical declaration. Some physicians may not be comfortable with this approach, from a process or a knowledge standpoint.

The CMPA recommends physicians who complete the medical declaration ask the applicant to sign the CMPA's release from liability form. Physicians may want to keep copies of this form on hand for future use.

Important notice to Québec physicians:

The College in Québec recommends Québec physicians limit their involvement in Health Canada's access to marijuana program to the signature of medical certificates setting out the patient's health condition. With respect to the CMPA's proposed form of release, please note that article 11 of the Québec's Code of Ethics of Physicians reads as follows:

11. A physician must, in the practice of his profession, assume full civil liability at all times. He may not elude or attempt to elude, nor request that a patient or person renounce any recourse taken in a case of professional negligence on his part.

Please contact the College in Québec for any additional information with respect to its position regarding physician participation in the program or the implications of article 11 of the Code of Ethics.

CMPA members are encouraged to contact the CMPA about specific medico-legal concerns at 1 800 267-6522.