

Family sues after B.C. Catholic hospital denies MAID request on religious grounds

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Sam O'Neill, 34, was hospitalized at St. Paul's Hospital in Vancouver in the spring of 2023 due to extreme pain related to her stage 4 cervical cancer.
SUPPLIED

The family of a terminal cancer patient who had to transfer health care facilities to receive medical assistance in dying is suing British Columbia and two health authorities, arguing that it is a violation of Charter rights for publicly funded care sites to deny the procedure on religious grounds.

Sam O'Neill was diagnosed with Stage 4 cervical cancer in early 2022. The following year, she was admitted to [Vancouver](#)'s St. Paul's Hospital, which is operated by Providence Health Care, a Catholic [health care](#) provider that prohibits MAID at its facilities. In excruciating pain and already approved for MAID, the 34-year-old transferred to another facility to end her life – a move that her family says was unnecessary, undignified and exacerbated her physical and psychological pain.

Gaye O'Neill, the mother of Sam O'Neill and administrator of her estate, filed a notice of civil claim in B.C. Supreme Court on Monday. Joining her as plaintiffs are Jyothi Jayaraman, a Vancouver-based palliative care physician who resigned from an earlier position because of Providence's policy, and the national advocacy group Dying With Dignity Canada, which will act as public interest litigant on behalf of patients.

The province, as represented by the Minister of Health; Providence; and Vancouver Coastal Health are named as defendants in the lawsuit, which invokes sections of the Charter of Rights and Freedoms pertaining to freedom of conscience and religion and the right to life, liberty and security of the person.

Gaye and Jim O'Neill, who live in Campbellford, Ont., called the final moments of their daughter's life horrific.

“I’m filing it because they hurt my daughter and she can’t speak for herself,” Ms. O’Neill told The Globe and Mail in an interview on Monday. “I’m filing this because I don’t ever want to see anybody else go through an experience like this ever again.”

Sam O’Neill was a writer, runner and fierce vegan who had “more friends than you could shake a stick at,” said her mother. Her cervical cancer was fast moving, contributing to kidney infections and osteoporosis. In February, 2023, she was assessed and approved for [MAID](#). The following month, she was taken by ambulance to St. Paul’s, where doctors informed her that the cancer had spread to her spine, breaking her vertebrae, and that no further treatments were available, according to the lawsuit.

The lawsuit says Sam O’Neill wished to access MAID in the room at St. Paul’s where she was being treated, but was denied because of Providence Health Care’s MAID policy. As such, on April 4, 2023, a transfer was arranged from St. Paul’s to a hospice 11 kilometres away.

“The transfer was not medically required or indicated, and was undertaken for the sole purpose of accommodating PHC’s faith-based prohibition on providing MAID where PHC provides medical services,” the lawsuit says.

Prior to being heavily sedated for the ambulance transfer, Sam O’Neill was first moved to a commode, where she sat wrapped in a blanket and exchanged her final words with her parents – the last time they would see her conscious.

Ms. O’Neill said it was “shocking” to say goodbye to their daughter in that way.

“I looked at her and said, ‘I am so sorry,’ and she just said, ‘It is what it is,’” she said.

Jim O’Neill, described the moment as “horrendous.”

“That was the last time I said, ‘See you, Sam. I love you,’” he said.

Mr. O’Neill accompanied his daughter in the ambulance ride to the other facility. With the exception of her writhing and moaning in pain halfway through the transfer, Sam O’Neill never regained consciousness.

Dying With Dignity Canada has long argued that faith-based care organizations should not receive public funds if they refuse to allow MAID, which has been legal since 2016.

In a statement to The Globe on Monday, Health Minister Adrian Dix said he respects the perspectives of all parties involved, as well as the court process and, as such, cannot comment on the matter. “I have immense compassion for all patients and their loved ones that choose and go through the MAID process,” he said.

Providence’s policy states that actions intended to terminate human life are incompatible with Catholic teaching. In a statement, the health care provider said it is reviewing the court filing, and that it works with Vancouver Coastal Health to ensure patient requests for MAID are addressed in a timely and safe manner as per B.C. regulations.

The ministry announced last November that it had directed Vancouver Coastal Health to establish a clinical space next to St. Paul’s Hospital, connected by a corridor, for patients to access MAID services. Those patients would be discharged by Providence and transferred to the care of Vancouver Coastal Health in the space, which the ministry said then would be open by this August. The O’Neills say a transfer of any distance is inappropriate.

Dr. Jayaraman, the co-plaintiff in the case, said she oversaw four such transfers last week and calls the process “unendurable.”

“The Charter allows me freedom of religion, which also means that nobody else’s religious beliefs should be imposed on me,” she said. “I think that is what’s happening, that Providence Health’s religious beliefs are imposed on me in such a way that I can no longer provide care in a medically appropriate and ethical way.”

<https://www.theglobeandmail.com/canada/article-family-of-woman-forced-to-transfer-from-catholic-hospital-to-another/>

So: (1) Only Catholics should be patients in Catholic hospitals? (2) What about Catholics who do not agree with the prohibition against MAiD? Can you disagree and still be Catholic entitled to services for Catholics? The Church has so many restrictive policies that dissenters (about something) might well be in the majority; (3) What if (a) a Catholic hospital is the closest to you at a ‘life or death’ time? and (b) you never considered MAiD till the need for it became clear? Simplistic “principled” policies ... Sometimes “revelation” can trump “reason”—some things are ineffable and unexplainable—but too much moral epistemological failure gets “rationalized” (!) under this guise. I think a doctor can be allowed to not perform MAiD, but the hospital needs to provide someone who will. But others would vehemently disagree. “How can I be asked, as a hospital administrator, cook or cleaner who takes Catholicism seriously, to provide any support for assisted dying or abortion or birth control or ____?” TJB