

three particular concerns present:

- a) the legal right to a home birth;
- b) the ability of the Medical Officer of Health to curb both the services rendered and the fees charged by midwives;
- c) the status of homebirths as hospital transfers.

a) the legal right lies in

Reg 13 of the Social Security Maternity Benefits Regulations Report 1939.

b) the ability of the Medical Officer of Health to curb services & fees of midwives

i. services the Medical Officer of Health has no power as he is a

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letter suggests he has to curb the midwives' rendering of their services
 Any discretion to refer the continuance of the contract (under Medical Benefits Regulations between patient and midwife) to a "special tribunal" for "termination" if for any reason it would be gravely prejudicial to the efficiency of the benefits provided for" lies with the Minister of Health — s. 122 of the Social Security Act, 1964.

ii fees - given the fact that there are only as ~~it~~ is claimed, two registered midwives operating in Quebec, and given also their legal right to their ~~services~~ services (supra) a) the ability of the M.O.H. to refuse payment where he claims the distance travelled is unreas-

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onable is questioned the word "reasonable" in cl. 14 of the Maternity Benefits Terms and Conditions is qualified in the proviso by the words "in the circumstances."

Further, Reg 24 (2) of the Social Security Maternity Benefit Regulations (1939) speaks of the nurses' ability to charge locomotion fees to the patient. I can find, however, no reference to the circumstances under which a nurse can directly charge the patient.

c) The status of homebirths as hospital transfers

Two issues arise here:

i) The homebirths' ability to make alternative arrangements for a hospital delivery;

ii) the Subservice of Doctor and patient to the Hospital Board.

i) alternative arrangements —

The woman appears to have no right to make such Reg 18 (1) (c) of Social Security Maternity Benefit Regulations states that where a woman makes alternative arrangements she shall notify the manager of the charge. It would appear that Dr. Cowan reads this as meaning "a booking implies a ~~intention~~ to be confined there."

Clause 5 of the Crippled Hospital Board Instructions, October 1980 covers this situation —

A woman in labour unbooked is treated as a public patient.

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Ombudsman's
Office

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ii) Subsistence of patient - Dr.

s 106 of the Social Security Act 1964 gives the woman a right to a private general practitioner subject to the concurrence of the controlling authority.

s 61 of the Hospitals Act 1957 states that where a woman chooses a medical practitioner, the Board may require the latter to enter into a agreement concerning the conditions whereby the G.P. is entitled to treat patient in hospital.

Reg 18 (1)(c) of the Social Security Maternity Benefits Regulations (1939) Revised states that it shall be the duty of every woman claiming any maternity benefits under the regulations if received as a patient in any hospital for the

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purpose of being provided with maternity
benefits to conform to the rules of
that hospital.

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