

## Drawing blood from unconscious accident victims now legal in UK

British doctors who want to test for drug or alcohol impairment may now take blood samples from unconscious car crash victims without fear of legal action. A new provision in the country's Police Reform Act closes a loophole that left physicians vulnerable to assault charges if they ordered blood samples from incapacitated patients for anything other than medical reasons. However, alcohol and drug levels often fall to undetectable levels by the time incapacitated drivers regain consciousness, making it difficult to determine whether they had been under the influence of alcohol or drugs.

The new provision comes after years of campaigning by families of victims of drunk drivers. In one case, a woman was killed when a speeding driver hit her car. Police could not use a breathalyzer because the driver — who was later fined £250 and banned from driving for 2 years — was unconscious.

A spokesperson for the Home Office said the provision, which took effect Oct. 1, gives doctors "a power, but not a duty" to take the samples.

The British Medical Association (BMA), which had urged the government to change the law, has issued guidelines for MDs. It says there should be "a clear separation between the clinical care the patient is receiving and any forensic procedures with which patients are asked to cooperate." Dr. Michael Wilks, chair of the BMA's Ethics Committee, says the association rarely supports taking samples without patients' consent, but in this case there is "a clear public interest" in having it done. He also pointed out that the law would help clear the names of some drivers.

Canadian physicians can draw blood from unconscious patients, but only for medical reasons. They are immune from legal action if they draw blood from an unconscious person at the request of police, who must first obtain a warrant, and they are also immune if they refuse the police request. — *Mary Helen Spooner, West Sussex, UK*

## UK has first rabies death in a century

A Scottish naturalist has become the first person in more than a century to die of rabies contracted within Great Britain.

Donald McRae, a volunteer with the Scottish Natural Heritage bat research project, died Nov 24. He had been infected with European bat lyssavirus (EBL), a strain found throughout Europe.

McRae, who had a licence to work with the animals, had been doing the work for 15 years. Another British wildlife volunteer is receiving treatment after a bat she was caring for in northwest England bit her; it also tested positive for EBL.

Britain's Bat Conservation Trust is working with British government agencies to test bats for the virus, and to date has turned up 2 cases in 3000 tests. In the wake of McRae's death, the Scottish Natural Heritage is revoking most of the 101 bat-handling licences it has issued.

Canada's last case of human rabies, which proved fatal, occurred in 2000 and involved a 9-year-old boy bitten by a bat at a Quebec cottage. It was the first case reported since 1985 and the country's 22nd rabies-related death since 1925. — *Mary Helen Spooner, West Sussex, UK*



Art Explosion

## Morgentaler's call for secular-only hospitals earns tepid response

Canada's leading advocate of accessible abortion services says all Canadian hospitals should operate without religious affiliation in order to guarantee medical services for everyone, particularly women.

"It's not normal that a public institution such as a hospital ... denies women services such as abortions because of the hospital's affiliation with a particular religion," says Dr. Henry Morgentaler, who operates 8 abortion clinics across Canada. "Hospitals should be providing care according to the dictates of the Canadian Medical Association and according to the dictates of good medical practices."

Morgentaler's comments followed the closure of Toronto's Wellesley Hospital after its merger with St. Michael's, a Catholic facility. "Wellesley Hospital was performing 2000 abortions per year, and people must now go elsewhere for that medical service," says Morgentaler. "Catholic hospitals are imposing Catholic doctrine on patients. It's unacceptable because many patients are not Catholic, and many Catholic patients do not believe the dogma of the church."

But his plea for secular services is being made in haste, the president of the Canadian Healthcare Association says. "It's important to remind ourselves that, as Canadians, it was religious groups that started

much of health care in our country," noted Sharon Sholzberg-Gray. "A lot of the institutions that we consider community institutions were paid for, funded and developed by particular religious groups. We can't forget that history."

The question is one of access, notes Sholzberg-Gray. "If there is access somewhere else in the community, then we don't need to worry about all hospitals providing the [same] service."

The Catholic Health Association of Canada said it is against the Catholic value system and beliefs for Catholic hospitals to provide abortion services. "Having hospitals with different religious affiliations is an expression of the pluralism in Canadian society," argues President Richard Haughian. "To [force hospitals to be] secular [would reduce] the expression of that pluralism."

Haughian says it's up to health jurisdictions to ensure access to medical services. "I don't think it's the responsibility of Catholic hospitals to ensure there is equitable access to medical services, such as abortions. There is a recognition that the Canadian health care system has evolved so hospitals are private in nature but operate on a not-for-profit basis, and Catholic hospitals fit into that framework." — *Louise Gagnon, Ottawa*