

Left unchecked, the arbitrary power of the College of Physicians and Surgeons of BC threatens the health and well-being of all British Columbians as well as the core values of Canadian democracy.

A handful of headstrong, and ethically courageous, British Columbian doctors have stood up and voiced their concerns about the potential harms associated with our provincial COVID-19 policies. Doctors Hoffe, Malthouse, Nagase, and Sclater have all run afoul of the College of Physicians and Surgeons of BC. In the interest of brevity and clarity, the reflections that follow will be confined to a single case—that of Dr. Charles Hoffe, who was one of the first, if not the first, BC physician to be censured by the College.

According to the Vancouver Sun, the College of Physicians and Surgeons of BC has issued a citation for Dr. Charles Douglas Hoffe, alleging that his “online comments contravened the standards of the Health Professions Act including the Canadian Medical Association’s code of ethics and professionalism.” The Vancouver Sun article further relates that Doctor Hoffe is accused of uttering a number of public health heresies.

The heresies of Doctor Charles Hoffe, we are told, are many and grievous. First, he has suggested that the mRNA COVID-19 genetic vaccines may cause “microscopic blood clots.” Such microscopic blood clots, he has allegedly stated, might contribute to severe neurological issues as well as a wide range of other serious harms. On this matter, the College is unfazed by the unprecedented numbers and varieties of harms reported in the world’s most prominent and widely recognized reporting systems, such as the American VAERS, UK’s Yellow Card, European Medicines Agency’s EudraVigilance, and the World Health Organization’s VigiSafe systems. A second heresy for which Dr. Hoffe is reproached, is his suggestion that “vaccinated persons can cause harm to unvaccinated persons.” The College appear steady in their resolve to censure Hoffe on this matter, unshaken by the growing body of evidence that mRNA COVID-19 genetic vaccines do not prevent infection or transmission of COVID-19 or its variants, or apparently reduce the occurrence of severe COVID-19. But the third, and perhaps greatest of Dr. Hoffe’s heresies is his suggestion that “ivermectin is an advisable treatment for COVID-19!” Health Canada historically and presently supports the use of approved medicines such as ivermectin for off-label indications at the discretion of prescribing physicians if there are compelling reasons why the doctors believe they may be helpful to their patients. The College’s attack on this statement is particularly ludicrous given its confirmation by no less an authority than Dr. Tess Lawrie, the director of Evidence-based Medicine Consultancy in

Bath, UK. With respect to the advisability of ivermectin in treating COVID-19, Dr. Lawrie has conducted a meta-analysis of 15 trials, following the gold-standard Cochrane protocol. While citing both the well-known safety profile and very low cost of ivermectin, Dr. Lawrie’s meta-analysis concludes that with the aid of this essential medicine “large reductions in COVID-19 deaths are possible” and, that “[u]sing ivermectin early in the clinical course may reduce numbers progressing to severe disease.”

As though Hoffe’s fantastically reckless claim that “ivermectin is an advisable treatment for COVID-19”, were not offensive enough... As though it were not absolutely intolerable that Dr. Hoffe’s assertion is now supported by not just one, but multiple meta-analyses... As if this weren’t already dreadful enough, the allegedly off-his-rocker doctor stands accused of suggesting that people wishing to make use of this treatment disregard its prohibition by Public Health! If Public Health refuses to make this potentially life-saving and inexpensive treatment available—a treatment with an unparalleled safety profile, a treatment already administered billions of times all around the world, a treatment with incredibly few adverse events recorded after over 40 years of use—Dr. Hoffe, I say—echoing the righteous, thundering indignation of the College of Physicians and Surgeons of BC—has had the unmitigated gall to suggest that the public might be justified in obtaining it “from animal feed stores” where it is also available.

But all kidding aside, to an increasing number of gravely concerned British Columbians, the disciplinary actions undertaken by The College of Physicians and Surgeons of BC against Dr. Hoffe and his fellow physicians for identifying issues of concern regarding the COVID mandates and recommendations pronounced by Public Health authorities, appear arbitrary, vindictive, and against the public interest. To these citizens, the College appears to be aggressively persecuting highly qualified and conscientious medical professionals for acting according to the dictates of their conscience, knowledge, and sworn oath to do no harm. These doctors have felt compelled to comply with their duties to patients and the community by voicing science-based concerns about potential harms associated with the mRNA COVID-19 genetic vaccine, and by drawing attention to the benefits of early treatment. For casting doubt upon the reliability of the Public Health authority’s COVID-19 policies, they have drawn the ire of the BC College, yet for many British Columbians, these courageous physicians embody the spirit of both ethical medicine and social responsibility.

If the actions taken against these doctors by the College of Physicians and Surgeons of BC are contrary to the spirit of ethical medicine and the dictates of a

socially responsible conscience, they are also contrary to the spirit of the law in Canada. According to the Canadian concept of law, a citizen cannot be both accused of a crime and also stripped of the ability to answer the accusation. When the College suspends a doctor's license it thereby prevents that doctor from earning income. Without income, such doctors will be unable to effectively pay the legal fees required to mount an adequate defense in answering the accusations made against them.

The punitive actions undertaken by the College of Physicians and Surgeons of BC are made even more outrageous by their complete lack of reasonable grounds. Again and again, the people of BC have heard from Interior Health, Public Health, and the Minister of Health, that their shared goal is to ensure the safety of British Columbians. To this end, they have prohibited physicians and other healthcare providers from publicly expressing opinions that contradict official Public Health recommendations and orders. To contradict these recommendations, they say, is to put people's lives at risk by encouraging vaccine hesitancy. And yet, time and again, to compel uninformed or poorly informed compliance, our public health authorities have provided misleading, erroneous, or inadequate information to justify orders and recommendations. Assertions concerning the safety and efficacy of mRNA COVID-19 genetic vaccines have been disproven. Assertions concerning the safety and efficacy of mask wearing and social distancing have been disproven. Similarly, assertions by Public Health authorities concerning the safety and efficacy of lockdown measures have been disproven. While falsely touting the benefits of these mandates, Public Health authorities have been silent or misleading about the risks. The College of Physicians and Surgeons of BC has censured doctors for attempting to prevent harm by providing patients and others with some of the information needed to make informed decisions about COVID-19 treatment.

At this stage, we should all know that the mRNA COVID-19 genetic vaccines do not prevent infection or transmission. Indeed, Pfizer executive Janine Small has admitted, before a European Union parliamentary hearing, that Pfizer did not test the vaccine for preventing transmission of COVID-19 prior to it being made available to the public. U.S. CDC director Rochelle Walensky has publicly admitted the vaccines can't prevent transmission. And viral immunologist Dr. Byram Bridle has written, "the current COVID-19 vaccines fail to induce what we call 'sterilizing immunity'. This means that vaccinated individuals can still get infected with SARS-CoV-2, potentially become ill, and potentially transmit the virus to others."

At this stage, we should all know that not only do the mRNA COVID-19 genetic vaccines not prevent hospitalization or death but that vaccine adverse event reporting systems around the world are showing higher rates of mortality for these mRNA COVID-19 genetic vaccines than for any other vaccines in history. Looking at the US VAERS, the UK Yellow Card, and the World Health Organization VigiAccess systems, in less than three years more vaccine injuries have been reported in connection with the COVID-19 vaccines than from the combined sum of all other vaccines administered over the past three decades.

Once upon a time, members of the College of Physicians and Surgeons of BC might have believed there were adequate scientific grounds for promoting the mRNA COVID-19 genetic vaccines as safe and effective. Now, however, it has been made abundantly clear, and that for a good long time already, that no such grounds exist. With over 35,000 COVID-19 vaccine deaths and over 2,400,000 adverse events reported in the US VAERS alone, the College of Physicians and Surgeons of BC should be pulling out their bullhorns and shouting from the rooftops: “these genetic vaccines are NOT safe, and they are NOT effective!” Instead, the College has prohibited physicians from expressing concerns about the safety and efficacy of these genetic vaccines on the grounds that to express such concerns puts people at risk by encouraging vaccine hesitancy. It appears patently obvious, however, that when we set about administering any new treatment, it is precisely by prohibiting physicians from sharing their opinions—as qualified, experienced, and ethically conscientious medical professionals—that we put people at risk.

The College’s disciplinary actions clearly prohibit or impair not just those targeted, but all physicians from carrying out their professional and ethical duties to ensure provision of individualized health care which includes providing information, specialized knowledge and careful advice about the risks and benefits of recommended medical products and about alternative treatments. The disciplinary actions by the College of Physicians and Surgeons of BC also violate our physicians’ protected rights including rights to: work and earn income as physicians; due process; remedies for rights violations; freedom of expression; and their right to participate in governance and decision making.

All of these rights, which the BC College is violating through their autocratic disciplinary actions, are protected by the *Charter of Rights and Freedoms*. Now, discussions of Charter rights and freedoms tend to be inconclusive, because it is difficult, on the basis of the Charter alone, to reach a useful end or stable determination. There is a simple reason for this. From a legal

perspective, the Canadian Charter is a weak constitutional document. It is weak in the sense that it does not, on its own, provide clear and definitive guidance on the general matters with which it is concerned. This does not mean, however, that no such guidance is possible. On the contrary, the relatively weak guidance provided by the Charter can be reinforced through reference to another body of law.

It is important, and also very helpful, to recognize that the Canadian Charter can and should be interpreted in accordance with the many international human rights treaties signed by Canada. When it comes to compliance with treaty obligations, one might say the entire world is watching; or to quote from section 8 of the Canadian “Policy on Tabling of Treaties in Parliament”, “Under international law, a treaty creates international legal obligations for Canada.” By referring to international human rights treaty law it is possible to throw much needed light on some of the more obscure, ambivalent, and vague sections of the Charter. Our physicians’ rights—the rights which are being violated by the College of Physicians and Surgeons of BC—are protected under the Charter and they are further protected under international human rights law treaties to which Canada is a party. The guidance these treaties provide **is** definitive and clear and the protection they provide is unquestionable—for these treaties are binding upon Canada. These include, but are not limited to, the *International Covenant on Civil and Political Rights* and the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*.

In addition to stripping physicians of Charter rights and freedoms, the College of Physicians and Surgeons of BC’s disciplinary proceedings also deprive patients of their essential rights to informed consent to medical treatment, freedom from coercion or force to accept a medical treatment not voluntarily chosen, and freedom from non-consensual medical or scientific experimentation. As ought to be widely known, these last two rights are absolute. They cannot be restricted under any circumstances, including those pertaining to public health emergencies. These laws are, in fact, part of the peremptory right to freedom from torture and other cruel, inhuman or degrading treatment or punishment. In addition, the illegitimate disciplinary actions undertaken by the College of Physicians and Surgeons of BC have had a chilling effect on non-targeted BC physicians whose silent acquiescence to harmful covid mandates has likely harmed hundreds of thousands of patients in this province alone. This is not an abstract issue that only concerns lawmakers and stuffy bureaucrats; it is a deeply personal crisis that affects Canadians living in major metropolitan centres across the country as surely as it reaches into the heart of rural townships throughout the Southern, Interior and Northern reaches of B.C.

It is no great stretch to imagine that many of those who have lost loved ones subsequent to vaccination, and a great many more who have been injured, are now calling out for justice. Far from wishing to see BC doctors punished for speaking out, a great many of these might wish to see the Colleges rebuked and disciplined—if not dismantled—for prohibiting their doctors from providing them with the responsible medical counsel required to make properly informed risk benefit analyses. By effectively muzzling BC physicians, the College of Physicians and Surgeons of BC has deprived British Columbians of their legal right to informed consent. This, in turn, has led to an inevitable desire for justice among the vaccine injured and bereaved.

The broader legal context and consequences of the BC College's autocratic policies and punitive actions against Doctors Hoffe, Malthouse, Nagase, and Sclater are of enormous importance. With the College's persecutory proceedings against these physicians, we are witness to non-consensual and arbitrary imposition of orders, arbitrary punishment, and arbitrary withdrawal of privileges. This is not only contrary to the Spirit of the law in Canada—it is an outright attack on Canadians' most fundamental participatory and democratic societal values. The College of Physicians and Surgeons of BC has dealt a terrible blow to doctors' freedom to practice ethical medicine in the province of British Columbia. If the College's arbitrary punishment of Doctors Hoffe, Malthouse, Nagase, and Sclater is allowed to stand, it will set a precedent that threatens the constitutionally protected societal values of all Canadians, while destroying the right to provide and receive personalized healthcare in BC. If these doctors' ethical actions on behalf of their patients are not vindicated, it will hamper the ability of all BC doctors to provide honest and informed consultations that are in the best interests of their patients, because these doctors, in turn, will fear that their own ability to practice medicine may be threatened if they do so.

In closing this discussion of ethical medicine and the ill-advisement of autocratic authority in matters of public safety, it may be helpful to remind ourselves of a fundamental principle of human rights recognized the world over: health professionals are under a legal obligation “to document and report torture and ill-treatment in all contexts.” Declaring a pandemic does not mean that authorities and health professionals no longer need to respect the rule of law and the rights and freedoms of individuals. On the contrary, even if a domestic law were to be changed, it cannot be used as an excuse to suspend rights guaranteed under treaties signed by Canada.

Highly qualified and ethically conscientious medical practitioners, doctors willing to risk their own livelihoods in order to advocate for the well-being of their patients, are a precious commodity. When doctors have science-based concerns about potential harms to their patients, they must be not only allowed, but encouraged to speak out. To punitively restrict and silence doctors, to prevent them from acting according to their conscience, to prevent them from fulfilling their fiduciary duty towards their patients is recklessly poor policy. In light of the above, and in compliance with its statutory and ethical duty to the people of this province, I urge the College of Physicians and Surgeons of BC to immediately withdraw all proceedings against Doctors Hoffe, Malthouse, Nagase, and Sclater. I further urge the College to take whatever measures are necessary to enable these doctors' return to practicing medicine. The value of these doctors' principled stand against the College of Physicians and Surgeons of BC's autocratic imposition of ill-advised public-health policy cannot be overstated. Exemplary embodiments of the spirit of ethical medicine and social responsibility, these physicians are to be applauded for the tremendous efforts they have made on behalf of all British Columbians.