

# Attention Ottawa: Insite is a health care service

BY MAXINE DAVIS, SPECIAL TO THE SUN FEBRUARY 17, 2010

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The federal government is once again appealing a court decision in favour of Insite, Vancouver's internationally recognized supervised injection site. This time it is appealing all the way to the Supreme Court of Canada. It is challenging the recent B.C. Court of Appeal ruling that Insite's supervised injection service is a health care service which the government of British Columbia had the authority to implement.

This is consistent with the position of the Dr. Peter AIDS Foundation when, in 2002 at the Dr. Peter Centre, it integrated supervised injection service into its range of health care services for people living with HIV/AIDS.

The centre's approximately 300-day health program participants have a complexity of illnesses and disabilities in addition to HIV/AIDS, including serious mental illness and long-standing addiction issues. About 35 per cent are homeless or have unstable housing. The centre's health care services range from nursing care to nutritious meals, art, music and recreation therapies.

Counselling includes support for reducing harm from drug use and assistance with referrals to detox and other addiction treatment.

The Dr. Peter Centre's 24-hour skilled nursing care residence integrates supervised injection into nursing practice.

The galvanizing impetus to pursue integration of supervised injection service was two overdoses - one in a bathroom, the other in a laundry room -- fortunately, neither fatal. Aware that there had never been a death in a supervised injection site anywhere in the world, it seemed inconsistent with our mission of care for people with HIV/AIDS to ignore that there was a way to reduce their risk of death by overdose. We also knew that injecting in clean conditions with sterile equipment could prevent our severely immuno-compromised clients from having serious and persistent, often life-threatening, infections.

The foundation consulted the College of Registered Nurses of British Columbia, the entity authorized and required, under B.C.'s Health Professions Act, to establish standards for registered nursing practice. The college's practice standards state it is the responsibility of an employer to provide a work environment that supports registered nurses in meeting those standards.

The college confirmed it was within the scope of registered nursing practice to provide clients with evidence-based information so they can give themselves intravenous injections more safely. It noted that teaching and promoting such self-care prevents illness and promotes health, especially for clients with high-risk behaviour. The College of Registered Psychiatric Nurses provided the foundation with the same nursing practice clarification.

When the Dr. Peter Centre integrated supervised service, it did not request an exemption under Section 56 of the federal Controlled Drugs and Substances Act because it was undertaking a necessary health service. The nurses do everything reasonably possible to observe federal law -- they do not touch, inject or provide the drugs.

The foundation was granted intervener status in Insite's B.C. Court of Appeal case. In her written summary of judgment, Justice Carol Huddart stated, "The evidence [provided by the foundation] establishes how and why the decision in this case will have significant effect on registered nurses

seeking to comply with the professional and ethical standards to which they are held by their governing body. That concern is at the root of the division of powers issue and the evidence will be helpful to a full understanding of that issue."

In an earlier decision, Justice Ian Pitfield found that the application of federal laws to Insite violated its clients' rights to life, liberty and security of the person under section 7 of the Charter. He noted the "incontrovertible conclusion" that "the risk of morbidity and mortality [death and disease] associated with addiction and injection can be ameliorated by injection in the presence of qualified health professionals." This reflects the Dr. Peter Centre experience.

I hope that the Supreme Court will rule in favour of Insite. The Dr. Peter Centre experience of integrating supervised injection into a broader range of health care services offers the possibility of such a service in any small town or large city in Canada. It does not require a separate facility and can build upon already existing staff resources.

It is time to make this health care service available to many others who so desperately need it. It is time to bring individuals in from the street so they can inject safely and cleanly. It is time to create therapeutic spaces of acceptance so that greater engagement in health care is possible for some of our most unwell and disadvantaged citizens.

Maxine Davis is executive director of the Dr. Peter AIDS Foundation.

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