QUESTION
I have been following the Society of Obstetricians and Gynaecologists of Canada’s (SOGC’s) guidelines on emergency contraception. One of my colleagues tells me that implantation takes place on about the fifth day after conception and, therefore, use of an intrauterine device (IUD) on the sixth or seventh day (in accordance with the guidelines) could be seen as abortion. Does this make me legally vulnerable?

ANSWER
Guidelines are not hard and fast rules, but are intended to guide your advice and treatment. They can help you understand the approaches available, but any treatment you give to your patients must be given based on your clinical judgment and with their informed consent.

The information about implantation you have given me in your question might well be relevant and important to some of your patients if it is supported by evidence. You might, therefore, want to tell your patients that the SOGC guidelines permit insertion of an IUD up until the seventh day, but also give them the further information about implantation. It is then up to patients themselves to decide what their own ethical standards are.

If patients are not given all the information that reasonable people in their situation would want, they might claim that they had not given informed consent to whatever treatment approach you have taken. It is important to remember that the SOGC guidelines, like other guidelines, do not apply universally to every patient, but must be considered in the light of each individual patient’s specific needs, be they physical, emotional, or moral.

Although laws governing medical practitioners are similar across the country, they can vary greatly from one jurisdiction to another. Specific answers to questions cannot be given in a national publication. While the information in this article is true in general, it is intended to bring issues to your attention, not to give specific advice. You should consult a lawyer if you have specific concerns. Members of the Canadian Medical Protective Association can contact the Association at 1-800-267-6522.

Readers may submit questions on medicolegal issues by fax to Dr Philip Winkelaar at (613) 725-1300. They will be considered for future Medicolegal Files.

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