



"Our deepest fear is we are powerful beyond measure"



August Newsletter

2017

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Canada becoming a go-to destination for those seeking surrogate mothers

Karen Busby

Nepal, Thailand and India, once popular destinations for Westerners seeking surrogate mothers, have now effectively closed their doors to international surrogacy. In a curious twist, Canada may be emerging as the new go-to destination for people from around the world wishing to become parents with the assistance of a surro-



gate mother. Why is this happening? Should we be concerned about it?

As Canadian law robustly prohibits discrimination based on sexual orientation or marital status, it is one of the few jurisdictions where queer people or those who are not in a marriage-like relationship can be recognized as parents. Intended parents cannot remove a surrogate-born child from its country of birth until the child has a passport, and the intended parents can only apply for a passport after a parentage determination has been made and they are named as parents on the child's birth certificate. Most Canadian provinces have speedy processes to meet these requirements. Additionally, any child born in Canada is a Canadian citizen — a status many prospective parents consider desirable.

Some intended parents want to ensure the embryo carries or does not carry certain genetic traits or they may want a multiple birth. Nearly two-thirds of Canadians live within a one-hour drive of the Canada-United States border and most passport-holding Canadians can cross this border with ease. While Canadian law on the use and manipulation of gametes and embryos is quite conservative, those seeking less bureaucratic or more radical interventions can simply ask the potential surrogate mother to cross the Canada-U.S. border where IVF would be performed following, for example, sex selection or pre-implantation genetic testing in a more technology-friendly American state.

Canada also offers distinct financial and health-care advantages to would-

Canada becoming a go-to destination - continued

be parents via surrogacy. Surrogate mothers living in Canada and the children they bear are entitled to fully state-funded pre-natal, delivery and post-natal care, which is of the highest quality. No province has laws requiring or facilitating recovery of costs related to pregnancy or delivery from international intended parents.

Most Canadian women who are employed at the time they become pregnant are entitled to partial reimbursement of the income lost during maternity leave through the national employment insurance regime and some employers top up these benefits, thereby reducing the value of lost wages that intended parents may need to reimburse a surrogate mother. The value of the Canadian dollar is low compared to the U.S. dollar, which reduces the expenses associated with surrogacy, including the surrogate mother's reimbursable expenses and the intended parents' post-birth living expenses.

Well-established information and support networks for surrogate mothers, clinics, agencies and lawyers stretch across the country, not only facilitating prospective parent engagement but also ensuring that surrogate mothers are identifiable and healthy and that they and intended parents are well matched and properly informed. Nonetheless, the number of Canadian women willing to act as altruistic surrogates — Canadian law prohibits paying fees to surrogate mothers — does not come close to meeting the domestic and international demand. Canadian surrogacy participants have been unwilling to speak on the record about paying surrogate mothers a fee for their services. Nonetheless, some researchers believe that such payments are being made by non-Canadian intended parents to offshore accounts, thus encouraging Canadian women to become surrogates for intended parents

from outside Canada rather than for Canadians.

Canadian criminal law does not apply to extra-territorial acts, so as long as payments are made outside of Canada, an argument can be made that no Canadian law has been violated. The Canadian government has long had policies in place to facilitate the issuance of passports to children born offshore to surrogate mothers for intended Canadian parents. This in spite of the fact that almost all of these offshore arrangements involve a fee for surrogacy services and, therefore, would have been criminally prohibited had the arrangement been executed in Canada.

Should Canadians be concerned about our emerging status as a surrogacy destination? Most of the research supports the conclusion that surrogate mothers in western countries are not being exploited. More than 50 published studies indicate that they are, overall, satisfied with the arrangements. Nonetheless, more can be done to ensure that surrogate mothers are well protected, including more robust restrictions and reporting standards on the use of reproductive technolo-

gies such as multiple implants and a requirement that surrogate mothers get independent medical and legal advice. There are research gaps, especially in the Canadian context, on issues such as whether surrogate mothers want ongoing relationships with the children they bear and whether such contact is good for the children. If the latter is the case, we may want to adopt policies that give preference to Canadian intended parents.

Provincial health-care officials should consider whether and how to recover health-care costs from non-Canadian parents. The ability of international participants to structure financial arrangements that may give them a clear advantage over Canadians in attracting surrogate mothers is a matter that also needs more study and consideration. Should such transactions be more carefully monitored for compliance with Canadian law or even prohibited altogether? Alternatively, should the playing field be levelled by lifting the prohibition on commercial surrogacy in Canada?

These are all important questions to consider as Canada's place in surrogacy continues to evolve.



Strengthening the Assisted Human Reproduction Act - Health Canada

Current status: Open

You are invited to comment on the policy proposals we will use to write regulations to support certain parts of the Assisted Human Reproduction Act.

Why

We want to strengthen the Assisted Human Reproduction Act by writing regulations that will:

- reduce the risks to human health and safety from using donor sperm and eggs (ova), including the risk of transmitting disease
- make clear what expenses may be reimbursed to donors and surrogates
- allow us to appoint inspectors who will manage and enforce the act

Who

We are looking for comments from all interested Canadians, including:

- people who use assisted human reproduction and related patient groups
- fertility industry members and related organizations
- health care providers and related organizations
- academics and researchers
- fertility lawyers

What

We are looking for comments on:

- *Toward a Strengthened Assisted Human Reproduction Act*

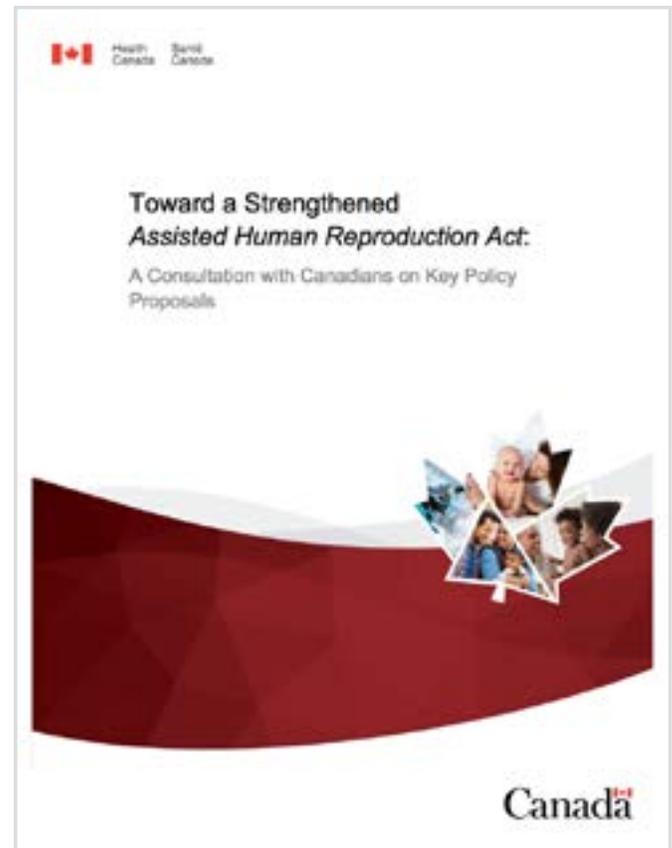
When and where

- The document will be online for 60 days, between July 12, 2017 and September 9, 2017.
- Another consultation will take place when the proposed regulations are published in Canada Gazette Part I.
- We will consider all feedback that we receive on or before September 9.

How to participate

Submit your comments by:

- Online: *Toward a Strengthened Assisted Human Reproduction Act: A Consultation with Canadians on Key Policy Proposals*
- mail
- email, in electronic files such as:
 - Microsoft Word
 - Adobe Acrobat



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Acupuncture for Implantation Success - Dr. Kali MacIsaac HBSc, ND

When women are working toward an embryo transfer, I often get asked what they can do to increase the likelihood that the embryo properly implants and will create a healthy baby. While diet and supplementation help to create the ideal environment to nourish an embryo, another tool I always recommend is transfer day acupuncture. Clinical studies have shown that acupuncture treatments administered right before, and right after, embryo transfer can significantly increase the chances of implantation and full-term pregnancy. You may have heard of this service - many IVF clinics are starting to offer acupuncture on-site due to patient demand. I'm going to share the research on transfer day acupuncture, and provide some insight as to why you may want to add this to your fertility plan.

Acupuncture treatments administered immediately before and after embryo transfer have been studied in clinical trials. Using the latest research, an acupuncturist may use either traditional (needle) acupuncture or a combination of laser and traditional acupuncture to support implantation. The transfer day protocol

involves two sessions: one immediately before (ie. 25-30 mins), and one immediately after embryo transfer. It is usually administered in a relaxed setting, either on site at your IVF clinic or at a nearby acupuncture clinic. If acupuncture needles are used, virtually painless tiny needles are inserted into specific points and retained for a short period of time. If a low level laser is used, the probe is held against the skin with no felt sensation from the light

energy. At our clinic, we use a combination of low level laser and traditional acupuncture on transfer day. Patients enjoy the chance to relax before and after transfer, as well as the benefit of increased implantation and clinical pregnancy rates.

Here's what the research says:

1. laser acupuncture study May 2009: published in the journal *Fertility and Sterility*, a leading journal in the field of reproductive medicine, a randomized placebo-controlled trial of IVF patients showed that laser acupuncture before and after embryo transfer improved implantation rates up to 15%. This is the largest study of acupuncture in the setting of IVF - 1000 women were randomized to receive laser acupuncture from a low level laser (using infrared light, which can't be felt), traditional needle acupuncture, laser sham acupuncture, relaxation therapy or no treatment. The rate of implantation in the laser acupuncture group, versus the sham laser, was significantly better - odds ratio 1.26. Clinical pregnancy rate was also higher: 55% versus 44%. All of the interventions took place 25 minutes before the transfer, and then again shortly after. The relaxation group listened to soft music in a quiet setting; the laser and traditional





Don't forget
to read Angela's
new **blog** this week:

*How Children embrace
surrogacy*

www.surrogacycommunity.ca

Acupuncture for Implantation Success - continued



acupuncture groups received treatment at 5 acupoints on the head, wrists, abdomen and legs prior to transfer, and at 4 acupoints on the head and legs after transfer. The author of the study concluded by saying “laser acupuncture performed on the day of embryo transfer was well tolerated and significantly improved implantation rates in our patient population. We feel that laser acupuncture could also be used to improve outcomes during IVF.”

The mechanism as to why acupuncture works on transfer day can be extrapolated from other acupuncture research. Acupuncture has been shown to improve blood flow to the uterus, providing increased nutrient and oxy-

gen delivery. In addition, acupuncture regulates fertility hormones, which may further add to its success.

It should be mentioned that other research has determined that even better clinical outcomes can be obtained when acupuncture is used leading up to an egg retrieval and also on transfer day – women who receive regular acupuncture for at least 12 sessions prior to retrieval and then again on transfer day have even better IVF outcomes, likely due to effects on egg quality for the woman having the retrieval. If it's an option, try to receive regular twice-weekly acupuncture for the 6 weeks leading up to an egg retrieval (12 sessions). If embryos are already

formed, acupuncture on the day of transfer will still increase implantation and clinical pregnancy rates.

All licensed doctors of Chinese Medicine (Dr TCM), registered acupuncturists (RAC) and naturopathic doctors with acupuncture certification (ND) can administer pre- and post- transfer acupuncture. Ask your IVF clinic if they're associated with anyone offering this service.

Wishing you all the best with your transfer!



Dr. Kali MacIsaac HBSc, ND
Naturopathic Doctor