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Team Lead: Executive Director - East	Program Area: Across All Care Areas
Approved by: Senior Leadership	Policy Section: General
Issue Date: October 1, 2017 Review Date: Revision Date: December 10, 2019	Subject: Medical Assistance in Dying (MAID)

POLICY SUBJECT:

Medical Assistance in Dying (MAID)

PURPOSE:

On February 6, 2015, the Supreme Court of Canada determined that an absolute prohibition on Medical Assistance in Dying (MAID) violates the rights of some individuals under the Canadian *Charter of Rights and Freedoms* and is unconstitutional. In response to the Supreme Court ruling, the Canadian Parliament passed legislation, *An Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying)* (The Act) on June 17, 2016.

The Act grants individuals the right to autonomy over the decision to end their own lives, when they meet the legislated criteria. The Act recognizes that nothing in the legislation affects individual rights to freedom of conscience and religion. The Act furthermore recognizes that the principles of *The Canada Health Act* regarding accessibility to medical services apply to MAID.

The purpose of this policy is to:

- To ensure that eligible Individuals residing in Manitoba have reasonable access to MAID within Southern Health-Santé Sud.
- To provide direction for access to MAID within Southern Health-Santé Sud owned and operated facilities and Affiliate Facilities, as well as clarity for Abstaining Facilities and Conscientious Objectors, respecting compliance with provincial and federal law.
- To ensure that Individuals and Staff have access to information regarding processes related to MAID.
- To ensure compliance with provincial clinical standards and guidelines, including standards, statements or by-laws of professional regulatory bodies, as well as federal and provincial legislation in respect to MAID within Southern Health-Santé Sud.

BOARD POLICY REFERENCE:

Executive Limitation (EL-01) Global Executive Restraint and Risk Management

Executive Limitation (EL-02) Treatment of Clients

Executive Limitation (EL-03) Treatment of Staff

POLICY:

1. MAID is recognized as one of a number of medical procedures and therapeutic services, which are available to eligible Individuals who meet the MAID Criteria.
2. MAID is provided to eligible Individuals in all Southern Health-Santé Sud Facilities and Affiliate Facilities, except in facilities operated by Abstaining Facility Operators that have adopted and published an official policy or position not to provide MAID in accordance with this Policy.
3. Southern Health-Santé Sud Facilities and Affiliate Facilities, other than Abstaining Facility Operators, will provide an appropriate setting, such as a private or quiet room, within the facility for the provision of MAID, where reasonably available.
4. At the discretion of an Authorized Practitioner, MAID may be available at a location outside of a Southern Health-Santé Sud Facility, including an Individual's residence.
5. The provisions of this Policy shall be complied with by the Authorized Practitioner and Staff in addition to the policies in place within Southern Health-Santé Sud.
6. Abstaining Facility Operators must:
 - a. develop, maintain and make easily accessible to the public and their Staff a clearly articulated, official written policy relating to MAID, and as part of making their policy easily accessible, Abstaining Facility Operators must:
 - i. post their policy relating to MAID on the Abstaining Facility Operator's official website, or if the Abstaining Facility Operator does not have an official website, post a notice on an easily accessible public bulletin board at the facility that clearly identifies that the facility has adopted an official policy that it is an Abstaining Facility Operator in respect to MAID and where Individuals may obtain a copy of the policy; and
 - ii. provide a copy of their policy to any Individual or Staff upon request;
 - b. include a statement within their official written policy that requires Staff, including Conscientious Objectors, to disclose and provide personal health information about an Individual in accordance with *The Personal Health Information Act*, as well as access to the Individual's health record, to the MAID Team when requested by the Individual or the MAID Team;
 - c. include a statement within their official written policy that enables Individuals to receive timely and accurate responses when an Individual requests MAID or information relating to MAID. For greater certainty, timely and accurate information relating to MAID means, at a minimum, that the Individual is provided with the contact information for the MAID Team and/or Health Links- Info Santé, within 24 hours of the inquiry or request; and

- d. include a statement within their official written policy indicating that Individuals may not be able to access MAID if the Individual is too ill or frail to be transferred to another Southern Health-Santé Sud Facility that permits MAID, or if the Individual declines to be transferred from an Abstaining Facility Operator to another Southern Health-Santé Sud Facility that permits MAID.
7. Southern Health-Santé Sud Facilities, including Abstaining Facility Operators, do not:
 - a. disqualify or prohibit Individuals from being admitted to their facility on the basis that an Individual has expressed an interest in MAID, or may ultimately choose to receive MAID;
 - b. prohibit inquiries or discussion about MAID between Individuals and Staff;
 - c. prohibit the MAID Team from accessing an Individual within the facility for the purposes of obtaining consent and information, or discussing all appropriate and available therapeutic options available to the Individual to address their health and medical needs when the Individual, or anyone on their behalf, has initiated contact with the MAID Team; or
 - d. prohibit the MAID Team from documenting on the Individual's health record.
8. Southern Health-Santé Sud Facilities, including Abstaining Facility Operators, comply with any transfer protocols developed by Southern Health-Santé Sud for the transfer of care of an Individual from one Southern Health-Santé Sud Facility to another in a safe, timely and coordinated manner. Southern Health-Santé Sud Facilities, including Abstaining Facility Operators, may be required by Southern Health-Santé Sud to accept transfer back of an Individual who does not proceed with MAID.
9. MAID will not be approved for or provided by Staff to an Individual who does not meet the MAID Criteria. An Individual who does not meet the MAID Criteria will be informed by the Authorized Practitioner who determined the Individual does not qualify, or their delegate, and referred to alternative and appropriate therapeutic medical services that may be available.
10. The processes associated with and the provision of MAID are done in compliance with any and all applicable laws including the *Criminal Code of Canada*, and all standards, statements or by-laws established by any applicable professional regulatory body.
11. All Southern Health-Santé Sud Facilities, including Abstaining Facility Operators, and Staff, including Conscientious Objectors, continue to provide for the health care needs of any Individual who has inquired or requested information about MAID, whether or not they have been approved for MAID. For greater certainty, this includes continuing to provide for and plan for the health care needs of the Individual in respect to the transfer to any other facility for the purposes of pursuing MAID.
12. Where an Individual, or anyone on their behalf, expresses an interest in the provision of MAID, requests information about MAID, or pursues the provision of MAID, Southern Health-Santé Sud Facilities, including Abstaining Facility Operators, and Staff, including Conscientious Objectors, do not:
 - a. directly or indirectly take or threaten to take any discriminatory or retaliatory action against the Individual;

- b. directly or indirectly take or fail to take any action which may or does result in the reduced availability or diminution of health care services provided to an Individual; or
 - c. cause the Individual to be discharged or transferred to another health care facility, except in accordance with a documented treatment plan approved for and in collaboration with the Individual or for the purposes of the provision of MAID under Southern Health-Santé Sud's transfer protocols.
 - d. Where an Individual, or anyone on their behalf, expresses an interest in receiving MAID or requests information about MAID, all Staff, including Conscientious Objectors, at a minimum, promptly:
 - i. notify their manager of the expression of interest or request for information;
 - ii. notify their manager in the event they wish to be considered as a Conscientious Objector;
 - iii. comply with Procedure Section 1 of this Policy, but no later than 24 hours after the expression of interest or request for information;
 - iv. comply with any requirements of their professional regulatory body, if applicable, in relation to the expression of interest or request; and
 - v. in accordance with *The Personal Health Information Act*, disclose and provide personal health information about an Individual, including access to the Individual's health record, to the MAID Team when requested by the Individual or the MAID Team with the consent of the Individual.
13. The MAID Team, upon receipt of a request by a patient to pursue the provision of MAID or where the MAID Team intends to seek personal health information about an Individual from a Southern Health-Santé Sud Facility, notifies any person designated by the Southern Health-Santé Sud Facility to receive such notices.
14. Staff, including Conscientious Objectors, who have questions in respect to this Policy, or any aspect of MAID, may advise their manager who assists in obtaining answers and, at a minimum, provides Staff with the MAID Team's website address listed in Procedure Section 1 which contains information for health professionals.
15. A Conscientious Objector is not forced, coerced or required to provide or aid in the provision of MAID, but must comply with the requirements of their professional regulatory body, if applicable, and this Policy.
16. No Southern Health-Santé Sud Facility or Staff will take or threaten to take any discriminatory or retaliatory action against a Conscientious Objector as a result of his or her refusal to provide or aid in the provision of MAID.

17. No Southern Health-Santé Sud Facility, including an Abstaining Facility Operator, or Staff, including a Conscientious Objector, will take or threaten to take any discriminatory or retaliatory action against Staff as a result of a Staff member:
 - a. choosing to provide or aid in the provision of information to the Individual or the MAID Team;
 - b. choosing to provide or aid in the provision of MAID at a Southern Health-Santé Sud Facility that is not considered an Abstaining Facility Operator;
 - c. complying with this Policy;
 - d. complying with the standards, statements or by-laws of their professional regulatory body, if applicable; and
 - e. complying with any applicable law.
18. Southern Health-Santé Sud Facilities and Affiliate Facilities, including Abstaining Facility Operators, and Staff, including Conscientious Objectors, cooperate with and provide information to any person conducting an investigation, review or inquiry on behalf of Southern Health-Santé Sud in respect to concerns raised by an Individual, or anyone acting on behalf of any Individual, that they have experienced discriminatory or retaliatory action as a result of an expressed interest in MAID or as a result of having requested or pursued MAID.
19. Medical Practitioners and Nurse Practitioners who receive a written request for MAID provide information as may be required by the regulations under the *Criminal Code of Canada*, if any.
20. Staff members who are pharmacists and who dispense a substance in connection with the provision of MAID provide information as may be required by the regulations under the *Criminal Code of Canada*, if any.
21. Southern Health-Santé Sud cooperates with any provincial committees or councils that may be established to review the regulation, legislation and practice of MAID in Manitoba.
22. As part of making this Policy readily available to the public, Southern Health-Santé posts this Policy on its official website and provides a copy to any Individual or Staff upon request.

DEFINITIONS:

Abstaining Facility: A faith-based Affiliate Facility which provides publically funded health or medical services to Individuals in a manner which is consistent with the fundamental religious principles of the religion or faith to which it adheres, and adopts and publishes an official policy or position that it will not allow MAID, or certain aspects of processes associated with MAID, as defined in this section below titled MAID or Medical Assistance in Dying, to be provided within its facility.

Affiliate Facility: A facility, which has a funding relationship with, but not owned or operated by, Southern Health-Santé Sud.

Assessment Process: A part of the MAID process, which involves the assessment of the medical condition of a Client to determine whether the Client meets the MAID criteria.

Authorized Practitioner: A Medical Practitioner or Nurse Practitioner who is part of the MAID Team.

Conscientious Objector: Any Staff who refuses to provide or participate in providing MAID because such action would violate a personal, deeply held moral or ethical value.

Grievous and Irremediable Medical Condition: A condition by which the Individual meets all of the following criteria:

- the Individual has a serious and incurable illness, disease or disability;
- the Individual is in an advanced state of irreversible decline in capability;
- that illness, disease or disability or that state of decline causes the Individual enduring physical or psychological suffering that is intolerable to the Individual and that cannot be relieved under conditions that the Individual considers acceptable; and
- the Individual's natural death has become reasonably foreseeable, taking into account all of the Individual's medical circumstances, without a prognosis necessarily having been made as to the specific length of time that the Individual has remaining.

Health Links – Info Santé: A provincial health contact center operated 24 hours per day, 7 days per week, staffed by registered nurses to provide answers over the phone to health care questions and guide Individuals in the care they need.

Individual: A person including a patient, resident or client of a Southern Health-Santé Sud Facility or a Southern Health-Santé Sud clinical service.

MAID or Medical Assistance in Dying: The administering by a Medical Practitioner or Nurse Practitioner of a substance to an Individual, at that Individual's request, that causes death; or the prescribing or providing by a Medical Practitioner or Nurse Practitioner of a substance to an Individual, at that Individual's request, so that they may self-administer the substance and in doing so cause their own death. For greater certainty, MAID does not include processes that may or may not culminate in MAID.

MAID Clinical Guide: The clinical guide approved by the WRHA Chief Medical Officer that governs the clinical and administrative procedures in the provision of MAID and the processes that may or may not culminate in MAID. This guide is available from the MAID Team upon request.

MAID Criteria: The requirements that must be met by an Individual in order that they may be eligible for MAID, which include that the Individual:

- is eligible or, but for any applicable minimum period of residence or waiting period, would be eligible for government (federal, provincial or territorial) funded health services;
- is at least 18 years of age and capable of making decisions with respect to his or her health;

- has a Grievous and Irremediable Medical Condition;
- has made a voluntary request for MAID that, in particular, was not made as a result of external pressure; and
- has given informed consent to receive MAID after having been informed of the means that are available to relieve their suffering, including palliative care.

MAID Team: The group of health care professionals known as the Manitoba Provincial MAID Clinical Team who have been approved to provide MAID.

Medical Practitioner: A person who is entitled to practice medicine under the laws of Manitoba.

Nurse Practitioner: A registered nurse who is entitled to practice as a nurse practitioner under the laws of Manitoba.

Staff: All persons employed or engaged by Southern Health-Santé Sud or by a Southern Health-Santé Sud Facility, including members of the medical staff, physicians, nurses, nurse practitioners, volunteers, board members, students, and other individuals associated through legal contracts, while acting in that capacity, or on behalf of Southern Health-Santé Sud or in a Southern Health-Santé Sud Facility.

PROCEDURE:

1. When an Individual expresses an interest in obtaining more information about MAID, regardless of where the Individual resides, provide the Individual with contact information for the MAID Team:

- MAID Team:

Website address: <http://www.wrha.mb.ca/maid/index.html>

Email address: maid@wrha.mb.ca

Local telephone number: 204-926-1380

Toll-free telephone number: 1-844-891-1825

- Health Links – Info Santé:

Local telephone number: 204-788-8200

Toll-free telephone number: 1-888-315-9257

Where an Individual is unable to contact an appropriate resource due to any physical limitations or due to any condition, medical or otherwise, Southern Health-Santé Sud Facilities, including Abstaining Facilities, and Staff, including Conscientious Objectors, either arrange for appropriate supports to enable the Individual to contact an appropriate resource, or contact the MAID Team directly.

2. Following the Individual's request for information about MAID, all Southern Health-Santé Sud Facilities and Affiliate Facilities, including Abstaining Facilities, comply with requests from the MAID Team for access to the Individual in the Individual's residence or current location.
3. Where an Authorized Practitioner is of the opinion that an Individual has met the MAID Criteria, and the Authorized Practitioner has complied with:
 - the MAID Clinical Guide;
 - the standards, statements and by-laws of their professional regulatory body;
 - this Policy; and
 - all applicable laws including the *Criminal Code of Canada*;then an Authorized Practitioner may proceed to provide MAID to that Individual in accordance with the MAID Clinical Guide, the applicable standards, statements or by-laws, and the law.
4. If the Individual resides in an Abstaining Facility, the Individual is transferred to either (a) a Southern Health-Santé Sud Facility or (b) a resident's preferred location that is approved by the Authorized Practitioner.
5. Individuals receiving MAID in a Southern Health-Santé Sud and Affiliate Facility and their families are provided with a private and/or quiet room in the facility.
6. Following the death of the Individual in a Southern Health-Santé Sud facility or an Affiliate Facility, the facility staff or family notifies the funeral home and discharge summary is completed as per normal process.
7. The MAID team completes the death certificate in accordance with any applicable guidelines which have been issued by the federal or provincial government, from time to time, and writes a procedural note.
8. Where an Individual, or a person acting on behalf of an Individual, is concerned that they have experienced discriminatory or retaliatory action as a result of an expressed interest in MAID or as a result of having requested or pursued MAID, the Individual, or person acting on behalf of the Individual, may contact the Southern Health-Santé Sud chief medical officer or chief nursing officer to communicate their concerns or complaint through the MAID Team by email or phone as follows:
 - Email address: maid@wrha.mb.ca
 - Local telephone number: 204-926-1380
 - Toll-free telephone number: 1-844-891-1825

9. The Southern Health-Santé Sud chief medical officer or chief nursing officer, or their designate, investigates and makes inquiries in respect to a concern or complaint brought by an Individual, or a person acting on behalf of an Individual, or by a Southern Health-Santé Sud Facility in respect to the implementation of this Policy by Staff, and resolve the complaint in accordance with the Southern Health-Santé Sud Complaint Management and Monitoring policy (ORG.1810.PL.003).
10. Where Staff is concerned that they have experienced discriminatory or retaliatory action as a result of choosing to provide or aid in the processes associated with or the provision of MAID or choosing to be a Conscientious Objector, Staff shall have, as an available recourse, the existing human resource processes for resolving discriminatory or retaliatory conduct in employment matters.

REFERENCES:

Criminal Code of Canada

College of Physicians and Surgeons of Manitoba, *By-Law No. 11, Schedule M* <http://cpsm.mb.ca>

Statement on Medical Assistance in Dying by the College of Registered Nurses of Manitoba, the College of Licensed Practical Nurses of Manitoba, and the College of Registered Psychiatric Nurses of Manitoba (www.crnmb.ca)

College of Pharmacists of Manitoba - *Position on Medical Assistance in Dying (MAID)*

Canadian Nurses Association – *National Nursing Framework On medical Assistance in Dying in Canada, 2017* www.cna-aiic.ca

Manitoba College of Social Workers - *Medical Assistance in Dying (MAID): Information Summary* <https://mcsw.ca/>

Manitoba Health, Seniors and Active Living – *Policy 200.31 Medical Assistance in Dying (MAID), January 2017*

Winnipeg Regional Health Authority Policy (2017). *Medical Assistance in Dying.*