POLICY: **Medical Assistance in Dying (MAID)**

Program Area: **Across Care Areas**
Section: **General**

Reference Number: **CLI.4110.PL.006**
Primary Author:
Approved by: **Senior Leadership Team**
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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 provide direction for access to MAID, to be provided in Southern Health-Santé Sud (SH-SS) owned and operated facilities and Affiliate Facilities, as well as clarity for Abstaining Facilities and Conscientious Objectors, respecting compliance with provincial and federal law and consistent with statements on MAID from the College of Physicians & Surgeons of Manitoba (CPSM), the College of Registered Nurses of Manitoba (CRNM), the College of Licensed Practical Nurses of Manitoba (CLPNM), the College of Registered Psychiatric Nurses of Manitoba (CRPNM) , the College of Pharmacists of Manitoba, the Manitoba College of Social Workers and other healthcare profession regulators.

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:

MAID is recognized as a medical procedure to the extent that it is permitted by the law, and as one of several medical procedures and therapeutic services which are available to individuals who are suffering from a Grievous and Irremediable Medical Condition.

Unless otherwise set out in this policy, MAID will be made available in all SH-SS owned and operated facilities and Affiliate Facilities to Clients who have been assessed as being eligible.

MAID can be provided in the Client's place of residence.

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The performance of the Assessment Process to determine eligibility and the provision of MAID shall be performed in compliance with the provincial MAID Clinical Guide and shall be completed by the Provincial Team located in the Winnipeg Regional Health Authority (WRHA).

MAID will **not** be available at an Abstaining Facility.

Abstaining Facilities will develop written policies and procedures that clearly articulate their position with respect to MAID, and which include procedures for responding to requests for MAID and information about MAID. These policies must be easily accessible and available to the public. SH-SS will respect the decisions made by the Abstaining Facilities, and their policies.

Abstaining Facilities shall continue to provide the health and medical services required by the Clients of those facilities, other than MAID.

Where a Client or a member of their family expresses an interest in the provision of MAID, requests information about MAID, or otherwise pursues the Assessment Process and/or the provision of MAID, any person who is subject to this policy, as well as Southern Health-Santé Sud facilities and Affiliate Facilities, shall not:

- Take or threaten any discriminatory or retaliatory action against the Client or their family; or
- Take or fail to take any action which may or does result in the reduced availability or diminution of the level of health or medical services provided to the Client; or
- Cause the Client to be discharged or transferred to another health care facility, except in accordance with a documented treatment plan approved for the Client or for the purposes of the provision of MAID.

A Conscientious Objector will not be required to:

- Provide any detailed information, support or counseling about MAID; or
- Participate in an Assessment Process or in any aspect of MAID

No adverse action shall be taken against any person for providing, or refusing to provide, any aspect of MAID, in accordance with this Policy.

Any person who is subject to this policy must comply with the requirements of their applicable professional college or regulatory authority and provide to the Client or family member timely access to a resource that will provide accurate information about MAID.

DEFINITIONS:

Abstaining Facility - a faith-based Affiliate Facility which provides publicly funded health or medical services to persons 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 MAID, including an Assessment Process), to be provided within its facility.

Affiliate Facility - a facility which has a funding relationship with, but is not owned or operated by, SH-SS.

Assessment Process - the process, which is an aspect of MAID, which involves the assessment of the medical condition of a Client, so that all appropriate and available therapeutic options for the Client can be identified, and the resulting consultation with a Client on those therapeutic options available to the Client

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to address the Client's health and medical needs, including the assessment of the Client by an Authorized Practitioner in accordance with the MAID Clinical Guide to determine whether the Client meets the MAID Criteria.

Authorized Practitioner - a Medical Practitioner or Nurse Practitioner who has been granted privileges by the WRHA Chief Medical Officer (CMO) to provide MAID.

Client - a person who receives health or medical services at a facility which is owned or operated by SH-SS or at an Affiliate Facility, including a patient or resident at or receiving health or medical services from any of those facilities.

Conscientious Objector - any person who is subject to this policy who expresses any reservation with respect to providing information about MAID or participating in any aspect of MAID, on the basis that such action would violate a personal, deeply held moral, ethical or religious value.

Grievous and Irremediable Medical Condition - a condition of a Client that meets all the following criteria:

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

MAID or Medical Assistance in Dying - the administering by a Medical Practitioner or a Nurse Practitioner of a substance to a person, at that person's request, that causes death; or the prescribing or providing by a Medical Practitioner or Nurse Practitioner of a substance to a person, at that person's request, so that they may self-administer the substance and in doing so cause their own death, together with such other steps as are reasonably ancillary thereto.

Medical Practitioner - a person who is entitled to practice medicine under the laws of Manitoba.

Nurse Practitioner - a registered nurse who, under the laws of Manitoba, is entitled to practice as a Nurse Practitioner – or under an equivalent designation – and to autonomously make diagnoses, order and interpret diagnostic tests, prescribe substances and treat Clients.

IMPORTANT POINTS TO CONSIDER:

Compliance with the Provincial MAID Clinical Guide for Healthcare providers in Manitoba is mandatory for the provision of MAID. Currently all requests for MAID are facilitated by the Provincial Clinical Team in the WRHA.

MAID information for persons subject to this policy and Clients and their families can be accessed at: maid-policy.pdf

Requirements for MAID are set out in a number of sources such as:

- Criminal Code of Canada

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- Schedule M of CPSM By-law #11
- By-laws, policies and requirements of other professional colleges (CPSM, CRNM, CLPNM, CRPNM, College of Pharmacists Manitoba, Manitoba College of Social Workers).

PROCEDURE:

- Anyone who is subject to this policy will provide basic information about MAID, where requested by any Client or member of the family of a Client.
- Regardless of where the Client resides or receives health or medical services (including at Abstaining Facilities), the Client may contact or be referred to the website, email address, or telephone number maintained by the WRHA to answer enquiries regarding, and to provide more detailed information about, MAID.
- Where any Client or member of the family of a Client expresses to caregivers an interest in the provision of MAID, physicians and nurses will explore the reasons for the request in order to understand what supports might be helpful, and whether the Client has unmet needs. This exploration may lead to referrals to specialists, experts and teams including, but not limited to, those of Mental Health, Spiritual Care and Palliative Care.
- If after all reasons have been explored and the Client continues to request the provision of MAID, the Client will be referred to the Provincial Clinical Team.
- The Provincial Clinical Team responsible for MAID is currently located in the WRHA and can be contacted by emailing maid@wrha.mb.ca or by phone at 204-926-1380.
- The Provincial Clinical Team will be responsible for the Assessment Process and determining eligibility for MAID.
- Where the Client is located in an Abstaining Facility, if required, arrangements shall be made to move the Client to another Southern Health-Santé Sud facility or an Affiliate Facility which is not an Abstaining Facility for an Assessment Process to determine eligibility and to have the MAID procedure completed.
- Clients may not be able to access MAID, if they:
    - are too ill or frail to be transferred to a facility that is not an Abstaining Facility; or
    - reside in an Abstaining Facility and decline to be transferred to a facility that is not an Abstaining Facility.
- A person who is subject to this policy shall:
    - not impose their own views and values onto the Client requesting MAID, or their family, nor use their position to influence, judge or discriminate against persons whose values are different from their own;
    - respect the autonomy and dignity of the Client being cared for;
    - not suggest, counsel, encourage or coerce a person to seek or not seek MAID; and
    - continue to provide the health and medical services required by the Client, until the Provincial Clinical Team arrives at the facility to provide MAID.
- Clients receiving MAID and their families will be provided a private and/or quiet room in the facility.
- Following the death of a Client in a SH-SS facility or an Affiliate Facility, the facility staff or family notifies the funeral home and discharge summary is completed as per normal process.
- 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 procedure note.

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SUPPORTING DOCUMENTS:

Shared Health Medical Assistance in Dying (MAID) Contact Form

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.crnm.mb.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/

Shared Health Medical Assistance in Dying (MAID) policy

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