

ABOUT MEDICAL ASSISTANCE IN DYING

(information taken from: <https://www.canada.ca/en/health-canada/services/medical-assistance-dying.html#a1>)

Available options

There are 2 types of medical assistance in dying available to Canadians. They each must include a physician or nurse practitioner who:

- directly administers a substance that causes death, such as an injection of a drug
 - this is becoming known as clinician-assisted medical assistance in dying
 - it was previously known as voluntary euthanasia

or

- provides or prescribes a drug that the eligible person takes themselves, in order to bring about their own death
 - this is becoming known as self-administered medical assistance in dying
 - it was previously known as medically assisted suicide or assisted suicide

Who can provide medical assistance in dying and who can help

Those who can provide medical assistance in dying services are:

- physicians
- nurse practitioners (in provinces where this is allowed)

Those who can help provide medical assistance in dying include:

- pharmacists
- family members or other people that you ask to help
- health care providers who help physicians or nurse practitioners

These people can assist in the process without being charged under criminal law. However, physicians, nurse practitioners and other people who are directly involved must follow:

- the rules set out in the Criminal Code
- applicable provincial and territorial health-related laws, rules and policies

Protecting the right of providers to act according to their beliefs and values

Not all health care providers will be comfortable with medical assistance in dying. The practice may not be consistent with a provider's beliefs and values.

The legislation does not force **any person** to provide or help to provide medical assistance in dying.

Supporting access for patients seeking medical assistance in dying

We understand that these provider rights could create problems for patients who want to access medical assistance in dying. Most provinces and territories have developed care coordination systems to help patients learn more about this service.

That's why the federal government is working with provinces and territories to support access and referrals to medical assistance in dying and end of life care in Canada.

Who to contact for questions about access to medical assistance in dying

Patients are encouraged to contact their physicians or nurse practitioners (if applicable) for questions about access. Patients may also wish to contact the resources set up within their province or territory to get information on medical assistance in dying and other end-of-life care options.

Physicians and nurse practitioners are encouraged to contact their provincial or territorial regulatory body for information about specific guidelines.

Who is eligible for medical assistance in dying

In order to be eligible for medical assistance in dying, you must meet **all** of the following criteria. You must:

- be eligible for health services funded by the federal government, or a province or territory
 - generally, visitors to Canada are not eligible for medical assistance in dying
- be at least 18 years old and mentally competent. This means being capable of making health care decisions for yourself.
- have a grievous and irremediable medical condition
- make a voluntary request for medical assistance in dying that is not the result of outside pressure or influence
- give informed consent to receive medical assistance in dying

Grievous and irremediable medical condition

To be considered as having a grievous and irremediable medical condition, you must meet **all** of the following criteria. You must:

- have a serious illness, disease or disability
- be in an advanced state of decline that **cannot** be reversed
- experience unbearable physical or mental suffering from your illness, disease, disability or state of decline that **cannot** be relieved under conditions that you consider acceptable
- be at a point where your natural death has become reasonably foreseeable
 - this takes into account all of your medical circumstances and does not require a specific prognosis as to how long you have left to live

You do **not** need to have a fatal or terminal condition to be eligible for medical assistance in dying.

Informed Consent

This means you have consented (given permission) to medical assistance in dying after you have received all of the information you need to make your decision, including:

- your medical diagnosis
- available forms of treatment
- available options to relieve suffering, including palliative care

You must be able to give informed consent both:

- at the time of your request
- immediately before medical assistance in dying is provided

You can withdraw your consent at any time and in any manner.

About mental illness and physical disability

If you have a mental illness or a physical disability and wish to seek medical assistance in dying, you may be eligible. Eligibility is assessed on an individual basis, looking at all of the relevant circumstances. However, you must meet all the criteria to be eligible for medical assistance in dying, which means:

- your natural death must be foreseeable in a period of time that is not too distant
- you must be mentally competent and capable of making decisions at the time of your request
- you must also be mentally competent and capable of making decisions immediately before medical assistance in dying is provided
 - the physician or nurse practitioner must ask you to confirm your choice before administering the service

You can withdraw your consent at any time and in any manner

Where and how services are provided

Regardless of location, eligible Canadians can request medical assistance in dying. How and where this service will be offered is determined by:

- provinces and territories
- the organizations that regulate health professionals
- medical institutions

Which drugs to use are outlined in clinical guidelines and practices established by provinces and territories, or organizations that regulate the practice of medicine.

Many of the drugs commonly used for this procedure are already marketed in Canada and are prescribed at lower dosages for common purposes, such as:

- nausea
- pain control
- anaesthesia

As the regulator of drug products, Health Canada will work with partners, as needed, to help support access to drugs for medical assistance in dying.

Process for requesting the service

The legislation contains safeguards to make sure those who ask for medical assistance in dying:

- request the service of their own free will
- are able to make health care decisions for themselves
- are eligible (this means they meet **all** of the [listed criteria](#))
- can and do give informed consent, which includes being informed of all care options available to them to help relieve suffering

These safeguards will guide health care providers to carry out this service appropriately and in a way that protects people from abuse or misuse.

You can ask a health care provider for information about medical assistance in dying at any time. The process for requesting medical assistance in dying requires you to complete the following steps:

Talk to your physician or nurse practitioner about end-of-life care options in relation to your medical condition or circumstances.

Submit a written request.

You must make a written request that says you want to have a medically assisted death. Some provinces and territories may require that you complete a specific form. This form may be provided by your health care provider or available on a provincial or territorial website.

If you are unable to write, another adult can sign the request on your behalf under your clear direction. This adult must:

- be at least 18 years of age
- understand what it means to request medical assistance in dying
- not benefit from your death (for example, they must not be an heir to your estate)

You must sign and date your written request before two independent witnesses, who must also sign and date the request.

An independent witness must be 18 years of age and understand what it means to request medical assistance in dying.

To be considered independent means that the witnesses cannot:

- benefit from your death
- be an owner or operator of a health care facility where you live or are receiving care
- be directly involved in providing you with health or personal care

Undergo medical assessments.

Your physician or nurse practitioner must make sure that you are eligible to receive medical assistance in dying according to all of the listed criteria.

A second physician or nurse practitioner must also provide a written opinion confirming that you are eligible.

You must also be informed that you have the right to withdraw your request at **any** time.

The physician or nurse practitioner providing the original assessment and the one giving the second opinion **must** be independent.

To be considered independent means that neither of them:

- holds a position of authority over the other
- could knowingly benefit from your death
- is connected to the other or to you in a way that could affect their objectivity

Wait a 10-day reflection period to receive the service.

You must wait a period of at least 10 clear days after signing your written request before the service can be provided so that you have time to consider your request. If you do decide to proceed after the 10 days, your practitioner can have confidence in your true desire to receive the service.

An exception may be made to the 10 clear day reflection period if both your first and second medical or nurse practitioner agree that:

- your death is fast approaching
- you might soon lose your capacity to provide informed consent

Choosing to withdraw your request

You may choose to withdraw your request at **any** time in the process and in any manner.

You are **not** obligated to proceed with medical assistance in dying even if you are found eligible for the service.

If you choose to continue, you must be asked to confirm your consent. You will also be given a final opportunity to withdraw your request just before receiving medical assistance in dying.

Roles of the provinces and territories

The legislation on medical assistance in dying is now part of the Criminal Code, which is set out by the federal government. It states that a person is not guilty of a criminal offence if they provide or assist in providing medical assistance in dying according to the conditions and safeguards in the law.

Practitioners must follow this new criminal law.

Provinces and territories may create additional health-related laws or rules as long as they do not conflict with what is in the criminal law. If these rules are within provincial power, they may address health and other aspects of medical assistance in dying, such as:

- the use of specific forms to fill out
- special medical training for providers of the service
- how information and data on the service are provided
- rules or requirements for either type of medical assistance in dying

If you have questions about the law and policies in your specific location, contact your province or territory. Policies and procedures for medical assistance in dying may vary among provinces and territories. For example, in Quebec, physician-administered assisted dying is the only form available.