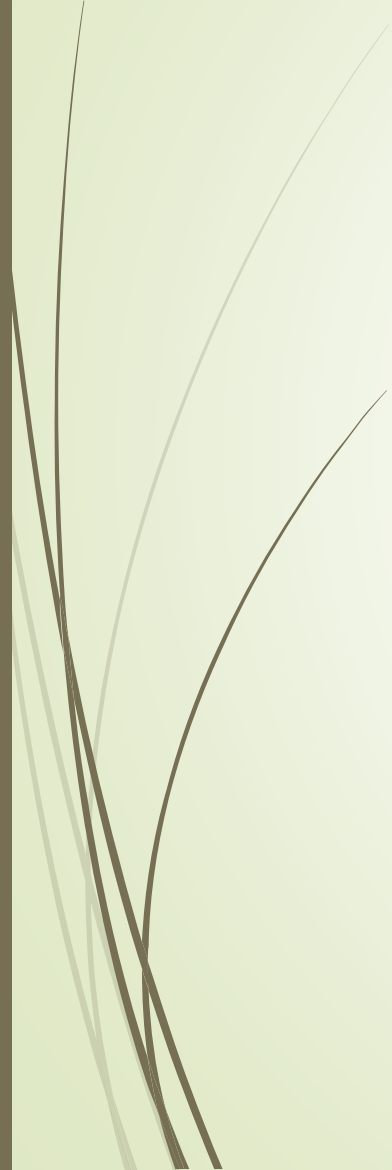




Medical Assisted Dying

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June 1, 2017



Whose Life is it?



Carter Ruling

Section 241(b) and s.14 of the *Criminal Code* unjustifiably infringes s.7 of the *Charter* and are of no force or effect to the extent that they prohibit physician-assisted death for the competent adult person who (1) clearly consents to the termination of the life and (2) **has a grievous and irremediable medical condition(including and illness, disease or disability) that causes enduring suffering that is intolerable** to the individual in the circumstances of his or her condition

Preamble of Bill C-14

Autonomy of
persons
recognized.



Medical Assistance in Dying means:

- 241.1 (a) The administration of a substance
- The prescribing of a substance





Remains a Criminal Offense

to:

While it is permitted to provide information about medical assistance in dying it remains a criminal offense to **counsel or aid** a person to commit suicide.


Information vs counselling





Exemptions to the *Criminal Code*

- No medical practitioner or nurse practitioner commits a culpable homicide if they provide a person with medical assistance in dying in accordance with section 241.2
- RNs and other health care professionals are covered by a similar clause

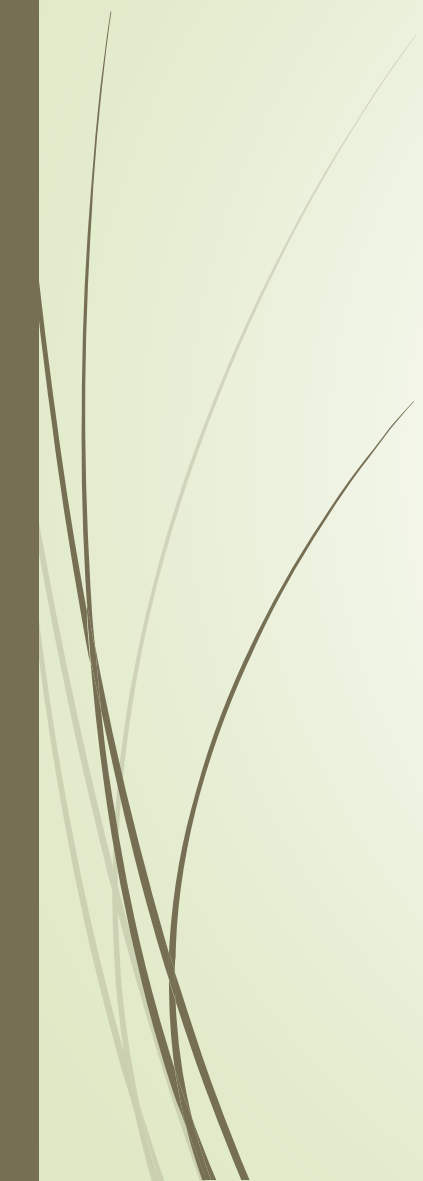


Distinction between Administering and Aiding:

- ▶ Administering as per the *Criminal Code* is defined as:
 - ▶ Affirms all eligibility criteria and safeguards have been met
 - ▶ Administers the substance to cause death
 - ▶ Does not delegate to any other team member



Eligibility

- Eligible for health services
 - At least 18 years or older and capable of making decisions
 - Have a grievous and irremediable medical condition
 - Make a voluntary request
 - Give informed consent
- 



Grievous and irremediable

- ▶ Have to meet all the following criteria
 - ▶ Serious and incurable illness, disease or disability
 - ▶ Advanced state of irreversible decline
 - ▶ In a state of enduring physical or psychological suffering that is intolerable
 - ▶ Their natural death has become reasonable foreseeable

Safeguards



- Practitioner must be assured all the previous criteria have been met
- Request was made in writing and signed and dated appropriately
- Signed and dated after the person was informed of the medical condition
- Signed and dated before 2 **independent** witnesses who than also signed and dated
- Ensure person aware of the option to withdraw
- A second practitioner must agree all criteria and safeguards have been met
- Signing practitioners must be **independent**
- 10 days between request and the provision of MAID

Independence defined

- ▶ Independent witness
 - ▶ Must be 18 years of age
 - ▶ Are not a beneficiary
 - ▶ Not an owner/operator of a health care facility where the person resides.
 - ▶ Not directly involved in providing care
- ▶ Independent practitioners
 - ▶ Not in a supervisory relationship
 - ▶ Are not a beneficiary
 - ▶ Do not believe they are connected to the other practitioner



RN(NP) specific

- ▶ As most RN(NP)s are hired by the RHA, the RHA will have to approve the action of the RN(NP) who wishes to be come involved in MAID.
- ▶ Also, the RHA will have to be willing to pay the RN(NP) for this service as RN(NP)s are not able to bill the ministry directly for services rendered.

