

## Medical Assistance in Dying (MAID)

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### Purpose:

This guideline is intended to assist physiotherapists to comply with legal obligations and professional expectations with respect to Medical Assistance In Dying (MAID<sup>1</sup>) as outlined in federal and provincial legislation. It also is intended to provide direction for physiotherapists who conscientiously object to aiding in the provision of medical assistance in dying.

### Background information on MAID

As of June 17<sup>th</sup> 2016 the *Criminal code* now exempts from criminal liability medical practitioners and nurse practitioners who provide MAID. This exemption also extends to any other person who does “anything for the purpose of aiding a medical practitioner or nurse practitioner to provide a person with MAID” [ Bill C-14,S. 241 (2)].

“For greater certainty, no social worker, psychologist, psychiatrist, therapist, medical practitioner, nurse practitioner or other health care professional commits an offence if they provide information to a person on the lawful provision of medical assistance in dying” [Bill C-14, S. 241 (5.1)]

### Who can access Medical Assistance in Dying?

#### Eligibility and Statutory Safeguards

A person may receive medical assistance in dying only if they meet all of the following criteria:

- (a) they are eligible for health services funded by a government in Canada;
- (b) they are at least 18 years of age and capable of making decisions with respect to their health;
- (c) they have a grievous and irremediable medical condition;
- (d) they have made a voluntary request for medical assistance in dying that, in particular, was not made as a result of external pressure; and
- (e) they give informed consent to receive medical assistance in dying after having been informed of the means that are available to relieve their suffering, including palliative care.

### **What does grievous and irremediable medical condition mean?**

A person has a grievous and irremediable medical condition only if they meet all of the following criteria:

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

Only physicians or nurse practitioners can assess a client's eligibility for and provide medical assistance in dying.

### **What safeguards are in place?**

Section 241.2(3) of the *Criminal Code* sets out a number of statutory safeguards that must be met before a client can receive medical assistance in dying. These safeguards include but are not limited to the following:

- Two authorized providers, either a physician or nurse practitioner, must provide a written opinion confirming that the client meets all of the eligibility criteria for medical assistance in dying;
- the client is to be informed that they can withdraw their request for medical assistance in dying at any time, including up to immediately before the medically assisted death;
- the client must complete a request in writing;
- at least 10 days must pass between the day the request was signed by the client and the day the medical assistance in dying is provided. If both providers assessing the eligibility criteria are of the opinion that the client's death or their loss of capacity to provide informed consent is imminent, a shorter time period may be considered; and
- if the client has difficulty communicating, the providers must take all necessary measures to provide a reliable means by which the person may understand the information that is provided and communicate their decision.

These safeguards emphasize the importance of the client's decision and help avoid miscommunication and uncertainty. In addition, these requirements are evidence that the authorized providers are acting within the scope of the law and are consistent with reasonable medical knowledge and skill.

### **Who can provide assistance?**

Those who can provide medical assistance in dying services are:

- Physicians
- Nurse practitioners (in provinces where this is permitted)

Those who can assist in providing medical assistance in dying include:

- Pharmacists and other health care providers, including physiotherapists
- Family members or others who are asked to help

Physicians and nurse practitioners are permitted under the *Criminal Code*, at an individual's request, to provide that individual with medical assistance in dying in one of two ways:

- (a) Administering by a medical practitioner or nurse practitioner of a substance to a person, at their request, that causes their death; or
- (b) The prescribing or providing by a medical practitioner or nurse practitioner of a substance to a person, at their request, so that they may self-administer the substance and in doing so cause their own death.

### **How does conscience-based objection apply to me?**

The College of Physiotherapists of Manitoba acknowledges that there are differing views with respect to medical assistance in dying. This guideline is not intended to promote or devalue an individual physiotherapist's values or beliefs.

The legislation **does not force** any person to provide or assist in providing services related to MAID.

While physiotherapists have a right to conscience-based objection, they also have a responsibility to respond to a patient's inquiry about MAID. If asked by a patient for or about MAID, physiotherapists must ensure timely access to a resource that provides accurate information, and abide by the guidelines set out by the College. Additionally, physiotherapists are required to adhere to any additional policies as outlined by their institution and/or regional health authority (RHA).

While a physiotherapist may choose to not provide information about assisted death to a patient the physiotherapist must:

- acknowledge the patient's request and assure the patient their request will be conveyed;
- inform both their supervisor and employer about the request;
- maintain the therapeutic relationship with the patient and continue to provide care unrelated to medical assistance in dying;
- inform the employer about their conscientious objection, and;
- document in the patient health record any request for information related to medical assistance in dying, the interaction with the patient, the care provided and/or any resources given to the patient in accordance with professional standards and organizational policy.

Irrespective of a patient's desire to explore MAID, the physiotherapist must continue to provide ongoing (non-MAID related) care and not abandon the patient. Physiotherapists must adhere to the Code of Ethics and Standards of Practice when considering termination or interruption of care. Refusal or failure to provide routine care may constitute abandonment and is contrary to a physiotherapist's ethical responsibilities. Regardless of where you work or live physiotherapists should refer all inquiries from the public, patients or other health professionals to the MAID Expert Medical Team at the WRHA by calling 204-926-1380 or email to [maid@wrha.mb.ca](mailto:maid@wrha.mb.ca).

## **What should physiotherapists consider?**

Physiotherapists may find themselves in situations where medical assistance in dying (MAID) is under discussion. Should a physiotherapist be involved in such discussions it is important that physiotherapists:

- practice ethically;
- know and understand all relevant legislation, practice standards/directions and organizational policies;
- know the role of the PT and the limitations of the physiotherapy scope of practice in addressing client questions or requests for medically assisted death;
- know that they may provide the information on medical assistance in dying that is available on Winnipeg Regional Health Authority's website at [wrha.mb.ca/maid](http://wrha.mb.ca/maid);
- clearly define the role of the PT in the treatment of clients eligible for medically assisted dying;
- continue providing competent and ethical physiotherapy services to the patient in accordance with your clinical judgement, Standards of Practice/Directions, Code of Ethics and professional obligations;
- communicate with their supervisor to inform of or relay client questions about medically assisted death;
- advise the patient that a referral has been made to a physician, or to the MAID Expert Medical Team;
- document any discussions or referral in the patient health record; and
- contact the College of Physiotherapists of Manitoba with any questions.

*The College of Physiotherapists of Manitoba wishes to acknowledge the following for content in this document: College of Licensed Practical Nurses of Manitoba, College of Registered Nurses of Manitoba, College of Registered Psychiatric Nurses of Manitoba, College of Physicians and Surgeons of Manitoba, Manitoba College of Social Work, College of Occupational Therapists of Ontario, Ontario College of Pharmacists, Physiotherapy Alberta and the Winnipeg Regional Health Authority MAID Expert Medical Team.*

## Contact Information

### The Provincial Medical Assistance in Dying Clinical Team

The Provincial Medical Assistance in Dying Clinical Team out of the WRHA, in collaboration with Manitoba Health, has been supporting staff and clients with medical assistance in dying in Manitoba. They can be contacted at 204-926-1380 or [maid@wrha.mb.ca](mailto:maid@wrha.mb.ca).

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**Revised:**

### References:

MAID Resources:

Government of Canada Medical Assistance in Dying:

<https://www.canada.ca/en/health-canada/services/medical-assistance-dying.html>

CPA: Blog post

<https://physiotherapy.ca/blog/physician-assisted-death-what-does-mean-physiotherapy>

WRHA: Pamphlet

[http://www.wrha.mb.ca/maid/assets/pdf/information\\_pamphlet\\_for\\_patients.pdf](http://www.wrha.mb.ca/maid/assets/pdf/information_pamphlet_for_patients.pdf)

WRHA: FAQ

[http://www.wrha.mb.ca/maid/health\\_professionals\\_faq.html](http://www.wrha.mb.ca/maid/health_professionals_faq.html)

### Additional Resources:

Other:

Medical Assistance in Dying Guidance to Pharmacists and Pharmacy Technicians Ontario College of Pharmacist

Medical Assistance in Dying (MAID) Information Summary Manitoba College of Social Workers

Medical Assistance in Dying: Guidelines for Manitoba Nurses (2017) College of Licensed Practical Nurses of Manitoba, College of Registered Nurses of Manitoba, and College of Registered Psychiatric Nurses of Manitoba

CPM documents:

Code of Ethics: 1.1 Service, 1.2 Provision of Care and Client wellbeing (1.24. and 1.25), 1.4 Informed Choice/Consent for Treatment (1.43 and 1.46), and 1.6 Consultation and Referral