

IT'S YOUR LIFE. IT'S YOUR CHOICE.

**DYING WITH
DIGNITY**

CANADA



February 2023

Medical assistance in dying

Dying With Dignity Canada is the national human-rights charity committed to improving quality of dying, protecting end-of-life rights, and helping people across Canada avoid unwanted suffering.

Advocacy

- Advocate for assisted dying rules that respect the Canadian Constitution and the Charter of Rights and Freedoms

Support

- Personal support for adults suffering from grievous and irremediable medical conditions who wish to die on their own terms
- Support health care practitioners who assess for and provide MAID

Education

- Educate about legal end-of-life options

DWDC is a charitable organization funded exclusively by individual people across Canada. We have received limited government funding in the past.

Legislation and Court Cases

Bill C-14

- June 2016

Bill C-7

- March 2021
- Two tracks: Reasonably Foreseeable Natural Death or Not
- Waiver of Final Consent

Court Cases

- Carter
- Truchon and Gladu - Quebec
- Lamb

Types of MAID in Canada

- 1. Clinician-administered** - administration of a medication by a health care professional at the request of a competent adult; IV option
- 2. Self-administered** - prescription of medication to be taken by the patient; oral option

Who is eligible for MAID in Canada?

1. Eligible for publicly funded health services in Canada
2. 18+ years of age and capable of decision-making
3. Voluntary request, no external pressure
4. Informed consent and counseling

Who is eligible for MAID in Canada?

5. “Grievous and irremediable medical condition”
 - Serious illness, disease or disability
 - excluding a mental illness until March 17, 2024*
 - Advanced state of decline that cannot be reversed
 - Experience unbearable physical or mental suffering from an illness, disease, disability or state of decline that cannot be relieved under conditions that the person considers acceptable.

Procedural Safeguard: Written Request

- 18 years of age
- Understands the nature of the request
- Cannot be:
 - Beneficiary in will, or recipient of financial/material benefit as result of person's death;
 - Owner/operator of health care facility at which the person making the request resides
 - Unpaid caregiver

The image shows two forms related to medical assistance in dying. The top form is from British Columbia, titled 'Request for Medical Assistance in Dying'. It includes fields for the requester's name, health number, address, and medical diagnosis. It also has a section for the requester's signature and a proxy signature section. The bottom form is from Ontario, titled 'Clinician Aid A Patient Request for Medical Assistance in Dying'. It includes a definition of medical assistance in dying, a list of criteria for eligibility, and a section for patient information including name, date of birth, and health insurance number. It also has a section for the patient's signature and a proxy signature section.

Procedural Safeguards

1. Patient must make written request
 - Witnessed by one Independent Witness
2. Opportunity to withdraw request **at any time**

Procedural Safeguards

Track 1	Track 2
<p data-bbox="122 382 894 425">Reasonably Foreseeable Natural Death</p> <ul data-bbox="122 496 988 1110" style="list-style-type: none"><li data-bbox="122 496 988 539">• Can request MAID provision immediately<li data-bbox="122 668 652 711">• Waiver of Final Consent<li data-bbox="122 839 958 882">• Must be informed of treatment options<li data-bbox="122 1068 907 1110">• Approval by 2 independent assessors	<p data-bbox="1294 382 2150 425">Not Reasonably Foreseeable Natural Death</p> <ul data-bbox="1294 454 2415 1011" style="list-style-type: none"><li data-bbox="1294 454 1875 496">• 90-day assessment period<li data-bbox="1294 568 2232 668">• Must offer consent immediately before MAID provision (no Waiver of Final Consent)<li data-bbox="1294 739 2405 839">• Must be informed and seriously considered available means to relieve suffering<li data-bbox="1294 911 2415 1011">• Approval by or consultation with medical practitioner that has expertise in condition

Capacity

C-14

C-7

Must have capacity at time of assessments

Must have capacity at time of assessments

Request for MAID in advance directive/advance care plan will not be honoured

Request for MAID in advance directive/advance care plan will not be honoured

Final consent required at time of death

Audrey's Amendment: Waiver of Final Consent

Waiver of Final Consent

- Assessed and approved
- Natural death that is reasonably foreseeable (Track 1)
 - Not an option for Track 2
- If applicant loses capacity, MAID provider can move forward
 - So long as there is no indication that MAID is no longer wanted (gestures, words, etc.)

What's Next?

Five-year Parliamentary Review required in Bill C-14 and Bill C-7 complete

- Mature Minors
- Advance Requests
- State of Palliative Care
- Protection of Persons with Disabilities
- MAID for Mental Disorders (March 17th, 2024)*
 - Law requires the Ministers of Justice and Health form an expert review, which will consider protocols, guidance and safeguards for MAID for persons suffering from mental disorders

Special Joint Committee: Final Report

- Brought forward 23 Recommendations including:
 - Recommendation 1: That the Government of Canada, in partnership with provinces and territories, continue to facilitate the collaboration of regulatory authorities, medical practitioners, and nurse practitioners to **establish standards for medical practitioners and nurse practitioners for the purpose of assessing MAID requests**, with a view to harmonizing access to MAID across Canada.
 - Recommendation 4: That the Government of Canada work with First Nations, Inuit, and Métis partners, relevant organizations, such as the Canadian Association of MAID Assessors and Providers, regulatory authorities, and health professional associations to **increase awareness of the importance of engaging with First Nations, Inuit, and Métis on the subject of MAID.**

Special Joint Committee: Final Report

- Brought forward 23 Recommendations including:
 - Recommendation 16: That the Government of Canada amend the eligibility criteria for MAID set out in the Criminal Code to **include minors deemed to have the requisite decision-making capacity upon assessment**
 - Recommendation 17: That the Government of Canada restrict MAID for mature minors to those whose **natural death is reasonably foreseeable**

Special Joint Committee: Final Report

- Brought forward 23 Recommendations including:
 - Recommendation 6: That the Government of Canada, through relevant federal departments and respecting the jurisdiction of provinces and territories, consider increasing funding for the implementation of the **Action Plan on Palliative Care: Building on the Framework on Palliative Care in Canada**, and make targeted and **sustained investments in innovative approaches and early-stage research aimed at improving health system performance and quality of care for people living with life-limiting illness and their caregivers**

Special Joint Committee: Final Report

- Brought forward 23 Recommendations including:

Recommendation 7: Action items related to Palliative Care

- National Action Plan on Palliative Care: Building, innovation, research
- Improvements/access to home-based and culturally-appropriate palliative care
- Identify other improvements such as:
 - Supporting palliative home care
 - Supporting specialized paediatric palliative care
 - Supporting access to advance care planning

Special Joint Committee: Final Report

- Brought forward 23 Recommendations including:
 - Recommendation 10: That the Government of Canada continue to support persons with disabilities by **implementing measures to reduce poverty and ensure economic security.**
 - Recommendation 21: That the Government of Canada **amend the Criminal Code to allow for advance requests following a diagnosis of a serious and incurable medical condition disease, or disorder** leading to incapacity.

MAID and Mental Disorders

Additional Background

- Charter Challenge
- Other jurisdictions
- Stigmatization

Expert Panel

- Bill C-7 requirement for an independent expert review on MAID and mental disorders
- Mandate: protocols/guidance for assessment/provision; additional safeguards to support safe implementation
- Members: clinical psychiatry, MAID assessment and provision, law, ethics, health professional training and regulation, mental health care services, lived experience with mental illness

MAID & Mental Disorders

Recommendations from the Expert Panel

- Practice Standards
 - Guidance for assessments
- Incurability
 - Treatments attempted
 - Severity and duration of illness
 - Multiple interventions/attempts
 - Case-by-case

MAID and Mental Disorders

Recommendations from the Expert Panel

- Irreversibility
 - Interventions tried
 - Outcomes of interventions
 - Patient + Assessors come to shared understanding that the person is in an advanced state of irreversible decline
 - Case-by-case
- Enduring and Intolerable Suffering
 - Patient and Assessors come to understanding

MAID and Mental Disorders

Recommendations from the Expert Panel

- Capacity
 - Serial assessments, where appropriate
 - Standardized capacity evaluation tools
- Means to Relieve Suffering
 - Community Services – housing, income supports, etc.
- Serious consideration
 - Genuine openness to the means available to relieve suffering

MAID and Mental Disorders

Recommendations from the Expert Panel

- Consistency, Durability and Well-Considered Request
 - Consistent with values and beliefs of person
 - Unambiguous
 - Rationally considered during period of stability, not crisis
- Independent Assessor with Expertise
 - At least one assessor with expertise in condition
 - Psychiatrist

MAID and Mental Disorders

Recommendations from the Expert Panel

- Discussion with treating team
 - Input from primary care provider + others involved in care

Effective Referrals

- Conscientious objectors
- CPSO Challenge x 2 – DWDC intervened

Forced Transfers

- Results in already-suffering individuals to endure grueling and undignified transfers
- Separates the person from their community of care
- Delays and sometimes deny access to MAID

Statistics

Number of MAID Deaths

- In 2021, there were 10,064 MAID provisions reported in Canada, accounting for 3.3% of all deaths in Canada
- Total number of MAID deaths since federal legislation was passed in 2016 = 31,664

Statistics

Palliative Care

- 80.7% of MAID recipients received palliative care in 2021
- Of the MAID recipients who did not receive palliative care, 88.0% had access to these services if they required them

Disability Supports

- In 2021, 43.0% of individuals who received MAID required disability support services. Of these, 87.4%, received disability support services.

Statistics

Profile of MAID Recipients

- Average age in 2021 was 76.3 years
- Underlying medical conditions:
 - Cancer (65.6%)
 - Cardiovascular conditions (18.7%)
 - Chronic respiratory conditions (12.4%)
 - Neurological conditions (12.4%)

Statistics

Profile of MAID Recipients – non-RFND

- 2.2% of the total MAID provisions (219 individuals) were individuals whose natural deaths were not RF
- Average age was 70.1
- Underlying medical conditions:
 - neurological (45.7%)
 - other condition (37.9%)
 - multiple comorbidities (21.0%)

Statistics

MAID Clinicians

- Total number of unique practitioners providing MAID increased to 1,577 in 2021, up 17.2% from 1,345 in 2020
- 94.4% of all practitioners administering MAID were physicians, while 5.6% were nurse practitioners
- Family physicians continue to provide the majority of MAID provisions (68.2%)

Thank you!

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