

POLICY			
	Policy Name: Medical Assistance in Dying	Policy Number: 350.140.127	Page 1 of 5
	Approval Signature: Shared Health Executive	Section: 350.140 Management of Patient Services / Patient Care	
Level: SHARED HEALTH - Applies to all Shared Health Staff	Date: 12/April/22 01/Dec/2017 R1 01/Dec/2016	Supercedes: WRHA 110.000.400	

1.0 **PURPOSE:**

- 1.1 To ensure that eligible Individuals residing in Manitoba have reasonable access to MAiD within the Shared Health.
- 1.2 To ensure that Individuals and Staff have access to information regarding processes related to MAiD
- 1.3 To ensure compliance with provincial clinical standards and guidelines, including standards, statements or by-laws of professional regulatory bodies, as well as federal and provincial legislation in respect to MAiD within Shared Health

2.0 **DEFINITIONS:**

2.1

MAiD or Medical Assistance in Dying: The administering by a Medical Practitioner or Nurse Practitioner of a substance to an Individual, at that Individual's request, that causes death; or the prescribing or providing by a Medical Practitioner or Nurse Practitioner of a substance to an Individual, at that Individual's request, so that they may self-administer the substance and in doing so cause their own death.

2.2

MAiD Criteria: The requirements that must be met by an Individual in order that they may be eligible for MAiD, which include that the Individual:

- a) is eligible or, but for any applicable minimum period of residence or waiting period, would be eligible for government (federal, provincial or territorial) funded health services;
- b) is at least 18 years of age and capable of making decisions with respect to his or her health;
- c) has a Grievous and Irremediable Medical Condition;
- d) has made a voluntary request for MAiD that, in particular, was not made as a result of external pressure; and

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- e) has given informed consent to receive MAiD after having been informed of the means that are available to relieve their suffering, including palliative care.
- 2.3 MAiD Clinical Overview Document: The clinical overview document approved by the Shared Health CMO that governs the clinical and administrative procedures in providing MAiD. (currently under revision)
- 2.4 Grievous and Irremediable Medical Condition: A condition(s) by which the Individual meets all of the following criteria:
- a) the Individual has a serious and incurable illness, disease or disability;
- 'for purposes of MAiD mental illness is not considered an illness, disease, or disability' until March 2024
 - b) the Individual is in an advanced state of irreversible decline in capability;
 - c) that illness, disease or disability or that state of decline causes the Individual enduring physical or psychological suffering that is intolerable to the Individual and that cannot be relieved under conditions that the Individual considers acceptable;
- 2.5 Authorized Practitioner: A Medical Practitioner or Nurse Practitioner who is part of the MAiD Team.
- 2.6 Abstaining Facility Operator: The operator of a faith-based facility that is funded, but not owned or operated, by Shared Health, that provides publicly funded health services to Individuals in a manner which is consistent with the fundamental religious principles of the religion or faith to which it adheres, and which adopts and publishes an official policy or position that it will not allow MAiD, or certain aspects of processes associated with MAiD, to be provided within its facility.
- 2.7 Conscientious Objector: Any Shared Health or Shared Health Facility employee, student, volunteer or individual who is associated through legal contracts who refuses to provide or participate in providing MAiD because such action would violate a personal, deeply held moral or ethical value.
- 2.8 Shared Health Facility: means a hospital, Psychiatric Facility, laboratory, or other facility in which Health Care is provided and that is operated by Shared Health
- 2.9 Staff: All persons employed or engaged by Shared Health or by a Shared Health Facility, including members of the medical Staff, physicians, nurses, nurse practitioners, volunteers, board members, students, and other individuals associated through legal contracts, while acting in that capacity, or on behalf of the Shared Health or in a Shared Health Facility.

3.0 **POLICY**:

- 3.1 MAiD is recognized as a medical procedure and therapeutic service available to eligible Individuals who meet the MAiD Criteria
- 3.2 The processes associated with and the provision of MAiD shall be done in compliance with the MAiD Clinical Overview document, any and all applicable laws including the *Criminal Code of Canada*, and all standards, statements or by-laws established by any applicable professional regulatory body
- 3.3 The provision of MAiD can only be administered by Authorized Practitioners, other Staff may assist if appropriate. All other MAiD processes can be supported by any health care personnel when appropriate.

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- 3.4 MAiD work is provincial in scope. Authorized providers and the MAiD team are able to provide MAiD services in all health authorities and jurisdictions in Manitoba. Authorized Practitioners and Staff will follow the provisions of this policy as well as policies in place within other Regional Health Authorities.
- 3.5 MAiD shall be provided to eligible individuals in all Shared Health Facilities, except in facilities operated by Abstaining Facility Operators that have adopted and published an official policy or position not to provide MAiD in accordance with this Policy OR at the discretion of an Authorized Practitioner, MAiD may be provided at a location outside of a Shared Health Facility, including an Individual's residence.
- 3.6 Shared Health Facilities, shall provide an appropriate setting, such as a private or quiet room, within the facility for the provision of MAiD, where reasonably available
- 3.7 Shared Health Facility, shall not:
- a) disqualify or prohibit Individuals from being admitted to their facility on the basis that an Individual has expressed an interest in MAiD, or may ultimately choose to receive MAiD;
 - b) prohibit inquiries or discussion about MAiD between Individuals and Staff;
 - c) prohibit the MAiD Team from accessing an Individual within the facility for the purposes of obtaining consent and information, or discussing all appropriate and available therapeutic options available to the Individual to address their health and medical needs when the Individual, or anyone on their behalf, has initiated contact with the MAiD Team; or
 - d) prohibit the MAiD Team from documenting on the Individual's health record.
- 3.8 MAiD shall not be approved for or provided by Staff to an Individual who does not meet the MAiD Criteria
- 3.9 All Shared Health Staff, including Conscientious Objectors, shall continue to provide for the health care needs of any Individual who has inquired or requested information about MAiD, whether or not they have been approved for MAiD including transferring to any other facility for the purposes of pursuing MAiD.
- 3.10 A Conscientious Objector shall not be forced, coerced or required to provide or aid in the provision of MAiD, but shall comply with the requirements of their professional regulatory body, if applicable, and this Policy
- 3.11 No Shared Health Facility or Staff shall take or threaten to take any discriminatory or retaliatory action against a Conscientious Objector as a result of his or her refusal to provide or aid in the provision of MAiD

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- 3.12 No Shared Health Facility, or Staff, including a Conscientious Objector, shall take or threaten to take any discriminatory or retaliatory action against Staff as a result of a Staff member:
- a) choosing to provide or aid in the provision of information to the Individual or the MAiD Team;
 - b) choosing to provide or aid in the provision of MAiD at a Shared Health Facility;
 - c) complying with this Policy;
 - d) complying with the standards, statements or by-laws of their professional regulatory body, if applicable; and
 - e) complying with any applicable law.
- 3.13 Staff members who are pharmacists and who dispense a substance in connection with the provision of MAiD shall provide information as may be required by the regulations under the *Criminal Code of Canada*, if any.
- 3.14 Shared Health shall cooperate with any provincial committees or councils that may be established to review the regulation, legislation and practice of MAiD in Manitoba.
- 3.15 Shared Health Facilities, and Staff, including Conscientious Objectors, shall cooperate with and provide information to any person conducting an investigation, review or inquiry on behalf of the Shared Health in respect to concerns raised by an Individual, or anyone acting on behalf of any Individual, that they have experienced discriminatory or retaliatory action as a result of an expressed interest in MAiD or as a result of having requested or pursued MAiD.
- 3.16 Staff who work within an abstaining facility need to be aware of and follow MAiD related policies and procedures approved by the abstaining facility operator.
- 3.17 Where Staff is concerned that they have experienced discriminatory or retaliatory action as a result of choosing to provide or aid in the processes associated with or the provision of MAiD or choosing to be a Conscientious Objector, Staff shall have, as an available recourse, the existing human resource processes for resolving discriminatory or retaliatory conduct in employment matters.
- 3.18 Medical Practitioners and Nurse Practitioners who receive a written request for MAiD and does not further the request to the MAiD team will be responsible to comply with the national reporting requirements and regulations under the *Criminal Code of Canada*.

4.0 **REFERENCES**

- 4.1 Government of Canada. 2022. *Canada's new medical assistance in dying (MAiD) law*. [Canada's new medical assistance in dying \(MAiD\) law \(justice.gc.ca\)](https://www.justice.gc.ca)
- 4.2 The College of Physicians and Surgeons of Manitoba. (updated 2021). *Standards of Practice: Medical Assistance in Dying (MAiD)*. [Standard of Practice Medical Assistance in Dying \(MAiD\).pdf \(cpsm.mb.ca\)](https://www.cpsm.mb.ca)
- 4.3 College of Registered Nurses of Manitoba. (updated 2021). *Medical Assistance in Dying: Guidelines for Manitoba Nurses*. [MAiD guideline July142021.pdf \(crnm.mb.ca\)](https://www.crnmb.ca)
- 4.4 The College of Audiologist and Speech-Language Pathologist of Manitoba. (2016). *Medical Assistance in Dying*.

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[Medical Assistance in Dying \(caslpm.ca\)](#)

- 4.5 College of Pharmacist of Manitoba. (2016). *Update on Medical Assistance in Dying (MAID) (formerl physician assisted dying)*.
[MAID-Update.pdf \(cphm.ca\)](#)

5.0 **POLICY CONTACT:**
MAiD Team contact information:

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