

# Medical Assistance in Dying

## Assessment for Eligibility

# The Assessor

- \* An assessor accepts the person's invitation to engage in a therapeutic conversation to discuss their fears, needs, and wants.
- \* 9 out of 10 individuals who request this conversation do not to proceed with MAiD after a more fulsome discussion of their alternatives.

# Practitioner Independence

## The Prescriber and Assessor are independent if

- \* They are not a mentor to the other practitioner or responsible for supervising their work
- \* Do not know or believe they are a beneficiary under the Will of the person requesting MAiD
- \* Do not know or believe they are a recipient in any other way of financial or other material benefit resulting from the person's death (other than standard compensation for the MAiD service).
- \* Do not know or believe they are connected to the other practitioner or to the person requesting MAiD in any other way that would affect their objectivity.

# Eligibility Criteria for MAiD

A person must meet all the criteria, including...

- \* be at least 18 years of age and capable of making decisions with respect to their health (per the *Health Care Consent and Care Facilities Admission Act – sec. 7*)
- \* have a grievous and irremediable medical condition
  - \* serious and incurable illness/disease/disability
  - \* advanced state of irreversible decline in capability
  - \* illness or decline cause them enduring physical or psychological suffering that is intolerable and cannot be relieved thru means they consider acceptable, and
  - \* natural death has become reasonably foreseeable.

# Eligibility Criteria for MAiD

Con't:

The person ...

- \* has made a voluntary request for MAiD not made as result of external pressure
- \* has given informed consent to receive MAiD after being informed of means available to relieve suffering including palliative care
- \* Is eligible for health services funded by a government in Canada

# Informed Consent

## Elements of Consent:

- \* it relates to the proposed health care
- \* it is given voluntarily
- \* it is not obtained by fraud or misrepresentation
- \* the person is capable of making a decision about giving or refusing the consent

# Informed Consent

## Elements of Consent (con't):

- \* The practitioner gives the person information a reasonable person would require to understand the health care and make a decision including:
  - \* the condition MAiD relates to (eg: diagnosis/prognosis)
  - \* the nature of the health care
  - \* the risks and benefits of the health care a reasonable person would expect to be told about
  - \* alternative courses of health care (eg: comfort care, hospice, pain control)
  
- The opportunity to ask questions and receive answers

# Capability to Make the Decision

The practitioner must base the decision on whether or not the person demonstrates that he or she understands...

- \* the information given in the consent process, and
- \* that the information applies to the situation of the person



# Capability to Make the Decision

If either practitioner is unsure whether the person has the capability to make a decision, or

If the sole reason for seeking MAiD appears to be a mental illness...

The person must be referred to a specialist in capability assessments (eg: psychiatrist, neurologist, geriatrician, psychologist) for further assessment of capability to make a health care decision.

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# Voluntary Request

To ensure the person has made not made a request for MAiD as a result of external pressure (from an individual, organization, or societal) ...

- \* Talk to other members of the person's circle of care
- \* Speak to the person in private to confirm request
- \* Consider elder abuse, family or caregiver pressure on the person, and the effects of marginalization.

# Safeguards in the Process

Before MAiD is provided the practitioner must:

- \* Ensure the eligibility criteria are met
- \* Ensure the person's request was made in writing (Record of Patient Request form) and signed and dated by the person (or another person if unable to sign - see: Unable to Sign) after the person was informed they have a grievous and irremediable medical condition
- \* Ensure the request was signed and dated before 2 independent witness who also signed and dated the request
- \* Ensure the person has been informed they may withdraw the request at any time and in any manner.

# Safeguards in the Process

Before MAiD is provided the practitioner must (Con't):

- \* Ensure another practitioner has provided a written opinion confirming the person meets all the eligibility criteria
- \* Ensure the person has been informed they may withdraw the request at any time and in any manner
- \* Ensure there are 10 clear days between the day the Record of Patient Request was signed and the day on which MAiD is provided...or a shorter period if both the assessing practitioners are of the opinion that the person's death or loss of capability to provide or revoke informed consent is imminent.

# Safeguards in the Process

Before MAiD is provided the practitioner must (Con't):

- \* Immediately before providing MAiD give the person the opportunity to withdraw their request
- \* Ensure the person gives express consent to receive MAiD
- \* If the person has difficulty communicating, take all necessary measures to provide a reliable means by which the person may understand the information provided and for them to communicate their decision.

# Unable to Sign and Witnesses

If the person requesting MAiD is unable to sign and date the Record of Patient Request, another person may do so in the person's presence, on the person's half and under the person's express direction only if the other person...

- \* is at least 18
- \* understands the nature of the request for MAiD
- \* are not a beneficiary under the Will of the person
- \* are not a recipient of a financial or material benefit resulting from the person's death.

# Unable to Sign and Witnesses

An Independent Witness can be a person who is at least 18 and understands the nature of the request for MAiD, except if they...

- \* are a beneficiary under the Will of the person or beneficiary of any financial or material benefit resulting from the death of the person
- \* are owner or operator of any facility in which the person is being treated or resides
- \* are directly involved in providing health care services to the person, or
- \* provide personal care to the person.

# Assessing the Person

- \* Determine the person's communication needs
- \* An independent interpreter will reduce the risk of family editing your questions and the person's responses
- \* Augmentative communication devices such as a communication board or electronic device may be necessary



# Assessing the Person

- \* Talk to the person
- \* Obtain consent to talk to others in their circle of care – family doctor/caregivers/family/friends
- \* Obtain copies of all relevant medical records from other physicians/practitioners involved in the person's care supporting the diagnosis and prognosis of a grievous and irremediable condition.

# Assessing the Person

- \* Be prepared to adapt your communication, if the person is unable to speak or relies on signals such as eye blinks
- \* Be clear on what signal means “yes” and “no”

# Assessing the Person

## Useful questions:

- \* How may I help you?
- \* What is most important to you now?
- \* What do you want to do before you die or become more disabled?
- \* Has your life been worthwhile?
- \* Have you discussed MAiD with your family or significant others?

# Discussing the MAiD Service

- \* Discuss when in their condition it should occur  
e.g. no longer able to swallow
- \* Discuss where the person would prefer to receive MAiD
- \* Discuss the probable outcomes of the medications prescribed
- \* Recommend that person seek advice on life insurance and pension plan implications

# Discussing the MAiD Service

## Advise the person...

- \* They will have to be conscious and capable of confirming informed consent at the time of MAiD
- \* They will be asked at the time whether they wish for the administering practitioner (Prescriber) to proceed
- \* They can change their mind at any time.

# Documentation

- \* Document your discussion in the person's health record if a patient
- \* Person or proxy must complete the witnessed Record of Patient Request prior to arranging referral to Prescriber
- \* Complete the MAiD Record of Assessment (Assessor)
- \* Retain both forms in patient's health record
- \* Submit both forms to your MAiD Care Co-ordination Centre (MCCC)

# MAiD Care Coordination Centre

Contact the MAiD Care Co-ordination Centre  
[MCCC@fraserhealth.ca](mailto:MCCC@fraserhealth.ca)

- \* For Assessor and Prescriber inquiries
- \* If you are an Assessor only and require a Prescriber for the person or an assessment of the person's capability to make a decision regarding MAiD
- \* For advice, education, and support