

 <p>Winnipeg Regional Health Authority Office régional de la santé de Winnipeg Caring for Health À l'écoute de notre santé</p> <p style="text-align: center;"><b>POLICY</b></p>	<p><b>REGIONAL</b></p> <p>Applicable to all WRHA governed sites and facilities (including hospitals and personal care homes), and all funded hospitals and personal care homes. All other funded entities are excluded unless set out within a particular Service Purchase Agreement.</p>		Level: <b>1</b>
	Policy Name: <b>Medical Assistance in Dying</b>	Policy Number: 110.000.400	Page 1 of 8
	Approval Signature:	Section: <b>Clinical Services</b>	
	Date: December 19, 2017	Supercedes: December 22, 2016 [Interim]	

1.0 **PURPOSE:**

- 1.1 To ensure that eligible Individuals residing in Manitoba have reasonable access to MAID within the Health Region.
- 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 the Health Region.

2.0 **DEFINITIONS:**

- 2.1 **Abstaining Facility Operator:** The operator of a faith-based facility that is funded, but not owned or operated, by the WRHA, that provides publically 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, as defined in section 2.8, to be provided within its facility.
- 2.2 **Authorized Practitioner:** A Medical Practitioner or Nurse Practitioner who is part of the MAID Team.
- 2.3 **Conscientious Objector:** Any Staff who refuses to provide or participate in providing MAID because such action would violate a personal, deeply held moral or ethical value.

- 2.4 Grievous and Irremediable Medical Condition: A condition by which the Individual meets all of the following criteria:
- (a) the Individual has a serious and incurable illness, disease or disability;
  - (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; and
  - (d) the Individual's natural death has become reasonably foreseeable, taking into account all of the Individual's medical circumstances, without a prognosis necessarily having been made as to the specific length of time that the Individual has remaining.
- 2.5 Health Links – Info Santé: A provincial health contact centre operated 24-hours per day, 7-days a week, staffed by registered nurses to provide answers over the phone to health care questions and guide Individuals in the care they need.
- 2.6 Health Region: The Winnipeg-Churchill Health Region as defined by *The Regional Health Authorities Act* and regulations.
- 2.7 Individual: A person including a patient, resident or client of a WRHA Facility or a WRHA clinical service.
- 2.8 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. For greater certainty, MAID does not include processes that may or may not culminate in MAID.
- 2.9 MAID Clinical Guide: The clinical guide approved by the WRHA CMO that governs the clinical and administrative procedures in the provision of MAID and the processes that may or may not culminate in MAID.
- 2.10 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
  - (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.

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- 2.11 MAID Team: The group of health care professionals known as the Manitoba Provincial MAID Clinical Team who have been approved by the WRHA chief medical officer to provide MAID.
- 2.12 Medical Practitioner: A person who is entitled to practice medicine in Manitoba.
- 2.13 Nurse Practitioner: A registered nurse who is entitled to practice as a nurse practitioner in Manitoba.
- 2.14 Regional Health Authority: Has the same meaning as defined in *The Regional Health Authorities Act*.
- 2.15 Staff: All persons employed or engaged by the WRHA or by a WRHA 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 WRHA or in a WRHA Facility.
- 2.16 WRHA Facility: Any facility which is owned, operated or funded by the WRHA and includes Abstaining Facility Operators.

### 3.0 **POLICY:**

- 3.1 MAID is recognized as one of a number of medical procedures and therapeutic services which are available to eligible Individuals who meet the MAID Criteria.
- 3.2 MAID shall be provided to eligible Individuals in all WRHA 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.
- 3.3 WRHA Facilities, other than Abstaining Facility Operators, shall provide an appropriate setting, such as a private or quiet room, within the facility for the provision of MAID, where reasonably available.
- 3.4 At the discretion of an Authorized Practitioner, MAID may be made available at a location outside of a WRHA Facility, including an Individual's residence.
- 3.5 An Authorized Practitioner may provide or assist in the provision of MAID outside of the Health Region, and other Staff may assist that Authorized Practitioner, at the invitation of the applicable Regional Health Authority and with the permission of the WRHA chief medical officer. The provisions of this Policy shall be complied with by the Authorized Practitioner and Staff in addition to the policies in place within the other Regional Health Authority.
- 3.6 Abstaining Facility Operators shall:
  - (a) develop, maintain and make easily accessible to the public and their Staff a clearly articulated, official written policy relating to MAID, and as part of making their policy easily accessible, Abstaining Facility Operators shall:

- (i) post their policy relating to MAID on the Abstaining Facility Operator’s official website, or if the Abstaining Facility Operator does not have an official website, post a notice on an easily accessible public bulletin board at the facility that clearly identifies that the facility has adopted an official policy that it is an Abstaining Facility Operator in respect to MAID and where Individuals may obtain a copy of the policy; and
- (ii) provide a copy of their policy to any Individual or Staff upon request;
- (b) include a statement within their official written policy that requires Staff, including Conscientious Objectors, to disclose and provide personal health information about an Individual in accordance with *The Personal Health Information Act*, as well as access to the Individual’s health record, to the MAID Team when requested by the Individual or the MAID Team;
- (c) include a statement within their official written policy that enables Individuals to receive timely and accurate responses when an Individual requests MAID or information relating to MAID. For greater certainty, timely and accurate information relating to MAID means, at a minimum, that the Individual is provided with the contact information for the MAID Team and/or Health Links-Info Santé, as set out in section 4.1, within 24 hours of the inquiry or request; and
- (d) include a statement within their official written policy indicating that Individuals may not be able to access MAID if the Individual is too ill or frail to be transferred to another WRHA Facility that permits MAID, or if the Individual declines to be transferred from an Abstaining Facility Operator to another WRHA Facility that permits MAID.

3.7 WRHA Facilities, including Abstaining Facility Operators, 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 WRHA Facilities, including Abstaining Facility Operators, shall comply with any transfer protocols developed by the WRHA for the transfer of care of an Individual from one WRHA Facility to another in a safe, timely and coordinated manner. WRHA Facilities, including Abstaining Facility Operators, may be required by the WRHA to accept transfer back of an Individual who does not proceed with MAID.

3.9 MAID shall not be approved for or provided by Staff to an Individual who does not meet the MAID Criteria. An Individual who does not meet the MAID Criteria shall be informed by the Authorized Practitioner who determined the Individual does not qualify, or their delegate, and referred to alternative and appropriate therapeutic medical services that may be available.

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- 3.10 The processes associated with and the provision of MAID shall be done in compliance with the MAID Clinical Guide, 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.
- 3.11 All WRHA Facilities, including Abstaining Facility Operators, and 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. For greater certainty, this includes continuing to provide for and plan for the health care needs of the Individual in respect to the transfer to any other facility for the purposes of pursuing MAID.
- 3.12 Where an Individual, or anyone on their behalf, expresses an interest in the provision of MAID, requests information about MAID, or pursues the provision of MAID, WRHA Facilities, including Abstaining Facility Operators, and Staff, including Conscientious Objectors, shall not:
- (a) directly or indirectly take or threaten to take any discriminatory or retaliatory action against the Individual;
  - (b) directly or indirectly take or fail to take any action which may or does result in the reduced availability or diminution of health care services provided to an Individual; or
  - (c) cause the Individual to be discharged or transferred to another health care facility, except in accordance with a documented treatment plan approved for and in collaboration with the Individual or for the purposes of the provision of MAID under the WRHA's transfer protocols.
- 3.13 Where an Individual, or anyone on their behalf, expresses an interest in receiving MAID or requests information about MAID, all Staff, including Conscientious Objectors, shall, at a minimum, promptly:
- (a) notify their manager of the expression of interest or request for information;
  - (b) notify their manager in the event they wish to be considered as a Conscientious Objector;
  - (c) comply with section 4.1 of this Policy, but no later than 24 hours after the expression of interest or request for information;
  - (d) comply with any requirements of their professional regulatory body, if applicable, in relation to the expression of interest or request; and
  - (e) in accordance with *The Personal Health Information Act*, disclose and provide personal health information about an Individual, including access to the Individual's health record, to the MAID Team when requested by the Individual or the MAID Team with the consent of the Individual.
- 3.14 The MAID Team shall, upon receipt of a request by a patient to pursue the provision of MAID or where the MAID Team intends to seek personal health information about an Individual from a WRHA Facility, notify any person designated by the WRHA Facility to receive such notices.

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- 3.15 Staff, including Conscientious Objectors, who have questions in respect to this Policy, or any aspect of MAID, may advise their manager who will assist in obtaining answers and, at a minimum, provide Staff with the MAID Team's website address listed under section 4.1 which contains information for health professionals.
- 3.16 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.
- 3.17 No WRHA 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.
- 3.18 No WRHA Facility, including an Abstaining Facility Operator, 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 WRHA Facility that is not considered an Abstaining Facility Operator;
  - (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.
- 3.19 WRHA Facilities, including Abstaining Facility Operators, and Staff, including Conscientious Objectors, shall cooperate with and provide information to any person conducting an investigation, review or inquiry on behalf of the WRHA 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.
- 3.20 The WRHA shall ensure that Staff who choose to participate in MAID are provided with educational resources and training that is consistent with established best practices and clinical guidelines.
- 3.21 Medical Practitioners and Nurse Practitioners who receive a written request for MAID shall provide information as may be required by the regulations under the *Criminal Code of Canada*, if any.
- 3.22 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.
- 3.23 The WRHA shall cooperate with any provincial committees or councils that may be established to review the regulation, legislation and practice of MAID in Manitoba.
- 3.24 As part of making this Policy readily available to the public, the WRHA shall post this Policy on its official website and provide a copy to any Individual or Staff upon request.

#### 4.0 **PROCEDURE:**

4.1 The provision of contact information for the MAID Team and/or Health Links – Info Santé are considered the appropriate resources for Staff, including Conscientious Objectors, to provide to an Individual when responding to a request for MAID or information about MAID, which shall consist of the following:

(a) MAID Team:

Website address: <http://www.wrha.mb.ca/maid/index.html>

Email address: [maid@wrha.mb.ca](mailto:maid@wrha.mb.ca)

Local telephone number: 204-926-1380

Toll-free telephone number: 1-844-891-1825

(b) Health Links – Info Santé:

Local telephone number: 204-788-8200

Toll-free telephone number: 1-888-315-9257

Where an Individual is unable to contact an appropriate resource due to any physical limitations or due to any condition, medical or otherwise, WRHA Facilities, including Abstaining Facilities, and Staff, including Conscientious Objectors, shall either arrange for appropriate supports to enable the Individual to contact an appropriate resource, or shall contact the MAID Team directly.

4.2 Where an Authorized Practitioner is of the opinion that an Individual has met the MAID Criteria, and the Authorized Practitioner has complied with:

(a) the MAID Clinical Guide;

(b) the standards, statements and by-laws of their professional regulatory body;

(c) this Policy; and

(d) all applicable laws including the *Criminal Code of Canada*;

then an Authorized Practitioner may proceed to provide MAID to that Individual in accordance with the MAID Clinical Guide, the applicable standards, statements or by-laws, and the law.

4.3 Where an Individual, or a person acting on behalf of an Individual, is concerned 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, the Individual, or person acting on behalf of the Individual, may contact the WRHA chief medical officer or chief nursing officer to communicate their concerns or complaint through the MAID Team by email or phone as follows:

Email address: [maid@wrha.mb.ca](mailto:maid@wrha.mb.ca)

Local telephone number: 204-926-1380

Toll-free telephone number: 1-844-891-1825

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- 4.4 The WRHA chief medical officer or chief nursing officer, or their designate, shall investigate and make inquiries in respect to a concern or complaint brought by an Individual, or a person acting on behalf of an Individual, under section 4.3, or by a WRHA Facility in respect to the implementation of this Policy by Staff, and resolve the complaint in accordance with the WRHA's MAID complaint resolution protocol.
- 4.5 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.

5.0 **REFERENCES:**

- 5.1 Criminal Code of Canada;
- 5.2 Manitoba Health, Seniors and Active Living, MAID Policy No. 200.33, January 2017;
- 5.3 College of Physicians and Surgeons of Manitoba, By-Law No. 11, Schedule M;
- 5.4 College of Registered Nurses of Manitoba: MAID, June 29, 2016;
- 5.5 College of Pharmacists of Manitoba: Update on MAID, June 23, 2016;
- 5.6 Manitoba College of Social Work: MAID Information Summary;
- 5.7 College of Audiologists and Speech – Language Pathologists of Manitoba, Notice re Medical Assistance in Dying.

**Policy Contact:** Dr. Bruce Roe, Chief Medical Officer, WRHA