

Medical Assistance in Dying (MAID): Guidelines for Paramedic Practitioners

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Purpose:

On May 30, 2016, Bill C14 was passed in Parliament to amend the *Criminal Code* to permit *Physicians* and *Nurse Practitioners* to provide medical assistance in dying (“MAID”). These changes also explicitly permit *Pharmacists* to dispense a substance to any person further to a prescription by a physician or nurse practitioner in providing medical assistance in dying and generally permit other persons to assist a physician or nurse practitioner in the process.

The Bill C14 amendments to the Criminal Code do not specifically address the involvement of paramedics in the MAID process. As such, a role for paramedic professionals (and any rights with respect to freedom of conscience and religion - conscientious objection), has not been explicitly articulated.

We have recently become aware that paramedics are being called to assist with MAID patients, both directly (i.e.: intravenous starts) and/or indirectly (transportation). Individuals aiding *Physicians* and *Nurse Practitioners* to provide a person with MAID must ensure that their actions are in accordance with s. 241.2 and s. 227(2) of the Criminal Code¹.

There are 2 types of medical assistance in dying available to Canadians. They include where a Physician or Nurse Practitioner:

- Directly administers a substance that causes death, such as an injection of a drug: this is commonly called **voluntary euthanasia**; or
- Gives or prescribes a drug that is self-administered to cause death **this is commonly known as medically-assisted suicide**.

Section 241.2 permits a person to receive medical assistance in dying only if they meet **all of the following criteria**:

1. Be eligible (or would be after a waiting period) for government funded health services in Canada;
2. Be at least 18 years old and capable of making independent healthcare decisions;
3. Have a grievous and irremediable medical condition;
4. Have made a voluntary request for MAID, without pressure;
5. Have provided informed consent after being informed of their options; This includes information about:

¹ <https://www.canada.ca/en/health-canada/services/medical-assistance-dying.html>. These provisions of the Code exempt persons who assist a physician or nurse practitioner in providing medical assistance in dying from being found guilty of the criminal offences of counselling or aiding a suicide or of culpable homicide.

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- medical diagnosis
- available forms of treatment
- available options to relieve suffering, including palliative care

People with a mental illness are eligible for MAID as long as they meet all of the listed conditions. They are not eligible for this service if they are suffering from a mental illness alone and death is not reasonably foreseeable, or a mental illness reduces his/her ability to make medical decisions.

Physicians and Nurse Practitioners (NP) must confirm that the patient is eligible by ensuring the following:

- That the patient has made a written request for assistance, after being informed that he or she has a grievous and irremediable medical condition, signed and dated with two independent witnesses;
- That the patient was informed that he or she could withdraw the request at any time;
- That a second independent Physician or Nurse Practitioner confirmed that the patient is eligible;
- That 10 days has elapsed since the written consent was provided (in most cases);
- That the patient still consents immediately before providing assistance, and that the practitioners have taken all necessary measures to ensure communication with the patient.

If the Physician or NP does not comply with all of these requirements, they are not covered by the *Criminal Code* exemption and could be found guilty of counselling, aiding, or abetting suicide or of culpable homicide. A person who assists a Physician or NP who does not comply with these requirements could also be found guilty of those offences.

As you may appreciate, this is a very complicated issue and your potential involvement is not without accountability, even when acting in a support role as a healthcare practitioner.

Guidelines:

The following guidelines are provided to paramedics in the event they encounter a MAID situation:

1. Paramedics must understand that they are involving themselves in a MAID process in order to fully meet their obligations. If you are not certain, ask...
2. Practitioners are urged to seek advice from the College if they are being asked to participate in MAID activity;
3. Paramedics should request proof of eligibility under section 241.2 of the *Criminal Code* before administering any treatment. This recommendation is based on the following: If the Physician or NP is not acting in accordance with Section 241.2, the exemption may not apply to the Physician or NP and as such, would not be available to the paramedic assisting the Physician or NP.
4. The *Criminal Code* provisions do not require anyone to participate in MAID. You have the right to object (conscientious objection).
5. If you do not know the patient's MAID status, you should follow normal treatment protocols.

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6. **Starting an IV to end a MAID patient's life constitutes participation.** The order for the IV must come from a Physician or NP and you must ensure that the patient meets eligibility requirements (please contact the College).
7. **Paramedics must not do anything at the request of a family member** (i.e.: they request your help in expediting the process); you are only permitted to assist a Physician or NP, not family members.
8. If requested, you may attend a patient as an observer/support person without participating.
9. **You are advised to seek your own legal opinion with regard to participation in MAID and liability.**

Related Policies/Procedures:

Not applicable

Links

- Government of Canada Website: <https://www.canada.ca/en/health-canada/services/medical-assistance-dying.html>
- SCoP Protocol Manuals: https://www.collegeofparamedics.sk.ca/web/SCOP/Protocols/Protocol_Manuals/SCoP/Protocols/Protocol_Manuals.aspx?hkey=6457a0e7-6c97-453a-823c-7d8ac1733a99

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Related Policies, Procedures, and Guidelines	Saskatchewan College of Paramedics Protocol Manuals