

Medical Assistance in Dying (MAiD)

Information for patients and families

What is medical assistance in dying?

In Canada, medical assistance in dying (MAiD) is a legal way of ending the life of a person who is suffering intolerably due to a physical health condition that is serious and incurable. The procedure takes place under very specific circumstances and must follow strict rules. The person must request this service voluntarily and go through a process to see if they are eligible for MAiD.

MAiD can happen in one of two ways:

- A doctor or nurse practitioner administers a drug to the person that causes the person's death.
- A doctor or nurse practitioner prescribes a drug that the person swallows on their own to cause their death.

The first option is most common in Canada. Some MAiD providers offer only that option.

What is the law on MAiD?

MAiD has been legal in Canada since 2016. Only doctors and nurse practitioners can conduct assessments and provide or prescribe medication for this procedure.

Right now, MAiD is only available to people who have a physical health condition that is "grievous and irremediable." This means that the person has a serious and incurable illness or disability and is in a state of decline that cannot be reversed. The condition also causes unbearable suffering that cannot be relieved in a way the person finds acceptable.

Under Canada's current MAiD law, people whose only medical condition is mental illness are not eligible for MAiD, but this is slated to change in March 2027.

Who is eligible for MAiD?

To receive MAiD a person must meet *all* of the following criteria. The person must:

- have a grievous and irremediable health condition
- make a voluntary request for MAiD, free from pressure from anyone else

- be able to make health care decisions (understand the information related to the decision and the consequences of making that decision)
- give informed consent after the doctor or nurse practitioner has explained all of the treatment and care options
- be at least 18 years old
- be able to get government-funded health insurance in Canada (OHIP in Ontario).

A person's natural death does not need to be reasonably foreseeable for them to be eligible for MAiD. This means that the person does not need to be near the end of life as a result of their health condition.

Are there safeguards to protect people who request MAiD?

Requesting MAiD is a very serious and personal decision. Because of this, the law includes safeguards to protect people. Safeguards are steps that make sure the person understands their options, is able to communicate their decision and can change their mind at any time.

These are the necessary steps before someone can have a medically assisted death:

- The person must make a written request and have it signed by an independent witness.
- Two doctors or nurse practitioners must assess the person separately. Both of these assessors must agree that the person qualifies for MAiD. They also determine whether the person's natural death is expected in the near future.
- The assessors must explain that the person can change their mind about wanting MAiD at any time.
- If the person has difficulty communicating, the assessors must find a way to make sure the person understands the information and can communicate their decision (e.g., by using an interpreter).
- Right before the procedure, the MAiD provider must give the person the opportunity to change their mind. The person must give final consent before the procedure can happen. In some situations, the procedure can go ahead even if the person has lost the ability to give final consent.

Are there extra safeguards for people who are not at the end of life?

Extra safeguards are in place if the MAiD assessors determine that a person's natural death is not expected soon:

- Two doctors or nurse practitioners must assess the person separately and agree that the person qualifies for MAiD. One of the assessors must be a specialist in the illness that is causing the person unbearable suffering.

- The assessors must explain all of the options for relieving the person's suffering. These options include counselling, mental health and disability support, spiritual care, community services, and palliative care. The assessors must also offer consultations with people who provide those services.
- The person and the assessors must have discussed all of the reasonable and available options for relieving suffering. They must also agree that the person has seriously considered those options.
- There must be at least 90 days between the day the MAiD eligibility assessment begins and the day the person receives the procedure.

In time, the Canadian government and health regulators may add more safeguards.

Are CAMH patients eligible for MAiD?

Right now, people whose only medical condition is a mental illness are not eligible for MAiD. CAMH patients who have a physical health condition in addition to a mental illness may apply for MAiD on the basis of their physical illness.

Does CAMH have a role in MAiD?

CAMH does not provide MAiD, and does not provide MAiD eligibility assessments.

CAMH does provide MAiD capacity assessments in situations where a MAiD assessor is seeking additional psychiatric expertise in determining a patient's capacity to consent to receiving MAiD. Capacity assessments are different from eligibility assessments. They determine if the person is capable of making MAiD-related decisions or if a mental health condition is affecting the person's ability to decide that they want MAiD for a physical condition.

Doctors or nurse practitioners can refer patients for a MAiD capacity assessment at CAMH after a patient has had the first MAiD eligibility assessment completed outside of CAMH and the second assessor for the second eligibility assessment has been identified. Referrals can be sent through Access CAMH, the hospital's central intake service (tel.: 416 535-8501, option 2).

If you are a CAMH patient and want to know more about MAiD, please contact the provincial MAiD care coordination service. The provincial care coordination service provides individuals, caregivers, and providers with information about MAiD and other end-of-life options, and referrals for MAiD services.

The provincial care coordination service:

- can be reached toll free at 1-866-286-4023 or TTY: 1-844-953-3350
- operates 24 hours a day, 7 days a week

- offers referral services which are available Monday to Friday, 9 a.m. to 5 p.m.
- is available in English and French
- can arrange service in over 300 other languages if requested

Asking about MAiD will not affect the care you receive while you are at CAMH.

Where can I get more information about MAiD?

Provincial MAiD care coordination service (<https://www.ontario.ca/page/medical-assistance-dying-and-end-life-decisions>)

CAMH *Submission to the Special Joint Committee on Medical Assistance in Dying*, November 2023. Visit www.camh.ca and search for the title.

Government of Canada: Visit www.canada.ca and search for “medical assistance in dying.”

Ontario Ministry of Health and Long-Term Care: Visit www.ontario.ca and search for “medical assistance in dying.”

Provincial and territorial information about MAiD laws and programs, Dalhousie University Health Law Institute (http://eol.law.dal.ca/?page_id=2507)

Special Joint Committee on Medical Assistance in Dying. *MAiD and Mental Disorders: The Road Ahead*, 2023 (www.parl.ca/DocumentViewer/en/44-1/AMAD/report-3)

The Empowerment Council: A voice for the clients of CAMH (www.empowermentcouncil.ca)

Psychiatric Patient Advocate Office: Advocacy for inpatients at Ontario mental health facilities (www.sse.gov.on.ca/mohlrc/ppao/en)