

# Medical Assistance in Dying

## FAQ for clinical teams at HHS

### What is the eligibility criteria for MAiD?

- Over 18 years old
- Have a provincial health card or be eligible for provincial health coverage
- Have a serious, incurable medical condition (Note: Mental illness alone does not qualify a person to receive MAiD currently.)
- Be in an advanced state of irreversible decline in capability
- Have enduring and intolerable physical or psychological suffering caused by the patient's medical condition that cannot be alleviated under conditions the person considers acceptable
- Be capable to make their own healthcare decisions
- Give informed consent to receive MAiD, meaning that the person consents to receive MAiD after they have received all information needed to make this decision
- Be making this request voluntarily without pressure from anyone else
- Be aware of other options to relieve their suffering

### What has changed since March 2021?

- Revisions to the federal law (criminal code) created a two-track approach with different safeguards to follow based on whether a person's natural death is reasonably foreseeable or not.
- This approach eases some safeguards for cases where natural death is reasonably foreseeable, but also ensures that sufficient time and expertise are spent assessing people whose natural death is not reasonably foreseeable.

### What are the new safeguards for MAiD?

<b>Reasonably Foreseeable Natural Death</b> (has a medical condition that leads to natural death e.g. cancer, ALS, end-stage COPD/ CHF, etc.)	<b>No Reasonably Foreseeable Natural Death</b> (does not have a medical condition that leads to natural death e.g. chronic pain)
Request made in writing and signed by <b>one</b> independent witness	Request made in writing and signed by <b>one</b> independent witness
Two independent practitioners must provide an assessment to confirm all eligibility criteria.	Two independent practitioners must provide an assessment to confirm all eligibility criteria.

	If neither assessor has expertise in the medical condition causing the person's suffering, they must consult a practitioner with expertise.
No mandatory waiting period.  However, MAiD is not an emergency procedure. It often takes days-weeks to complete the eligibility assessments and necessary preparations.	There is a mandatory reflection period of 90 days from the start of the first assessment that finds the patient eligible for MAiD. (NOTE: This reflection period may only be shortened if the patient has been found eligible by 2 assessors and loss of capacity is imminent).
The person must be informed of available means to relieve their suffering, including palliative care. They must be offered consultations with professionals who provide those services.	The person must be informed of available means to relieve their suffering, including counselling services, mental health and disability support services, community services, and palliative care. They must be offered consultations with professionals who provide those services.
If patient has been found eligible in 2 assessments, final consent may be waived in cases where: <ul style="list-style-type: none"> <li>- Person enters into a written agreement with the MAiD provider</li> <li>- Person loses capacity to provide final consent</li> </ul>	Person must be capable immediately before MAiD is provided. Must be given an opportunity to withdraw consent and must confirm consent to receive MAiD.

### What if I have other questions?

If you have any questions, please email [adras@hhsc.ca](mailto:adras@hhsc.ca).

### References:

Bill C-14. An Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying). S. 241.2 (1)

<http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=8384014>

Bill C-7. An Act to amend the Criminal Code (medical assistance in dying)

<https://lop.parl.ca/staticfiles/PublicWebsite/Home/ResearchPublications/LegislativeSummaries/PDF/43-1/c7-e.pdf>

Canada's new Medical Assistance in Dying (MAiD) Law. <https://www.justice.gc.ca/eng/cj-dt/July 2021 Version 1.0>

[jp/ad-am/bk-di.html](#)

HHS Guideline on Right of Conscience and MAiD <https://hub.hhsc.ca/knowledge-tools/maid-resources/Documents/Right%20of%20conscience%20guideline.pdf>