



Guide for Professionals

# Medical Assistance in Dying



## Who can receive medical assistance in dying in New Brunswick?

Only persons who meet all the following criteria can receive medical assistance in dying:

- Be eligible for publicly funded health care services in Canada;
- Be at least 18 years of age and capable of making their own health decisions;
- Have a grievous and irremediable medical condition;
- Have made a voluntary request for medical assistance in dying, free from external pressure;
- Have given informed consent after having been informed of the options available to relieve suffering, including palliative care.

### Exclusions

- Persons suffering solely from a mental health disorder, with no serious and incurable physical condition;
- Advance request for medical assistance in dying (examples: living will, health care directives).

## MAiD can be provided at the patient's residence (home or nursing home) as well as in the following secular hospitals within the Network:

- Dr. Georges-L.-Dumont University Hospital Centre;
- Restigouche Hospital Centre;
- Tracadie Hospital;
- Lamèque Hospital and Community Health Centre;
- Grand Falls General Hospital;
- Chaleur Regional Hospital;
- Campbellton Regional Hospital;
- Edmundston Regional Hospital.

The entire process around obtaining MAiD can take place in the Network's Catholic facilities but a patient wanting MAiD must be transferred to another facility to receive it.

## Grievous and irremediable medical condition

The patient must meet all the following criteria:

- They have a serious and incurable illness, disease or disability;
- They show advanced and irreversible decline in their capacities (the decline must be severe);
- Enduring persisting physical or psychological suffering that is intolerable and cannot be relieved in a manner that they consider acceptable.



## Role of health professionals

- A request must be documented in the patient's clinical record;
- The patient must be referred to a physician or nurse practitioner to continue the process;
- A health professional other than a physician or nurse practitioner can, however, give a patient a pamphlet on MAiD.

Even if the physician or nurse practitioner has a conscientious objection, they must at least inform the patient of the existence and impact of their conscientious objection and directly refer or transfer the patient to another physician or nurse practitioner.

The physician or nurse practitioner cannot abandon a patient who requested MAiD and must continue to provide all appropriate care to the patient until the latter discharges them from this obligation and a professional replacement is provided.

If a patient has difficulty communicating, a speech-language pathologist or audiologist may advise the physician or nurse practitioner on choosing an alternate communication means.

The patient, their family and loved ones, and the care team can ask for psychological, social or spiritual support during the process if they desire.

**The Network has a policy and forms to support the MAiD process.**

**These are available on the Network's website, in the "Doctors" section, as well as on Boulevard, in the "Tools & Resources" section.**

## DEFINITIONS

### Independence of the physician or nurse practitioner

To be independent, the physician or nurse practitioner providing MAiD or the physician or nurse practitioner providing an opinion confirming that all eligibility criteria have been met cannot:

- Be a mentor to the other physician or nurse practitioner or be responsible for supervising their work;
- Know or believe that they are a beneficiary under the will of the patient making the request, or a recipient, in any other way, of a financial or other material benefit resulting from that person's death, other than the standard compensation for their services relating to the request;
- Know or believe that they are connected to the other assessor or to the patient making the request in any other way that would affect their objectivity.

### REASONABLY FORESEEABLE natural death

Taking into account their entire clinical situation, a patient is nearing the end of their life in the not too distant future, i.e. from a few weeks to a few months. The patient is in a decline leading to death, and clinical judgment allows a timeline to be placed on this.

### Safeguards

- The request for MAiD must be made in writing on form RC-74 and signed by an independent witness;
- Two physicians or nurse practitioners must assess the patient's eligibility and confirm that they meet all the criteria;
- Before administering MAiD, the physician or nurse practitioner must check that the patient is still able to consent and confirm one last time their desire to receive MAiD, unless they have waived final consent;
- The patient must have been informed of the means available to relieve their suffering, when indicated, psychology consultation services, mental health support services, support services for people with disabilities, community services and palliative care and must have been offered the opportunity to consult competent professionals who provide such services or care;
- The patient and the physician or nurse practitioner must have discussed the appropriate means available to relieve the patient's suffering, who must in turn have seriously considered them.

## Natural death **NOT REASONABLY FORESEEABLE**

Patients whose natural death is not reasonably foreseeable can apply for MAiD. Taking into account their entire clinical situation, the patient is suffering from a grievous and irremediable medical condition; however, this condition is not terminal and death is not foreseeable.

### Safeguard

In addition to the aforementioned safeguards concerning reasonably foreseeable natural death, the following safeguards must apply to patients whose natural death is not reasonably foreseeable:

- At least 90 days between the start date of the first assessment and the date on which MAiD will be provided (this period may be shorter if the patient is about to lose their decision-making capabilities);
- If the physician or nurse practitioner conducting the eligibility assessment does not have expertise in the patient's condition, a consultation should be made with a physician or nurse practitioner with this expertise (expert opinion).

### Waiver of final consent

The *Act* allows patients whose natural death is reasonably foreseeable to waive their right to final consent that must be given verbally when MAiD is provided. Patients at risk of losing their capability to give consent can complete the waiver of final consent form with their physician or nurse practitioner.





## Independent witness

Any person who is at least 18 years old and understands the nature of the request for MAiD can act as an independent witness, unless they:

- Know or believe that they are a beneficiary under the will of the person making the request, or a recipient, in any other way, of a financial or other material benefit resulting from that person's death;
- Own or operate the health care facility where the person making the request is being treated or the facility where that person is residing;
- Are the physician or nurse practitioner participating in the MAiD assessment or providing MAiD;
- Are providing health care or personal care to the person making the request for which they are not remunerated.

## REQUESTING INFORMATION on medical assistance in dying

The request is initiated by the patient and not by a health professional.

The physician or nurse practitioner informs the patient about MAiD and other treatment options, including:

- Pain control;
- Palliative care;
- Terminal palliative sedation.

A physician or nurse practitioner who has a conscientious objection is not required to take part in the MAiD process but must give the patient the MAiD pamphlet and refer the patient to another physician or nurse practitioner.

The patient reviews the information provided and the treatment options available.

## OFFICIAL REQUEST from the patient

The patient completes and signs the “Medical Assistance in Dying (MAiD) – Patient Request” (RC-74E) form voluntarily and with no external pressure, in the presence of one independent witness.

If the patient is physically unable to sign and date their own request, another person who is at least 18 years old and understands the nature of the request for MAiD can do so on their behalf, in their presence and under their express direction.

The physician or nurse practitioner informs, in writing (from a Network email address) or by fax, a Patient Safety Advisor and the Pharmacy Department of the zone that an official request for MAiD has been submitted by a patient and is in process.

## Assessment of DECISION-MAKING CAPACITY and ELIGIBILITY

The two assessors assess the patient’s decision-making capacity and note their conclusion on the “Medical Assistance in Dying (MAiD) – Assessment of Eligibility” (RC-75E) form.

If the two assessors agree that the patient has decision-making capacity, the process continues.

- a) The physician or nurse practitioner assesses the patient’s eligibility using the “Medical Assistance in Dying (MAiD) – Assessment of Eligibility” form.
- b) A second physician or nurse practitioner meets with the patient and assesses the patient’s eligibility using the “Medical Assistance in Dying (MAiD) – Assessment of Eligibility” form.

- ★ In a hospital setting, only a physician can provide MAiD and a physician must therefore be one of the two assessors.
- ★ If you have any ethical concerns, you can contact the ethics consultant by phone at 506-740-1718 or by email at [pierrette.fortin@vitalitenb.ca](mailto:pierrette.fortin@vitalitenb.ca).
- ★ If the physician or nurse practitioner concludes that the patient is not eligible for MAiD, they must provide a clear explanation of their refusal.
- ★ If the patient is hospitalized or resides in a Catholic facility where MAiD cannot be provided, the patient is transferred to another facility to receive MAiD.

## Natural death not reasonably foreseeable

When death is not reasonably foreseeable and the assessors do not have the expertise to relieve the condition that is causing the person's suffering, one of the two consults a physician or nurse practitioner who does have such expertise using the "Medical Assistance in Dying (MAiD) – Expert Consultation" form (RC-279-E).

## Patient CONSENT

After being deemed eligible and able to decide, the patient completes and signs the "Medical Assistance in Dying (MAiD) – Patient Consent" (RC-76E) form.

The physician or nurse practitioner explains to the patient that they will receive MAiD at the hospital or at their place of residence.

A physician or nurse practitioner must be present during the MAiD process.

The physician or nurse practitioner ensures that the "Cardiopulmonary Resuscitation and Levels of Care" (RC-05E) form is completed and placed in the patient's record.

## PREPARATION

### Organ donation

The physician or nurse practitioner may discuss organ donation with the patient to determine whether it is an option. If it is an option, the organ donation procedures must be followed.

### Validation

The physician or nurse practitioner sends, by email (from a Network address) or fax, the following documents to the Patient Safety Department advisor for validation of the process:

- the "Patient Request" form (RC-74E)
- the two copies of the "Eligibility Assessment - Medical Assistance in Dying (MAiD)" form (RC-75E)
- the "Patient Consent" form (RC-76E) and
- the "Medical Assistance in Dying (MAiD) - Waiver of Final Consent" form (RC-271E), if applicable.

### Discussion of MAiD and planning

In the days preceding MAiD, the physician or nurse practitioner discusses with the patient (their family and loved ones, if the patient consents to this communication) to:

- Determine the patient's wishes regarding MAiD (e.g., that one or more people be present);
- Determine where MAiD will be provided;
- Set the date and time when MAiD will take place.

**Before confirming the date and time of the procedure, the physician or nurse practitioner contacts the Pharmacy Department to ensure that they can provide the medications at the specified time.**

- The physician or nurse practitioner signs and sends the order to the Pharmacy Department, informing the pharmacist that the medications are for MAiD.
- The Pharmacy Department fills the medical order.
- The medications are given directly to the physician or nurse practitioner who signed the order.

## DAY OF the procedure

Before administering MAiD, the physician or nurse practitioner must check that the patient is still able to consent and confirm one last time their desire to receive MAiD, unless they have waived final consent. The confirmation is recorded on the "Medical Assistance in Dying (MAiD) – Procedure Checklist for Administration of Medications (RC-78E) form.

- MAiD provided intravenously (RC-79E).
  - The physician or nurse practitioner stays with the patient until death occurs.

## AFTER the patient's DEATH

- The physician or nurse practitioner who provided MAiD completes the death certificate in accordance with the MAiD procedure.
- If the patient is under the care of the EMP, the EMP policies regarding patients who die at home must be followed.
- If MAiD was provided in a nursing home, the nursing home is responsible for making arrangements for transportation of the body.
- The physician or nurse practitioner completes and signs the document "MAiD - Procedure Checklist for Administration of Medications" when the procedure is carried out. A copy of the signed form must be sent to the pharmacy.
- The physician or nurse practitioner ensures that any amount of medication left over is returned to the pharmacist for disposal.
- The physician or nurse practitioner who provided MAiD or the nurse must send a copy of the "Medical Assistance in Dying (MAiD) - Procedure Checklist for Administration of Medications" (RC-78E) and "Medical assistance in Dying (MAiD) - Physician or Nurse Practitioner Administered" (RC-79E) forms to the Patient Safety Department and the Pharmacy Department of the zone where MAiD was provided.

**REMINDER:** Information pertaining to MAiD cases must be entered into the Canadian MAiD Data Collection Portal for data compilation.

## PATIENT SAFETY SERVICE

**Beauséjour Zone**  
506-232-7391 or  
506-253-5378

**Nord-Ouest Zone**  
506-232-5897

**Restigouche Zone**  
506-232-0038  
Restigouche  
Hospital Centre:  
506-227-6807

**Acadie-Bathurst Zone**  
Chaleur: 506-232-6113  
Acadian Peninsula  
506-232-6116

All documents related to a MAiD request must be sent by email to [amm.maid@vitalitenb.ca](mailto:amm.maid@vitalitenb.ca) or by fax-to-email to **506-462-2191**.