

## STANDARDS OF PRACTICE

# Medical Assistance in Dying (MAID)

Under Review: Yes

Issued by Council: June 1, 2016

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The *Standards of Practice* of the College of Physicians & Surgeons of Alberta (“CPSA”) are the minimum standards of professional behavior and ethical conduct expected of all regulated members registered in Alberta. Standards of Practice are enforceable under the *Health Professions Act* and will be referenced in the management of complaints and in discipline hearings. CPSA also provides Advice to the Profession to support the implementation of the Standards of Practice.

**\*PLEASE NOTE: The MAID standard is currently under review and is in the process of being updated to align with current legislation. As of July 2024, patients whose sole underlying condition is mental illness remain ineligible for MAID under [Bill C-62](#).**

Note: a [glossary of terms](#) can be found at the end of this document. Glossary terms are indicated in teal with a “G” throughout this document.

## PREAMBLE

For the purpose of this standard, “medical assistance in dying” (MAID) means the administration of medications by a regulated member to a person, or the prescribing or providing of medications, and within the parameters set out in the Legislation and Regulations, by a regulated member, to a person at their request, to intentionally cause the person’s own death. Section 241.2 of the [Criminal Code of Canada](#) (*Criminal Code*) creates the legal authority for MAID, and all regulated members must understand the scope and requirements outlined in section 241.2.

With the addition of section 241.2 of the *Criminal Code*, MAID was first legalized in Canada in 2016 for individuals with terminal illnesses. In 2021, section 241.2 of the *Criminal Code* was amended to include non-terminal physical conditions excluding mental illness. Bill C-7 was introduced in Oct. 2020 to remove the mental illness exemption; however, [Bill C-39](#) has extended the eligibility for persons whose sole underlying condition to be a mental illness until Mar. 2024.

At this time, [mature minors<sup>G</sup>](#), advance directives and patients whose sole underlying medical condition is a mental illness remain ineligible for MAID under the *Criminal Code*.

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- “Must” refers to a mandatory requirement.
- “May” means that the physician may exercise reasonable discretion.
- “Patient” includes, where applicable, the patient’s legal guardian or substitute decision maker.

Regulated members have a right under the [Canadian Charter of Rights and Freedoms](#) to freedom of conscience and religion and, as such, are not obligated to administer or participate in MAID processes. Regulated members must follow the [Conscientious Objection](#) standard of practice if they decline a request for MAID services: the regulated member's conscientious objection must not impede the rights of patients to receive unbiased information about and timely access to any legally permissible and available health services, including MAID.

Just as regulated members have the right to act according to their conscience, they must also respect differences of opinion among colleagues and patients, while meeting their duty of non-abandonment to the patient by acknowledging and responding in a manner that is just to the patient's medical concerns and requests regardless of the regulated member's moral construct<sup>1</sup>.

For additional guidance, please refer to the "[Companion Resources](#)" at the end of this document.

## STANDARD

1. A regulated member who receives an inquiry from a patient regarding MAID **must** provide the patient, or their representative, with contact information for the Alberta Health Services' (AHS) [MAID care coordination service](#), as soon as reasonably possible.
2. A regulated member who declines a request for MAID for reasons of personal conscience or religion or lack of resources/expertise **must** do so in accordance with the [Conscientious Objection](#) standard of practice.
3. A regulated member who receives, evaluates or acts upon a [written request](#)<sup>6</sup> for MAID **must** do so in accordance with relevant legal requirements which include, but are not limited to, the *Criminal Code*.<sup>2</sup>
4. A regulated member who provides MAID **must**:

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<sup>1</sup> From the Canadian Medical Association's [Code of Ethics & Professionalism](#) (2018).

<sup>2</sup> Please see the "Medical Assistance in Dying" section of the [Criminal Code of Canada](#).

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- a. follow the safeguards outlined in the *Criminal Code* when determining a patient's eligibility;
  - b. collaborate with the AHS [MAID care coordination service](#);
  - c. discuss with the patient and agree on a plan that considers:
    - i. the patient's wishes regarding when, where and how MAID will be provided, including the [presence<sup>G</sup>](#) of the regulated member and any additional patient support;
    - ii. an alternate plan to address potential complications; and
    - iii. the patient's understanding that they may choose to rescind the request at any time, including immediately before the provision of MAID;
  - d. ensure the patient has [capacity<sup>G</sup>](#) and obtain [consent<sup>G</sup>](#) in accordance with the [Informed Consent](#) standard of practice and relevant legal requirements set out in the *Criminal Code*;
    - i. in the case of self-administration, MAID **may** be provided on the basis of a valid waiver of final consent or advance consent;
  - e. ensure that, immediately before providing MAID, the patient is given an opportunity to withdraw their request and consents to receive MAID;
  - f. collaborate with the pharmacist dispensing the medication(s); and
  - g. after the patient's death, notify the [Office of the Chief Medical Examiner](#).
    - i. The regulated member will not sign the death certificate: the Chief Medical Examiner will determine the cause and manner of death.
5. Under the *Criminal Code*, a regulated member **must not** provide MAID:
- a. to a [mature minor<sup>G</sup>](#);

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- b. based on an advance directive; or
  - c. when a mental illness is the sole underlying medical condition.
6. A regulated member **must not** prescribe medications for use in MAID unless they are recommended by the AHS [MAID care coordination service](#)<sup>3</sup>.
7. A regulated member who provides MAID **must** complete all federal reporting requirements, including the AHS [MAID Reporting Form](#)<sup>4</sup>.

## GLOSSARY

**Mature minor:** an individual under the age of 18 who can understand and appreciate the nature, risks and consequences of a proposed treatment/procedure and can provide consent without the input of their legal representative. For more information, please refer to the [Informed Consent for Minors](#) Advice to the Profession document.

**Written request:** while a patient may inquire about MAID orally, a request to proceed with MAID must be in writing in accordance with the *Criminal Code*.

**Presence:** a regulated member is not required to be present if the patient chooses the self-administered protocol<sup>5</sup>.

**Capacity:** the ability to understand information that is relevant to the decision. It is the legal status of being able to provide informed consent or refusal of healthcare interventions<sup>6</sup>.

**Consent:** for the purpose of this standard, in order for a patient to provide informed consent, they must be capable [refer to “capacity”], they must have been given an adequate explanation about the nature of the proposed intervention and its anticipated outcome, as well as the significant risks involved and alternatives available, and the consent must be voluntary.<sup>6</sup> No other individual is permitted to provide consent other than the patient requesting MAID.

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<sup>3</sup> To review the current medication protocol, please log into the [physician portal](#).

<sup>4</sup> For more information, please visit AHS’s [“MAID Reporting for Alberta Practitioners”](#) web page.

<sup>5</sup> Refer to AHS’s [“Role of the Medical Examiner related to Medical Assistance in Dying”](#) (Aug. 2018)

<sup>6</sup> From the [“Final Report of the Expert Panel on MAID and Mental Illness”](#) (May 2022)

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## RELATED STANDARDS OF PRACTICE

- [Code of Ethics & Professionalism](#)
- [Conscientious Objection](#)
- [Informed Consent](#)

## COMPANION RESOURCES

- [Advice to the Profession: Medical Assistance in Dying](#)
- [Advice to Albertans: Medical Assistance in Dying](#)
- [Advice to the Profession: Informed Consent for Adults](#)
- [Advice to the Profession: Informed Consent for Minors](#)
- [Medication Protocols as of July 2024](#) – please review “Additional Resources” in the Physician Portal (requires regulated member login credentials to access)
- [AHS’s Medical Assistance in Dying](#)
- [AHS’s MAID Reporting for Alberta Practitioners](#)
- [AH’s Guide to Capacity Assessments under the Personal Directives Act](#)
- [CMPA’s Good Practices: Informed Consent Overview and Objectives](#)

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