Introduction

This resource provides an overview of the Medical Assistance in Dying (MAID) process in Manitoba. For more detailed information please refer to Medical Assistance In Dying Clinical Guide for Health-Care Providers in Manitoba available to health-care providers by contacting the provincial MAID clinical team. All requests for MAID within Manitoba RHA facilities must be communicated to the provincial MAID clinical team.

MAID, as denoted by federal legislation, refers to:

- The administering by a medical practitioner or nurse practitioner (NP) of a substance to a person, at their request, that causes their death; or
- The prescribing or providing by a medical practitioner or nurse practitioner of a substance to a person, at their request, so that they may self-administer the substance, and in doing so, cause their own death.

In Manitoba there are currently no medications appropriate for self administration. In addition, at the present time only physicians are able to provide MAID within Regional Health Authority Facilities. Nurse Practitioners are not able to provide MAID as they are not authorized to complete Registration of Death documentation. This is reflected throughout this resource with the use of the term ‘physician’ in lieu of medical/nurse practitioner. Nurse practitioners may fully participate in discussions involving suffering and end of life care including MAID.

This resource is adapted from the Centre for Effective Practice Medical Assistance in Dying (MAID): Ontario resource, and incorporates Manitoba-specific provincial requirements. It is intended to supplement, not circumvent, existing legal requirements, regulatory body requirements, or institutional processes that have been established.

While this resource is based on the best available information, there may be changes in the process after publication of this resource. Every effort will be made to incorporate updates as new information becomes available.

Definition of Terms

Physician

A member of the College of Physicians and Surgeons of Manitoba (CPSM) who is registered on the Manitoba Medical Register and who is licensed to practise medicine, excluding a member who is only practicing within a residency training program.

For the purposes of this resource, the term physician may refer to the patient’s primary care physician and/or a physician from the provincial MAID clinical team. It is recommended that the physician overseeing the MAID process be responsible for ensuring all relevant documentation is obtained and included in the patient’s medical record.

Independent Physicians

The physicians who conduct separate eligibility assessments of the patient. This role may also include administering MAID medications. The Independent Physicians must be directly involved in the:

i. Assessment of the Patient for eligibility AND
ii. Assessment of the Patient’s medical decision making capacity AND
iii. Obtaining consent from the Patient

Administering Physician

The Independent Physician who provides or administers the MAID medication to the patient.

Conscience-Based Objection

An objection to participate in a legally available medical treatment or procedure based on a member’s personal values or beliefs.

INFO: Full URLs for hyperlinks within this document are included in Section 5: Supporting Material and References.
**INTRODUCTION:** Full Pathway for MAID

This pathway is an overview of the MAID process in Manitoba and is described in more detail in the subsequent sections of this resource.

**SECTION 1: Patient Inquiry**

- Patient inquires about MAID
  - Physician/health-care team member(s) chooses not to participate in MAID due to conscience-based objections
  - Physician/health-care team member(s):
    - Informs the patient that they are unable to participate in MAID
    - Provides patient MAID information and/or contacts the provincial MAID clinical team
    - Continues to provide ongoing care to the patient

- Physician and/or health-care team member discusses and explores the request with the patient and provides information on all available treatment and care options
  - Patient chooses to proceed with MAID
    - Physician and/or health-care team member:
      - Consults with provincial MAID clinical team
      - Provides the patient with an overview of the MAID process (if able)
      - Continues to provide ongoing care to the patient

- Patient chooses to explore alternate care options and chooses not to pursue MAID at this time
  - Physician and/or health-care team member continues to provide ongoing care to the patient

- Physician/health-care team member(s) chooses not to participate in MAID due to conscience-based objections
  - Physician and/or health-care team member(s):
    - Provides patient MAID information and/or contacts the provincial MAID clinical team
    - Continues to provide ongoing care to the patient

**SECTION 2: Assessment of Patient Eligibility for MAID**

- First Independent Physician conducts patient eligibility assessment for MAID
  - Eligibility Criteria: 1, 2
    - ☐ Is eligible for publicly funded health-care services in Canada
    - ☐ Is at least 18 years of age
    - ☐ Is capable of making decisions with respect to their health
    - ☐ Has a grievous and irremediable medical condition
    - ☐ Has made the request voluntarily (not due to external pressure)
    - ☐ Has provided informed consent to receive MAID, after having been made aware of alternate care options that are available to alleviate their suffering, including palliative care

- Second Independent Physician conducts a separate assessment of patient eligibility for MAID
  - Reflection period (10 clear days**) begins
    - **see text for definition

- Patient completes and signs formal request (signed and dated by two independent witnesses*)
  - *see text for definition

- Patient does not meet eligibility criteria
  - Communicate ineligibility to patient and/or their primary care provider

**SECTION 3: Preparation for & Provision of MAID**

- Administering Physician reconfirms that the patient is capable of making decisions related to their health, including the request and consent to proceed with MAID
  - Pre-notify Pharmacist & Chief Medical Examiner

- Reflection period completed:
  - A minimum of 10** clear days between the day the formal request is signed and the day MAID is provided
    - **possible exceptions

- At the time MAID is provided, the Administering Physician:
  - Provides the patient with the opportunity to withdraw their request
  - Confirms the patient’s capacity and expressed consent for MAID
  - Administering Physician provides MAID

- When/if requested by patient, MAID clinical team develops plan for provision of MAID
  - Administering Physician:
    - Completes Registration of Death
    - Completes MAID Administering Physician Certification form
    - Notifies Chief Medical Examiner
SECTION 1: Patient Inquiry

Patient Inquires About MAID
A patient’s inquiry about MAID can take many forms:
• A general inquiry about MAID including what it involves and availability
• A query of all available options to reduce suffering and/or expedite death (including MAID)
• An expressed desire to end their life with the assistance of a physician
• An explicit request for MAID

Discussion to Understand Motivation behind Patient’s Inquiry about MAID
An expressed desire to end one’s life through MAID requires a careful exploration to understand the patient’s suffering and review for unmet needs. If unmet needs are identified efforts should be made to alleviate these needs.

This is an opportunity for the physician and other health-care team members to:
• Explore the patient’s motivations for the request
• Discuss the patient’s concerns and any unmet needs
• Explore, with the patient, all available treatment options (e.g., comfort/palliative care, pain/ symptom control, psychological support) including MAID
• Provide the patient further information about MAID (e.g., WRHA MAID website, the provincial MAID clinical team contact information or direct referral to the provincial MAID clinical team)

Conscience-Based Objections
Health-care providers who have a conscience-based objection to MAID are not required to participate in the assessment process or provision of MAID. While health-care providers have a right to conscience-based objection, they have a responsibility to respond to a patient’s inquiry about MAID. If asked by a patient for or about MAID, health-care providers must ensure timely access to a resource that provides accurate information.

Health-care providers must comply with the requirements, policies, and guidelines set out by their respective regulatory college regarding conscience-based objection.

Health-care providers are required to adhere to any additional policies as outlined by their institution and/or regional health authority (RHA).

Irrespective of a patient’s desire to explore MAID, health-care providers must continue to provide ongoing (non-MAID related) care and not abandon the patient.

Advance Medical Directive
A patient must be capable of consenting to MAID immediately before it is provided. For this reason, a person cannot consent to MAID through a living will or advance medical directive. Similarly, a substitute decision-maker cannot consent to MAID on behalf of a patient. Family/caregivers and other individuals do not have the legal authority to consent to or authorize MAID on behalf of a patient.

Patients are not required to undergo any procedure or treatment that is not acceptable to them.

Resources outlining requirements for physicians, nurses, pharmacists and social workers:
• College of Physicians & Surgeons of Manitoba Schedule M of By-Law 11
• College of Registered Nurses of Manitoba – Medical Assistance in Dying
• College of Pharmacists of Manitoba Notice to Pharmacists and Pharmacy Managers – Update on Medical Assistance in Dying
• Manitoba College of Social Workers – Medical Assistance in Dying Information Summary

All requests for MAID within Manitoba RHA facilities must be communicated to the provincial MAID clinical team.
Eligibility Criteria for MAID

A patient is eligible if they meet ALL the following criteria:

- Is eligible for publicly funded health-care services in Canada
- Is at least 18 years of age
- Is capable of making decisions with respect to their health
- Has a grievous and irremediable medical condition
- Has made the request voluntarily (not due to external pressure)
- Has provided informed consent to receive MAID, after having been made aware of alternate care options that are available to alleviate their suffering, including palliative care

Assessing Capacity

As capacity is specific to time and treatment:

- The patient’s capacity must be assessed specifically for consenting to MAID; and
- The patient must be capable immediately before MAID is provided.

The requirements for capacity to undergo MAID are the same as those for any health-care treatment. The use of existing procedures for capacity assessments is encouraged.

Two-part question to assess capacity:

1. Is the patient able to understand the information relevant to deciding to consent, or to refusing to consent, to MAID?
2. Is the patient able to consider and appreciate the reasonably foreseeable consequences of consenting or not consenting to MAID?

The following resources may be helpful to physicians when assessing capacity:

- Consent and Capacity: Clinical context and application to assisted dying
- Province of Manitoba Health Care Directives Act

Grievous and Irremediable Medical Condition

A patient’s condition is grievous and irremediable if ALL of the following criteria are met:

- Serious and incurable illness, disease, or disability
- Advanced state of irreversible decline in capability
- Enduring physical or psychological suffering as a result of the illness, disease, disability or state of decline that is intolerable to them and that cannot be relieved under conditions that they consider acceptable and
- Natural death has become reasonably foreseeable taking into account all of their medical circumstances (precise proximity to death is not required)

As stated in Justice Canada’s Legislative Background: Medical Assistance in Dying, “the medical condition that is causing the intolerable suffering does not need to be the cause of the reasonably foreseeable death”. The patient’s natural death is foreseeable, if it is expected to transpire within “a period of time that is not too remote”.

Voluntary Request and Informed Consent to MAID

The patient’s request for MAID must be voluntary and not result from external pressure.

Reasonable measures should be taken to assess that the patient’s decision has been made freely, without coercion or undue influence from family members, health-care providers, or others.

The patient must provide informed consent to receive MAID, after having been informed of all care options available to alleviate suffering, including palliative care.

The physician and health-care team have an obligation to take reasonable steps to ensure that the patient has understood the information provided regarding their health status and MAID.

When obtaining informed consent the physician must ensure they meet the requirements as per the College of Physicians and Surgeons of Manitoba which includes meeting with the patient alone at least once.

The patient must understand that consent can be withdrawn at any time before receiving MAID, without negative consequences on the physician-patient relationship or on the care provided to the patient.
Physicians should consider the following to determine if their patient meets the criteria for informed consent. The patient:

- Understands their health status, diagnosis, and prognosis
- Is fully informed of alternative treatments and courses of action, such as: comfort, palliative, and hospice care, pain and symptom control
- Has been offered appropriate counselling resources
- Consents specifically to MAID and understands the certainty of death upon receiving the MAID medication
- Is fully informed of the process for the provision of MAID, including time, place, and method of administration
- Is aware of potential complications related to the provision of MAID
- Is provided with answers to all questions and to requests for additional information about MAID or any of the above items

Patient Submits Formal Request

Patients must submit a formal request for MAID, signed and dated in the presence of two independent witnesses who then must also sign and date the request. The formal request can only be signed and dated by the patient after they have been informed by a physician that they have a grievous and irremediable medical condition.

- For patients who are unable to sign and date the request, another person — who is at least 18 years of age, who understands the nature of the request for MAID and who does not know or believe that they are a beneficiary under the will of the patient, or a recipient, in any other way, of a financial or other material benefit resulting from that patient’s death; and
- Must not be directly involved in providing health-care services to the patient making the request; and
- Must not be directly providing personal care to the patient making the request.

INFO: The provincial MAID clinical team has created a MAID Patient Request form available here.

Conducting Eligibility Assessments for MAID

Two Independent* Physicians must separately conduct assessments to ensure the patient meets ALL the criteria required to be eligible for MAID and then provide their opinions in writing to confirm the patient’s eligibility.1,2

*To meet the legal conditions for independence, each physician must ensure that they:

- Are not a mentor to the other physician or responsible for supervising their work
- Do not 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 the patient’s death, other than standard compensation for their services relating to the request;
- Do not know or believe that they are connected to the other physician or to the person making the request in any other way that would affect their objectivity

The following resource may be helpful to physicians when assessing voluntariness and informed decision making with respect to patients from vulnerable populations:

- Vulnerability Assessment

Eligibility needs to be assessed on a case-by-case basis to reflect the uniqueness of each patient’s circumstances.

It is encouraged that the physician consult their colleagues to obtain additional information that may support assessment of patient eligibility for MAID.

Example 1: Physician suspects that a patient’s mental health condition may be impacting the ability to make decisions with respect to their health and initiates a psychiatric consult to help assess capacity.

Example 2: Physician consults a neurologist to confirm the finding that a patient’s natural death has become reasonably foreseeable due to their neurological condition.

Inclusion of Family Members, Caregivers, and Friends

The patient is not obligated, and there is no legal requirement, to inform their family/caregivers of their decision to pursue MAID. A patient should be encouraged to speak with family members and/or caregivers about the choice to pursue MAID. With the patient’s permission, discussions between the physician and family/caregivers should occur throughout the MAID process.

The provincial MAID clinical team contact information:

- t. 204.926.1380
- t. 1.844.891.1825
- f. 204.940.8524
- maid@wrha.mb.ca
- wrha.mb.ca/maid
**SECTION 3: Preparation for & Provision of MAID**

**MAID Clinical Team**
The provision of MAID requires a collaborative care team, including allied health-care providers, support care personnel, and/or administrators, depending on the clinical practice setting.

Currently in Manitoba, there is a team (the provincial MAID clinical team) that provides MAID throughout the province. The team is interdisciplinary and comprised of physicians, pharmacists, nurses, social workers, a speech language pathologist and other allied health professionals. The provincial MAID clinical team is a resource for all health-care providers.

**Preparation for MAID**
A care plan for the provision of MAID is developed through discussions with the Administering Physician, patient, family/caregivers (with permission) and other members of the patient’s care team.

**Drug Protocols**
The provincial MAID clinical team has developed a standardized prescription and standardized medication kits for the provision of MAID. Health-care providers may contact the provincial MAID clinical team for details.

**Provision of MAID**
The provincial MAID clinical team has developed the Medical Assistance in Dying Clinical Guide for Health-Care Providers in Manitoba which provides detailed information about the assessment process and provision of MAID. Health-care providers may contact the provincial MAID clinical team for details.

As part of confirming the plan for the provision of MAID, the Administering Physician must ensure the reflection period (10 clear days) is completed and the patient is capable of making decisions related to their health, including their request and consent to proceed with MAID.

**MAID Documentation**
As per CPSM Schedule M to By-Law 112, the Administering Physician must complete the MAID Administering Physician Certification form. The provincial MAID clinical team has developed several forms to assist with MAID documentation. Please contact the team for more information.

**Notification of Chief Medical Examiner & Completing Registration of Death**
The Chief Medical Examiner must be notified prior to and after the provision of MAID. Currently the process in Manitoba is to contact the provincial MAID clinical team who will provide direction on notifying the Chief Medical Examiner.

The Administering Physician must complete the Registration of Death including:
- The time patient’s death was pronounced
- Cause of death as underlying disease
- Manner of death as natural
- Indicate that MAID was performed
## SECTION 4: Documentation Checklist

The following is a list of documentation that should be included in the patient’s medical record.

<table>
<thead>
<tr>
<th>Documentation</th>
<th>Date and Initial (completed)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Patient Inquiry</strong></td>
<td></td>
</tr>
<tr>
<td>☐ Date of initial contact</td>
<td></td>
</tr>
<tr>
<td>☐ Date and details of discussion to understand the exact nature of the patient’s request</td>
<td></td>
</tr>
<tr>
<td>☐ Patient informed of all available treatment and care options, including palliative care</td>
<td></td>
</tr>
<tr>
<td>☐ If patient wishes to proceed, consult with provincial MAID clinical team</td>
<td></td>
</tr>
<tr>
<td><strong>Patient Permission Obtained to Discuss MAID with Family, Next of Kin, Friends, Health-care Providers, and/or Other Care Providers (e.g. spiritual care)</strong></td>
<td></td>
</tr>
<tr>
<td>☐ Details and results of eligibility assessments</td>
<td></td>
</tr>
<tr>
<td>- MAID Assessment form (Use of the form is optional, however the details and results of the assessments must be documented)</td>
<td></td>
</tr>
<tr>
<td>- Document all consults (e.g., psychiatric, neurological, capacity assessments)</td>
<td></td>
</tr>
<tr>
<td>- All eligibility criteria are met:</td>
<td></td>
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<tr>
<td>- Eligible for publicly funded health-care services in Canada</td>
<td></td>
</tr>
<tr>
<td>- At least 18 years of age</td>
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<tr>
<td>- Capable of making decisions about their health</td>
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<tr>
<td>- Meets criteria for grievous and irremediable medical condition</td>
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<tr>
<td>- Request is voluntary (no concerns regarding coercion)</td>
<td></td>
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<tr>
<td>- Informed consent</td>
<td></td>
</tr>
<tr>
<td><strong>Eligibility Assessments: Completed Separately by Two Independent Physicians</strong></td>
<td></td>
</tr>
<tr>
<td>☐ Details and results of eligibility assessments</td>
<td></td>
</tr>
<tr>
<td><strong>Formal Request for MAID completed, signed, and dated by the patient</strong></td>
<td></td>
</tr>
<tr>
<td>☐ Signed and dated by two independent witnesses (confirm criteria for independent witness has been met)</td>
<td></td>
</tr>
<tr>
<td>☐ If patient unable to sign, request signed and dated on patient’s behalf (confirm criteria for proxy have been met)</td>
<td></td>
</tr>
<tr>
<td><strong>Reflection Period</strong></td>
<td></td>
</tr>
<tr>
<td>☐ Document date reflection period begins (the day after the formal request was signed)</td>
<td></td>
</tr>
<tr>
<td>☐ Document date reflection period ends – ensure 10 clear days between the day formal written request is signed and the date the MAID is provided</td>
<td></td>
</tr>
<tr>
<td>☐ Document justification for shortening of 10-day reflection period (if applicable)</td>
<td></td>
</tr>
<tr>
<td><strong>Patient Advised of Right to Withdraw Request for MAID at Any Time</strong></td>
<td></td>
</tr>
<tr>
<td><strong>MAID Process Documentation</strong></td>
<td></td>
</tr>
<tr>
<td>☐ Approval for MAID communicated to patient</td>
<td></td>
</tr>
<tr>
<td>☐ Discussed possible time frame for provision of MAID with patient</td>
<td></td>
</tr>
<tr>
<td><strong>Preparation for MAID</strong></td>
<td></td>
</tr>
<tr>
<td>☐ Time and place of MAID and individuals to be present</td>
<td></td>
</tr>
<tr>
<td>- Confirm dates of reflection period (10 clear days)</td>
<td></td>
</tr>
<tr>
<td>☐ Identify Administering Physician and other MAID clinical team members</td>
<td></td>
</tr>
<tr>
<td>☐ Identify &amp; notify RHA administrator, facility administrator and/or non-MAID health-care providers as appropriate</td>
<td></td>
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<tr>
<td>☐ Pharmacist informed</td>
<td></td>
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<tr>
<td>☐ Standardized prescription completed</td>
<td></td>
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<tr>
<td>☐ Pre-notify Chief Medical Examiner (via Provincial MAID Clinical Team)</td>
<td></td>
</tr>
<tr>
<td><strong>Provision of MAID</strong></td>
<td></td>
</tr>
<tr>
<td>☐ Patient given opportunity to withdraw their request for MAID</td>
<td></td>
</tr>
<tr>
<td>☐ Patient Capacity and Consent reconfirmed immediately prior to MAID</td>
<td></td>
</tr>
<tr>
<td>☐ Discussion with patient (and family, with consent) to prepare them for MAID</td>
<td></td>
</tr>
<tr>
<td>☐ Patient completes Patient Consent on Day of Provision of MAID form</td>
<td></td>
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<tr>
<td>☐ Document provision of MAID</td>
<td></td>
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<tr>
<td>☐ Complete MAID Administering Physician Certification form</td>
<td></td>
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<tr>
<td>☐ Complete the Medication Administration Record (MAR)</td>
<td></td>
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<tr>
<td>☐ Complete Controlled Medication Form</td>
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<tr>
<td>☐ Complete Registration of Death</td>
<td></td>
</tr>
<tr>
<td>☐ Any other additional documents as required by provincial and federal legislation and regulations</td>
<td></td>
</tr>
<tr>
<td><strong>Notification of Chief Medical Examiner (Contact provincial MAID clinical team for direction)</strong></td>
<td></td>
</tr>
</tbody>
</table>
**SECTION 5: References**


**SECTION 5: Supporting Material**

[i] Province of Manitoba, Manitoba Health, Seniors & Active Living: Palliative Care http://www.gov.mb.ca/health/palliative_care.html


[ix] Justice Canada’s Legislative Background: Medical Assistance in Dying (Bill C-14, as Assented to on June 17, 2016) http://www.justice.gc.ca/eng/ps-psi/other-autre/ad-am/ad-am.html

[x] Supportive and Palliative Care Indicators Tool (SPICIT™) http://www.gov.scot/resource/doc/924/0111396.pdf


[xvi] Manitoba Blue Cross Employee Assistance Program (EAP) https://www.mb.bluecross.ca/products/group/wellness


*These supporting materials are hosted by external organizations and as such, the accuracy and accessibility of their links are not guaranteed. Winnipeg Regional Health Authority will make every effort to keep these links up to date.

To contact the provincial MAID clinical team or learn more visit wrha.mb.ca/maid or call 1-844-891-1825. This resource is adapted from the Centre for Effective Practice Medical Assistance In Dying (MAID): Ontario resource, and incorporates Manitoba specific provincial requirements. It is intended to supplement, not circumvent, existing legal requirements, regulatory body requirements, or institutional processes that have been established.

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