

Re: Medical Assistance in Dying (MAID) Update

To all Ontario physicians:

Medical Assistance in Dying (MAID) has been a legal health care service in Canada since June 6, 2016.

On June 17, 2016, the federal government enacted *Bill C-14: An Act to amend the Criminal Code and to make related amendments to other Acts (Medical Assistance in Dying)*. The federal legislation re-enacts the general prohibition against assisted death; and creates exemptions from criminal liability for MAID carried out in accordance with rules set out in the Criminal Code. It also articulates patient eligibility criteria and sets out certain safeguards that must be followed. While the federal legislation addresses the criminal law aspects of MAID, the provinces and territories can legislate in relation to health care delivery and the other aspects of MAID that fall under provincial-territorial jurisdiction.

The Ontario government recently passed Bill 84, *Medical Assistance in Dying Statute Law Amendment Act, 2017* (the Act). Ontario's legislation aligns with the federal MAID legislation (Bill C-14), and addresses areas relevant to MAID that fall under provincial jurisdiction.

The Act amends the following:

- The *Excellent Care for All Act, 2010 (ECFAA)* to:
 - Clarify that MAID may not be used as a reason to deny a right or benefit that would otherwise exist under a contract or statute (i.e., life insurance);
 - Provide civil immunity to care provider institutions, physicians, nurse practitioners and persons assisting them in the lawful provision of MAID, from actions or proceeding for damages;
 - Require the Minister of Health and Long-Term Care to establish a care co-ordination service to assist patients and caregivers in accessing additional information and services for MAID and other end-of-life options;
- The *Workplace Safety and Insurance Act, 1997, (WSIA)* to:
 - Clarify that a person who received MAID is deemed to have died as a result of their underlying injury or illness;
- The *Freedom of Information and Protection of Privacy Act (FIPPA)* and the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* to:
 - Protect identifying information about clinicians and health care facilities that provide MAID from disclosure pursuant to access to information requests (statistical, i.e., non-identifiable, information related to MAID would be subject to the access provision in the Acts);

- The *Coroners Act* to:
 - Require that the coroner be notified of all MAID deaths and allow the coroner to determine whether to investigate the death; and
- The *Vital Statistics Act* to:
 - Set requirements respecting the coroner's documentation of MAID deaths consistent with the *Coroners Act* amendments.

Highlights for Physicians:

- The Act provides civil immunity to care provider institutions, physicians, nurse practitioners and persons assisting them in the lawful provision of MAID, from civil actions or proceeding for damages (*amendments to the Excellent Care for All Act, 2010*).
- The Act protects identifying information about physicians in relation to MAID from the application of the *Freedom of Information and Protection of Privacy Act* (FIPPA) and the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).

We are confident that the Act will provide greater clarity and legal protection for patients, clinicians and facilities providing MAID and consequently help to support appropriate access to MAID in Ontario.

Since MAID became a legal health care service in Canada, approximately 425 eligible patients in Ontario have received MAID. We understand that MAID is a new health care service, and can be highly emotional for patients, families, and clinicians. We want to thank all physicians who are participating in the provision of MAID, and will continue to work with you and our delivery partners to ensure that the required supports are available for clinicians, patients, and their families.

Medical Certificates of Death

The Ministry of Health and Long-Term Care, the Ministry of Government and Consumer Services and the Office of the Chief Coroner have developed joint guidance and resources to support clinicians in reporting MAID deaths to the coroner, and in completing the Medical Certificate of Death for MAID patients. Physicians and nurse practitioners who provide MAID will be required to notify the coroner of the death and provide the coroner with any information about the facts and circumstances relating to the death. If the coroner is of the opinion that the death ought to be investigated, the coroner is required to complete and sign the Medical Certificate of Death. If the coroner is of the opinion that the death does not require an investigation, the physician or nurse practitioner will complete and sign the Medical Certificate of Death. For deaths involving MAID, **the illness, disease, or disability leading to the request for medical assistance in dying is to be recorded as the underlying cause of death.** This condition will be selected as the cause of death for vital statistics. No reference to MAID or the drugs administered for the purpose of MAID should be included on the Medical Certificate of Death.

Role of the Office of the Chief Coroner

The MAID team in the Office of The Chief Coroner will maintain its role of reporting, monitoring, oversight and data collection with respect to MAID deaths; and from the clinician's perspective, the process will appear much the same with the exception of the changes noted below.

With the enactment of Bill 84, the *Coroners Act* has been amended such that all MAID deaths must be reported to the Office of the Chief Coroner/Ontario Forensic Pathology Service.

Reporting is now mandated by Section 10.1, a new stand-alone section in the *Coroners Act*. Further, Section 10 (1) (f) has been amended to exclude MAID deaths from the non-natural reporting category.

The current reporting and review process relating to MAID deaths will not change; when clinicians report MAID deaths, the provincial dispatch will contact the on duty MAID review team member in the Office of the Chief Coroner who will obtain any information about the facts and circumstances relating to the death that is considered necessary to form an opinion about whether the death ought to be investigated.

The *Coroners Act* stipulates the circumstances under which a coroner's investigation will occur and such investigations include the examination of the deceased person and the completion of the medical certificate of death. The Office of the Chief Coroner MAID team will continue to receive reports of MAID deaths and undertake a detailed review in ALL MAID cases; however, further investigation will be very uncommon.

Clinicians will not likely recognize a significant difference in the Office of the Chief Coroner's process at the front end as the expectations of the team and the information sought will be the same as current. If during the initial conversations with the clinician and family concerns are not identified from the information provided an "investigation" will not be required:

- The body will be released at that time with no further involvement of the death investigation system– request for the funeral home to delay initiation of preparation of the body will no longer occur routinely. Such a request may occur on a case by case basis based upon the information provided.
- The attending clinician is responsible for completion of the final medical certificate of death (unless a decision is made by the team member that an "investigation" will occur)
- The MAID team will act as a resource and inform clinicians of this change if required.
- When the underlying reason for MAID appears to be non-natural, i.e. traumatic spinal cord injury, the case will proceed to investigation by a coroner as these will continue to require investigation for reasons other than MAID. The coroner will be responsible for completion of the medical certificate of death.
- The attending clinician will continue to be required to provide all MAID related documentation (medical records) as soon as possible.

Care Co-ordination Service (CCS)

Ontario has been exploring ways to support access to MAID for eligible patients, while respecting the conscientious objection rights of clinicians. Ontario is establishing a MAID Care Co-ordination Service (CCS) to allow clinicians, patients, and caregivers to access information about MAID and end-of-life care options, and request MAID referrals. The CCS will also support clinicians while not altering current health regulatory college policies, which require clinicians to make an effective referral.

The CCS will support clinicians and patients in the following ways:

Clinicians Supports	Patient Supports
<ol style="list-style-type: none">1. Information/resources regarding MAID/end of life (EOL) care2. Connection with volunteer clinicians willing to undertake 1st and 2nd	Patients and/or caregivers/ families interested in exploring EOL options, including MAID, can contact the CCS for patient supports, including:

assessments	1. Information/resources about EOL care, including MAID
3. Connection with volunteer clinicians willing to provide MAID	2. Information on clinician obligations re: effective referrals
4. Connection with willing community of pharmacists/pharmacies for dispensing MAID drugs	3. Referral to a willing clinician voluntarily registered with the CCS

The use of the CCS is voluntary and the CCS does not prevent a clinician from making an effective referral within their facility/care team or through their existing clinician network. Clinicians (i.e., physicians, nurse practitioners, community pharmacists/pharmacies) who are willing to provide assessments and/or services could register with the CCS on a voluntary basis.

The service would be offered via toll-free phone line and have access in French and English, with translation services available in other languages, as needed. The CCS would maintain a list of willing physicians, nurse practitioners and community pharmacists/ pharmacies. The CCS would then attempt make best possible connection for self-referring patients/caregivers seeking willing clinicians or, clinicians seeking to make effective referrals, assistance with second assessments, administering of MAID drugs or dispensing of MAID drugs in the community.

The CCS would also answer basic general questions including providing an overview of end-of-life options, including MAID and refer patients, caregivers, or clinicians to a number of resources as required.

The ministry consulted broadly with a range of stakeholders in April and received valuable feedback from many clinicians currently registered with the Clinical Referral Service (CRS). During these consultations, clinicians shared concerns with the existing referral system. The ministry has heard these concerns and is working towards addressing the issues raised. The CCS will be implemented at the end of May 2017, however, over the coming months, the ministry will be providing additional supports to clinicians providing MAID, including:

- **Regional Training Sessions:** The ministry will provide funding for a number of regional MAID training sessions for physicians and Nurse Practitioners (NPs) through the Canadian Medical Association.
- **Funding Model:** In the short term, the ministry will communicate to clinicians the services in the Schedule of Benefits that can be used to compensate physicians for MAID services. We also commit to working with sector associations and individual clinicians on a MAID-specific funding model for both physicians and nurse practitioners.
- **Mentorship Network:** The ministry will fund and support the launch of an end-of-life care and MAID mentorship network for physicians, nurse practitioners, and pharmacists to be implemented by Fall 2017.
- **Best Practices and Lessons Learned Forum:** The ministry will sponsor a “Best Practices and Lessons Learned” Forum for MAID clinicians and other stakeholder groups in 2017 with a focus on efforts needed to improve the quality and support for MAID delivery in Ontario.

In addition to the supports mentioned above, the ministry will work to develop a more robust CCS for implementation in the Fall 2017 that would provide CCS clinicians with a number of the administrative supports mentioned during the consultations, such as:

- Support with triaging patients;
- Support with the collection and provision of patient records from clinicians and specialists;
- Support with arranging for referral appointments (e.g., psychiatric assessments, social work consults); and
- Coordinating of LHIN/CCAC services (e.g. preparing IVs for patients, etc.).

As the ministry develops these additional supports, the ministry will continue to rely on your experience and expertise to ensure that the needs of both patients and clinicians are met.

The ministry's existing CRS will be transitioning to the CCS; further details on the CCS will be provided later this month. If you have any questions, please contact MAIDregistration@ontario.ca

TO REGISTER FOR THE CCS:

A registration survey is attached. Interested clinicians are asked to complete the survey and either submit it electronically to MAIDregistration@ontario.ca or by mail to:

MAID CCS Registration
Strategic Policy Branch, Ministry of Health and Long-Term Care
80 Grosvenor Street, 8th Floor
Toronto, Ontario
M7A 1R3

MAID Tools and Resources:

Below are links to various MAID tools and resources that you may find helpful:

Ontario Legislation – *Medical Assistance in Dying Statute Law Amendment Act, 2017*

- http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=4460&detailPage=bills_detail_the_bill

Clinician Aid A (Patient Request)

- English:
<http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/FormDetail?OpenForm&ACT=RDR&TAB=PROFILE&SRCH=1&ENV=WWE&TIT=3889&NO=014-3889-22E>
- French:
<http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/FormDetail?OpenForm&ACT=RDR&TAB=PROFILE&SRCH=&ENV=WWF&TIT=3889&NO=014-3889-22F>

Clinician Aid B (Primary Clinician)

- English:
<http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/FormDetail?OpenForm&ACT=RDR&TAB=PROFILE&SRCH=1&ENV=WWE&TIT=3890&NO=014-3890-22E>
- French:
<http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/FormDetail?OpenForm&ACT=RDR&TAB=PROFILE&SRCH=&ENV=WWF&TIT=3890&NO=014-3890-22F>

Clinician Aid C (Secondary Clinician)

- English:
<http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/FormDetail?OpenForm&ACT=RDR&TAB=PROFILE&SRCH=&ENV=WWE&TIT=3891&NO=014-3891-22E>

- French:
<http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/FormDetail?OpenForm&ACT=RDR&TAB=PROFILE&SRCH=&ENV=WWF&TIT=3891&NO=014-3891-22F>

Government of Ontario Information

- MOHLTC main website on MAID:
<http://www.health.gov.on.ca/en/pro/programs/maid/default.aspx>
- Ontario.ca public website: https://www.ontario.ca/page/medical-assistance-dying-and-end-life-decisions?_ga=1.42315814.207476595.1431006569
- MOHLTC INFO Bulletin: June 6 notice (OHIP billing)
http://www.health.gov.on.ca/en/pro/programs/ohip/bulletins/4000/bulletin_4000_mn.aspx
- MOHLTC Public Drug Programs (MAID drug funding & reimbursement info, notice dated August 15th (not drug protocols))
http://www.health.gov.on.ca/en/pro/programs/drugs/opdp_eo/eo_communiq.aspx
- Email address: endoflifedecisions@ontario.ca

Centre for Effective Practice MAID Tool

- <https://thewellhealth.ca/maid/>

Federal Legislation Bill C-14

- <http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=8384014>

The College of Physicians and Surgeons of Ontario (CPSO) Information

CPSO Guidance & FAQs

- <http://www.cpso.on.ca/Policies-Publications/Policy/Interim-Guidance-on-Physician-Assisted-Death>

CPSO Effective Referral Fact Sheet

- <http://www.cpso.on.ca/CPSO/media/documents/Policies/Policy-Items/PAD-Effective-Referral-FactSheet.pdf>

CPSO Medical Records Policy

- <http://www.cpso.on.ca/Policies-Publications/Policy/Medical-Records>

CPSO Policy on Professional Obligations and Human Rights

- <http://www.cpso.on.ca/policies-publications/policy/professional-obligations-and-human-rights>

The College of Nurses of Ontario (CNO) Information

CNO Guidance on Nurses' Roles in Medical Assistance in Dying

- <http://www.cno.org/globalassets/docs/prac/41056-guidance-on-nurses-roles-in-maid.pdf>

Canadian Medical Association Information

CMA Training Opportunities

- <https://www.cma.ca/En/Pages/education-eol-care-medical-assistance-dying.aspx>

Physician Advisory Service

The CPSO has established an advisory service for physicians who have questions around MAID professional guidelines, obligations, or the process of provision. If you are a physician and require clarification please contact the **CPSO Physician Advisory Line at 416-967-2606 or toll free at 1-800-268-7096 Ext. 606**

Ontario Drug Benefit Desk

The Ministry of Health and Long-Term Care does not provide protocols for the administration of drugs for MAID. Physicians, nurse practitioners, and pharmacists are encouraged to refer to their regulatory college for information re: drug protocols (including contents, preparation and

dispensing of MAID drugs). For example, we understand that the CPSO has posted drug protocols used in other jurisdictions where MAID is permitted on the members-only section of its website. If you have any questions about reimbursement, you may contact the **Ontario Drug Benefit (ODB) Help Desk at 1-800-668-6641**.

Office of the Chief Coroner

The Office of the Chief Coroner has developed detailed protocols and can provide guidance to clinicians and family members. If you have questions regarding reporting MAID Deaths, what to do after a patient has died, what will happen after contacting the coroner and what may be involved in an investigation please call the **Office of the Chief Coroner at 1-877-991-9959**.

Office of the Registrar General

The Office of the Registrar General with ServiceOntario is responsible for registering deaths that occur in Ontario. If you, as a physician or nurse practitioner, have questions regarding the completion and certification of a Medical Certificate of Death, please contact the **Office of the Registrar General at 1-807-343-7458**.