



COLLEGE OF
LICENSED PRACTICAL NURSES
OF NEWFOUNDLAND AND LABRADOR
LPNS - A PRACTICAL APPROACH TO QUALITY CARE

Update on Medical Assistance in Dying (MAiD)

On February 6, 2015, the Supreme Court of Canada in the *Carter* decision struck down the law prohibiting physician-assisted death for Canadians who have a grievous and irremediable medical conditions causing intolerable suffering. On April 14, 2016, the federal government introduced draft legislation in response to the Carter decision. The proposed legislation, tabled as Bill C-14, will amend the Criminal Code to allow for medical assistance in dying (MAiD) in specified situations. This legislation is not yet in effect.

MAiD is a term used to describe a situation where a physician or nurse practitioner (NP) provides or administers medication that intentionally causes the client's death, at the request of that client. The client must be 18 years old and competent, have a grievous and irremediable medical condition that causes the client to endure suffering that is intolerable (<http://www.justice.gc.ca/eng/cj-jp/ad-am/over-surv.html>).

Currently, the Criminal Code prohibits assisting in dying, including counselling a person to commit suicide. Until the federal legislation is finalized, and the role of all health care providers is clarified, it is recommended that Licensed Practical Nurses (LPNs) not engage in discussions with clients or families about MAiD. If information about MAiD is requested, it is recommended that you inform the client or family that you will contact the physician to speak with them about their questions and concerns.

Until the legislation changes, there is a risk that any conversations with clients or their families about assisted death may be interpreted as counselling in a way that remains a crime and individuals doing so could be subject to criminal prosecution.

The proposed legislation will change the Criminal Code to allow physicians and nurse practitioners (NPs) to provide eligible individuals with assistance in dying without the risk of criminal prosecution. The legislation outlines safeguards to ensure that those who ask for medical assistance in dying are eligible, can give informed consent, and are voluntarily requesting assistance. Health care workers, including LPNs, who assist physicians or NPs in providing MAiD would also be permitted to do so under the new law without the risk of criminal charges.

If you have questions related to MAiD, contact Wanda Wadman, Director of Professional Practice and Policy (wwadman@clpnnl.ca), or Wanda Squires, Practice Consultant (wsquires@clpnnl.ca), or call 579-3843. Additional information that will impact the role of LPNs in relation to MAiD will be provided as it becomes available.