



MEDICAL ASSISTANCE IN DYING  
(MAID)  
INFORMATION SUMMARY

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# Manitoba College of Social Workers

## Information Summary – Medical Assistance in Dying

### General Information

In February 2015, the Supreme Court of Canada struck down the Criminal Code provisions against assisted dying, in very specific circumstances. The Court provided the federal government time to create legislation regarding Medical Assistance in Dying (MAID) and this federal legislation, **Bill C-14**, received Royal Assent and came into effect on June 17, 2016.

The Criminal Code has now been amended to exempt from criminal liability medical practitioners and nurse practitioners who provide MAID. This exemption also extends to any other person who does “anything for the purpose of aiding a medical practitioner or nurse practitioner to provide a person with MAID” in accordance with Bill C-14 [S. 241 (2)].

“For greater certainty, no social worker, psychologist, psychiatrist, therapist, medical practitioner, nurse practitioner or other health care professional commits an offence if they provide information to a person on the lawful provision of medical assistance in dying” [Bill C-14, S. 241 (5.1)]

The Manitoba College of Social Workers (the College) has been involved in planning related to MAID legislation in Manitoba through participation on the provincial Implementation Team and regular meetings with the Social Workers on the MAID Clinical Services Team. The College has assisted in defining and supporting the important role of Social Workers in providing services in the context of MAID, including identifying challenges and considerations related to this area of social work practice.

### Who can access Medical Assistance in Dying?

A person wishing to access medical assistance in dying must meet specific criteria as set out in legislation including:

- 1) Be a mentally competent adult (18 years or older)
- 2) Have a grievous (serious) and irremediable (incurable) illness, disease or disability that:
  - Is in an advanced state of irreversible decline
  - that causes enduring suffering that is intolerable and cannot be relived under conditions that they consider acceptable to the person, AND
  - natural death has become reasonably foreseeable
- 3) Make a voluntary written request to receive medical assistance in dying that is not the result of external pressure
- 4) Give informed consent. Meaning, the person requesting medical assistance in dying:
  - Has been informed of the options available to relieve their suffering
  - is aware death is the intended result
  - is aware of the potential risks and complications
  - is aware that the request can be withdrawn any time
  - has met with each of the required two (2) physicians alone at least once
  - is consistent in making the request for at least ten days (unless death or loss of capacity is imminent)

- provides written consent (through a proxy if physically unable)
- 5) Be eligible for government-funded health services

## **Who can provide assistance?**

Those who can provide medical assistance in dying services are:

- physicians
- nurse practitioners (in provinces where this is permitted)

Those who can assist in providing medical assistance in dying include:

- pharmacists and other health care providers, *including Social Workers*
- family members or others who are asked to help

## **Guidance for Social Workers**

The Manitoba College of Social Workers views Medical Assistance in Dying (MAID) services as within the scope of social work practice, which includes engagement, assessment, planning, intervention, evaluation and education in the provision of social work services with patients, families and other health care providers involved with MAID services. In providing social work services in the context of MAID, Social Workers are encouraged to carefully review the MCSW Code of Ethics and Standards of Practice to guide their professional conduct.

Specifically, social work is founded on a long-standing commitment to respect the inherent dignity and individual worth of all persons. The Code of Ethics highlights the importance of self-determination, capacity to consent and informed consent as follows:

- Social Workers uphold each person's right to self-determination, consistent with the person's capacity and with the rights of others
- Social Workers respect the diversity among individuals in Canadian society and the right of individuals to their unique beliefs consistent with the rights of others.
- Social Workers respect the client's right to make choices based on voluntary, informed consent.

There are many factors to consider in the provision of MAID services, which are highlighted in the April 2016 CASW Discussion Paper. <http://www.casw-acts.ca/en/physician-assisted-death-casw-discussion-paper>

It is important to remember that all Social Workers must adhere to the Code and Standards in all areas of practice and be mindful of their area of knowledge and skill to ensure that their professional practice is limited to areas of demonstrated competence.

Social Workers who are, or may be, involved with MAID services are advised to:

- 1) Be familiar with and adhere to the new provisions of the Criminal Code
- 2) Understand and adhere to the policies, guidelines, procedures or processes in place to guide medical assistance in dying
- 3) Review the Manitoba College of Social Workers Code of Ethics and Standards of Practice
- 4) Contact the Chief Medical Officer, Chief Nursing Officer or Administrator in their facility, if

applicable

- 5) Consult with the Manitoba MAID Services Team at 204-926-1380 or [maid@wrha.mb.ca](mailto:maid@wrha.mb.ca)
- 6) Seek legal advice (if deemed necessary) to ensure understanding of Bill C-14, the relevant sections of the Criminal Code and any other applicable laws, rules or standards

## **Rights of service providers**

Some Social Workers may not be comfortable with providing services in the context of MAID for moral, religious or personal reasons. The Manitoba College of Social Workers acknowledges that there are diverse views with respect to medical assistance in dying. Guidance provided to Social Workers as it relates to MAID is in no way intended to promote or devalue the opinion of any individual Social Worker.

The legislation **does not force any person** to provide or assist in providing services related to medical assistance in dying. In the event that a Social Worker does not wish to participate in providing social work services in the context of MAID (i.e. conscience-based objection), the Social Worker should respectfully inform the patient that he/she is unable to provide MAID services and **refer the patients** to another professional (Social Worker, physician, nurse practitioner), institution or agency that is willing to provide MAID. This referral should be made in a timely manner to ensure that patients are not exposed to unnecessary delays or adverse clinical outcomes (i.e. decline in capacity).

Social Workers who choose not to provide MAID services should continue to provide care (excluding the provision of MAID) in the best interests the patient to **ensure that the patient does not experience abandonment** of care. Social Workers must adhere to the MCSW Code of Ethics (Guideline 1.8) and Standards of Practice when considering termination or interruption of social work services.

## **Resources for Social Workers**

For specific information regarding MAID services in Manitoba, please visit the Manitoba MAID Services website at <http://www.wrha.mb.ca/maid/>

### Additional Resources and Links:

Government of Canada, Bill C-

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

Government of Canada, Department of Justice Overview: <http://www.justice.gc.ca/eng/cj-jp/ad-am/index.html>

Government of Canada Report of the Special Joint Committee on Physician-Assisted Dying:

<http://www.parl.gc.ca/content/hoc/Committee/421/PDAM/Reports/RP8120006/pdamrp01/pdamrp01-e.pdf>

Canadian Association of Social Workers Discussion Paper: <http://www.casw-acts.ca/en/physician-assisted-death-casw-discussion-paper>

Ontario College of Social Workers and Social Services Workers: <http://www.ocswssw.org/wp-content/uploads/2016/09/Medical-Assistance-in-Dying-What-Are-My-Professional-Obligations.pdf>

British Columbia College of Social Workers: [http://www.bccollegeofsocialworkers.ca/wp-content/uploads/2016/09/College-Conversation-SpringSummer-2016\\_f.pdf](http://www.bccollegeofsocialworkers.ca/wp-content/uploads/2016/09/College-Conversation-SpringSummer-2016_f.pdf)

*Social Workers seeking information to better inform their practice or wishing to share information, make inquiries or express concerns are invited to contact the College at 204-888-9477 or [info@mcsw.ca](mailto:info@mcsw.ca).*