

Medical Assistance in Dying

FAQ for Patients and Families

In 2015, the Supreme Court of Canada struck down the ban on medically assisted death. A federal law was passed in 2016 that allows persons who meet specific eligibility criteria to receive medical assistance in dying (MAID).

Provincial legislation which provides additional guidance and oversight was passed in May 2017. In March 2021, legislation that expands access to MAID for those whose natural death is not reasonably foreseeable was enacted. It includes additional safeguards for persons in this group.

What is Medical Assistance in Dying (MAID)?

MAID may include:

- A doctor or nurse practitioner giving a person drugs through an intravenous (into a blood vessel) that will result in death; or
- A person taking drugs by mouth that are prescribed by a doctor or nurse practitioner that will result in death.

Who decides if a person is eligible?

Two doctors or nurse practitioners who are independent of one another will assess the person. Both must agree that the person meets all of the criteria. If a person's natural death is not reasonably foreseeable, an expert in the condition that is causing the person's suffering must be consulted.

An additional opinion can be sought from another doctor or nurse practitioner if there is a disagreement between the first two assessors.

If a person is not eligible, they will continue to receive usual care.

What are the eligibility criteria?

To receive medical assistance in dying, a person must meet all of these criteria:

- Be eligible for health services funded by a government in Canada (e.g., OHIP);
- Be an adult (18 years of age and older);
- Be competent (able to understand the nature of the decision and appreciate the consequences);
- Make a voluntary request for assistance in dying without undue influence;
- Have a grievous and irremediable medical condition defined as:
 - a serious and incurable illness, disease or disability;
 - an advanced state of irreversible decline in capability;
 - enduring physical or psychological suffering that is intolerable and that cannot be relieved under conditions that the person considers acceptable; and
- Give informed consent.

Can a person change their mind about MAID?

Yes, at any time, for any reason, a person can change their mind about MAID.

How does a person make a request?

To request MAID, a person should speak to their doctor or nurse practitioner. The doctor or nurse practitioner will either discuss MAID with the person or connect the person with someone who is able and willing to discuss this option. If the person meets all of the criteria and wishes to proceed with MAID, they will be asked to make a written request.

When can MAID take place?

For persons whose natural death is reasonably foreseeable, MAID can proceed once the person has met all eligibility criteria; there is no required waiting period. For persons whose natural death is not reasonably foreseeable, there must be 90 days between the beginning of the assessment process and date of provision. This time period can be shortened only if both assessors agree that the person is at risk of imminent loss of capacity.

Can a person who loses capacity receive MAID?

This is possible only if a person whose natural death is reasonably foreseeable has made a written arrangement with their practitioner to waive their final consent. Otherwise the person must be capable at the time MAID is provided.

Where does MAID take place?

MAID may be provided at home, in hospital, or in another agreed upon place.

Who can be present?

The person decides who they want to be present; the number of family/friends may be limited depending on location.

Does the family need to be told?

No. However, it is recommended that the decision about MAID be discussed with family as it will likely have an impact on them. The healthcare team can support this discussion.

Does MAID impact life-insurance or pensions?

No. The law in Ontario indicates that a decision to receive MAID will not impact life-insurance or pensions.

How can I find out more?

This FAQ provides a brief overview. For more information, please talk to your doctor or nurse practitioner. If they are not able to answer your questions, they will refer you to another healthcare provider.