



Province of Alberta
Order in Council

O.C. 142 /2016

JUN 10 2016

ORDER IN COUNCIL

Approved and ordered:

Lieutenant Governor
or
Administrator

The Lieutenant Governor in Council makes the order set out in the attached Appendix, being the Order respecting Medical Assistance in Dying Standards of Practice.



CHAIR

For Information only

Recommended by: Minister of Health

Authority: Health Professions Act
(section 135.4)

APPENDIX

Order respecting Medical Assistance in Dying Standards of Practice

The Lieutenant Governor in Council, on the recommendation of the Minister of Health, amends the standards of practice entitled "Medical Assistance in Dying", adopted by the council of the College of Physicians and Surgeons of Alberta on May 27, 2016 by adding the following after section (2):

- (2.1) Before a regulated member provides a patient with medical assistance in dying, the regulated member must
- (a) be of the opinion that the patient
 - i. is eligible, or but for any applicable minimum period of residence or waiting period, would be eligible for health services funded by a federal, provincial or territorial government in Canada,
 - ii. is at least 18 years of age,
 - iii. is capable of making decisions with respect to their health,
 - iv. has a grievous and irremediable medical condition that causes enduring suffering that is intolerable to the patient in the circumstances of their condition and that cannot be relieved under conditions that the patient considers acceptable,
 - v. has made a voluntary request for medical assistance in dying that, in particular, was not made as a result of external pressure, and
 - vi. gives informed consent to receive medical assistance in dying,
 - (b) ensure that the patient's request for medical assistance in dying was made in writing and was signed and dated by the patient or by another person on their behalf under section (2.2),
 - (c) be satisfied that the request was signed and dated by the patient or by another person on the patient's behalf before two independent witnesses who then also signed and dated the request,
 - (d) ensure that the patient has been informed that they may, at any time and in any manner, withdraw their request,
 - (e) ensure that another regulated member, or an individual who has a similar status under similar legislation in another Canadian jurisdiction, has provided a written opinion confirming that the patient meets all of the criteria set out in clause (a),
 - (f) be satisfied that they and the other individual referred to in clause (e) are independent,

- (g) immediately before providing the medical assistance in dying, give the patient an opportunity to withdraw their request and ensure that the patient gives express consent to receive medical assistance in dying, and
 - (h) if the patient has difficulty communicating, take all necessary measures to provide a reliable means by which the patient may understand the information that is provided to them and communicate their decision.
- (2.2) If the patient requesting medical assistance in dying is unable to sign and date the request, another person who is at least 18 years of age and who understands the nature of the request for medical assistance in dying may sign and date the request in the patient's presence, on the patient's behalf and under the patient's express direction.
- (2.3) Any person who is at least 18 years of age and who understands the nature of the request for medical assistance in dying may act as an independent witness, except if they
 - (a) 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,
 - (b) are an owner or operator of any health care facility at which the patient making the request is being treated or any facility in which the patient resides,
 - (c) are directly involved in providing health care services to the patient making the request, or
 - (d) directly provide personal care to the patient making the request.
- (2.4) The regulated member providing medical assistance in dying and the regulated member or other individual who provides the opinion referred to in section (2.1)(e) are independent if they
 - (a) are not a mentor to the other regulated member or individual, or responsible for supervising the other's work,
 - (b) 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, or
 - (c) do not know or believe that they are connected to the other regulated member or individual, or to the patient making the request, in any other way that would affect their objectivity.
- (2.5) Medical assistance in dying must be provided with reasonable knowledge, care and skill and in accordance with any applicable enactment, rules or standards.
- (2.6) The regulated member who, in providing medical assistance in dying, prescribes or obtains a drug for that purpose must, before any pharmacist dispenses the drug, inform the pharmacist that the drug is intended for that purpose.
- (3) A regulated member who receives an inquiry from a patient with respect to medical assistance in dying must ensure that contact information for the Alberta Health Services medical assistance in dying care coordination service is provided to the patient, or to another person identified by the patient, without delay.

- (4) A regulated member who receives an oral or written request from a patient for medical assistance in dying and who declines for reasons of conscience or religion to provide or to aid in providing medical assistance in dying must ensure that reasonable access to the Alberta Health Services medical assistance in dying care coordination service is provided to the patient without delay.
- (5) A regulated member may prescribe a drug for use in medical assistance in dying only if the drug has been recommended for the use by the Alberta Health Services medical assistance in dying care coordination service.
- (6) A regulated member who provides medical assistance in dying must keep records in the form and manner required by the Minister confirming that the requirements of these standards, and any other standards or legislation applicable to medical assistance in dying, were met.
- (7) A regulated member who provides medical assistance in dying must, without delay, provide a member of the Medical Assistance in Dying Regulatory Review Committee designated by the Committee with copies of the records referred to in section (6).
- (8) In these standards, “medical assistance in dying” means
 - (a) the administering by a regulated member of a substance to a person, at their request, that causes their death; or
 - (b) the prescribing or providing by a regulated member 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.