

# MEDICAL ASSISTANCE IN DYING (MAID) Track 2 Requests

## Frequently Asked Questions Hamilton Family Health Team 2023

This handout is **for patients and families with a family doctor in the city of Hamilton** seeking information about medical assistance in dying for individuals who do not have a reasonably foreseeable natural death

The HFHT has a variety of resources and supports to help both patients and families begin to think about the option of medical assistance in dying.



## WHAT IS MEDICAL ASSISTANCE IN DYING?

In Ontario, medical assistance in dying (MAiD) occurs when a doctor or nurse practitioner administers a substance to a person, at their request, that causes their death.

## WHO IS ELIGIBLE FOR MEDICAL ASSISTANCE IN DYING?

To receive medical assistance in dying, a person must meet ALL of the following criteria:

- Be eligible for publicly funded health care services in Canada
- Be at least 18 years of age
- Be capable of making health care decisions, including providing informed consent
- Have a significant and irreversible medical condition, which means the person:
  - Has a serious and incurable illness, disease, or disability, and
  - Is in an advanced state of irreversible, declining capability, and
  - Is enduring physical or psychological suffering, caused by the medical condition or the state of decline, that is intolerable to the person, and cannot be relieved under conditions they consider acceptable.

Additionally, the health care team will need to make sure the person has:

- Made a voluntary request for assisted dying that was not made as a result of pressure from others, and
- Given informed consent to receive assisted dying after having been informed of and given reasonable consideration to all the means available to relieve their suffering, including palliative care.

## What is a TRACK 2 REQUEST for MAiD?

- In Canada there are two paths or “tracks” to MAiD
- In the Track 1 stream, individuals requesting MAiD must meet the first 4 eligibility criteria, AND have a natural death that is “reasonably foreseeable” to be eligible for MAiD
- In the Track 2 stream, individuals must still meet the first 4 criteria, but the “reasonably foreseeable natural death” requirement does not apply to MAiD requests in this stream.

## **CAN I REQUEST MEDICAL ASSISTANCE IN DYING IF MY SUFFERING IS RELATED TO A MENTAL HEALTH CONDITION?**

Individuals requesting medical assistance in dying for suffering related solely to a mental health condition are not currently eligible for assessment under the existing MAiD legislation.

## **WHAT DOES IT MEAN TO GIVE INFORMED CONSENT?**

Your health care team will make sure that you are giving permission to receive medical assistance in dying after having received all the information you need to make your decision.

Your health care team must inform you of the options that are available to relieve your suffering, including counselling services, mental health and disability support services, community services and palliative care. When possible and appropriate, you must be offered the opportunity to be seen by professionals who provide these services before you consent to medical assistance in dying. You are not obliged to agree to any treatment that is not acceptable to you.

## **HOW DO I KNOW IF I MEET THE CRITERIA?**

Only doctors and nurse practitioners are legally authorized to assess whether a person meets the criteria. You must have two separate assessments completed by independent doctors or nurse practitioners, at two different times.

If neither of the assessors is an expert in the condition(s) for which you are seeking MAiD, one of the assessors must consult with someone who is and share that information as required.

Both assessors must conclude that you meet **all** the criteria to be eligible for MAiD. If you are found ineligible for MAiD by an assessor, you may ask to be assessed by another doctor or nurse practitioner.

## **CAN OTHERS MAKE THE DECISION FOR ME?**

No, only you can make the decision to request and receive assisted dying. If you are not capable, others cannot make the decision for you.

The law requires that requests for assisted dying be made in writing. Your medical team can provide you with a Patient Request form, or you can fill one out by downloading the [Clinician Aid A for Medical Assistance in Dying](#) form from the [Hamilton Family Health Team MAiD website](#), or the [Ontario Central Forms](#)

[Repository](#). If you are physically unable to complete, sign and date the request, you may ask another person to sign for you, in your presence, and with your permission.

### **CAN I MAKE MAiD PART OF MY ADVANCED CARE PLAN?**

No. At this time the law does not allow for the creation of Advanced Directives around MAiD.

### **HOW QUICKLY DO I HAVE TO HAVE MAiD ONCE MY ASSESSMENTS ARE COMPLETED?**

Once your request for medical assistance in dying is approved, you still have time to think about your decision.

The Law states that you must wait at least 90 clear days from the first day of your first assessment to receive MAiD. The entire assessment process may take significantly longer depending on the complexities of your situation.

You may also withdraw your request at any time for any reason. You will continue to receive high quality care. No one will think any less of you for changing your mind.

### **DO I HAVE TO INFORM MY FAMILY?**

It is a good idea to try and involve your family – getting medical assistance in dying may have a major impact on them. If it is difficult to talk with your family for any reason, you can ask for help from your health care team.

### **CAN I HAVE MY FRIENDS AND FAMILY WITH ME WHEN I DIE?**

Yes, you can have anyone you choose with you during assisted dying. In fact, you need to have at least one other support person with you in addition to the health care team. You should discuss this with them well in advance to make sure that they are willing to be present. Your health care team will help prepare you and those that will be in attendance. It is important that they understand what they will see before they agree to be there with you.

### **WHERE CAN I HAVE ASSISTED DYING?**

Assisted dying is provided at home. This includes long-term care homes and retirement homes. If these locations are not suitable for you, please speak to your health care team.

## **WHAT IF I HAVE MORE QUESTIONS?**

If you have any further questions, please ask a member of your health care team.

## **WHAT IF I WANT TO REQUEST MAID?**

If you want to request MAID, please speak to a member of your health care team.

You can also request information about MAID by contacting the Hamilton MAiD Community Outreach Team at 905-667-4848 x 340 or [maid.inquiries@hamiltonfht.ca](mailto:maid.inquiries@hamiltonfht.ca).

## **ADDITIONAL RESOURCES**

[Ministry of Health – MAID Information in Ontario](#)

[Ministry of Health – MAID Information for Patients](#)

[Hamilton Health Sciences – MAID FAQ](#)

[College of Physicians and Surgeons Ontario – MAID Policy](#)

[Bill C-14 MAID Act](#)