

Medical Assistance in Dying (M.A.I.D.) from a Regulatory Lens:

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Medical Assistance in Dying Act has passed and is occurring across the country and Nova Scotia. Recent the Nova Scotia Health Authority released a number (16) that have been requested and granted. I have recently attended several information sessions and there are varied opinions on the legislation and about its clarity. Therefore, as practicing health professionals of which social work is very much an important part of we need to ensure that we and the public are protected. Even though there are issues with the legislation and there will be challenges yet to come regarding the legislation M.A.I.D. is a part of our Health Care system.

Legislation defines Medical Assistance in Dying in the following ways: Voluntary euthanasia which is the administering by a medical practitioner of a substance, to a person, at their request, that causes their death; or Assisted Dying which is the prescribing or providing by a medical practitioner or nurse practitioner of a substance, at their request, so that they may self-administer the substance and in doing so cause their own death.

The NSCSW is mandated to determine Standards of Practice which 'Protect the Public'. The Standards of Practice describes the responsibilities of Social Workers to their clients, colleagues, employers and society in general. The Standards of practice have several functions; they establish professional expectations as the basis of responsibility for social Workers so that they may develop, control, evaluate and improve our practice. They promote the protection of the public, and specifically, clients of Social workers, by ensuring competent Social Work practice. They provide a basis for professional development within the social work profession. They put into action the values, and skills expected of social workers, so that other professionals, employees, clients and the general public may understand the goals and methods of social work practice. Finally, they enhance the value and credibility of the profession so that it may more effectively advocate for social change when deemed necessary.

We need to examine some of the ethical challenges and issues social workers may and will encounter with M.A.I.D. The Act makes allowances for those who wish to use Conscientious Objection if M.A.I.D. is in conflict with your moral belief and values. If a social worker objects, how do they provide safe, competent, ethical and compassionate care until alternative care arrangements can be made. With our Standards of Practice in mind, how does a social worker provide services in a professional, non-judgmental, and non-discriminatory way? What considerations can be made when reflecting on personal values in relation to the importance of 'self-determination' and informing clients, families and employers?

It will be important for Social Workers to have an understanding of the issues associated with M.A.I.D. Such as knowledge of the current legal and regulatory landscape related to Medical Assistance in Dying in addition to basic terminology relevant to the issues. An understanding of the obligation to respond appropriately to a request for M.A.I.D. We need to have an

understanding of a request for M.A.I.D. regarding issues of consent and capacity to consent. As well as an understanding of how we engage with patients and their families following a request or a denial of a request for Medical Assistance in Dying.

CASW was at the table with other professions to ensure protection from prosecution of those being involved with M.A.I.D. the Nova Scotia Public Prosecution Services issued a directive: June 16, 2016

Therefore, in order to provide greater certainty to members of the Health Care community who may become involved in cases which fall within the legally permissible boundaries of the Carter decision, I hereby direct that:

- *If a Crown Attorney receives a request for a pre-charge advice in relation to an investigation of a health care provider who aids or assists in a physician assisted death, the request for advice is to be referred to the Director of Public Prosecutions*
- *if a charge is laid by the police, or by any other informant, under s.241 of the Criminal Code in relation to a health care provider who participates, aids or assists in a physician-assisted death, the matter will be referred to the Director of Public Prosecutions.*

The charge will not be prosecuted by the Nova Scotia Public Prosecution Service if:

- *the person is the primary or secondary physician, or a health care provider assisting a physician, or their respective employer, and*
- *the person conducts themselves in accordance with the assisted dying standards established by the governing College of their regulated health profession, and/or their employer, and*
- *the person provides PAD counselling, dispenses a drug, provides physician assisted death, or otherwise participates, under the direction of a physician, in a physician-assisted death that falls within the parameters described by the Supreme Court of Canada in its Carter decision (2015 SCC 5).*

I believe this in itself will be very concerning to health care providers awaiting decisions around this type of request. It has been my experience with complaints and investigations with our College that it can be a very stressful time for social workers waiting for a determination and or disposition in complaint matters.

Currently there are issues and concerns with the legislation and there will be challenges to the legislation for years to come. Some are expressing confusion about the eligibility criteria, protocols and logistics for providing M.A.I.D. There will be concerns with accessibility especially with our aging population numbers. There is concern around the differing versions of the M.A.I.D. guidelines. There will be differing versions of the guidelines even with provincial jurisdictions.

As a Regulated Social Work profession, we need to ensure that we have guidelines in place to protect the public and be of assistance to our colleagues, and Social Workers. We have our Code of Ethics and Standards of Practice on the website of our College, (www.nscsw.org). We will have to develop guidelines regarding M.A.I.D for Social Workers.

With this in mind we the Professional Standards Committee will assist in developing these guidelines.

Please send me your contact information so that I can contact you with by the end of January 2017 to begin the process of developing our guidelines.

I would like to have representation from across the province in this project.

Thank you and I hope you all have a very peaceful and well deserved Holliday!



