

Medical Assistance in Dying

NSCSW Guidelines



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Introduction

About us

The Nova Scotia College of Social Workers is the regulatory body for Social Workers in Nova Scotia. Our mandate is to serve and protect Nova Scotians by effectively regulating the profession of social work. We work in solidarity with Nova Scotians to advocate for policies that improve social conditions, challenge injustice and value diversity.

Background

These guidelines provide guidance to social workers when working with persons who request **medical assistance in dying** (MAiD). They have been updated to reflect the federal legislative changes that came into effect on March 17, 2021.

The Criminal Code of Canada allows eligible individuals to request that a Nurse Practitioner (NP) or physician (MD) provide MAiD by:

- a. administering a substance that causes their death; or
- b. prescribing or providing a substance so that they may self-administer the substance to cause their own death.

The Criminal Code also defines eligibility requirements for persons requesting MAiD.

These guidelines outline the roles and limitations of social workers in such situations. In addition to following the provisions in the Criminal Code, social workers are accountable to follow their [standards of practice](#) and [code of ethics](#).



Guidelines for social workers

Social workers' role in MAiD

Social workers may be involved in supporting individuals seeking MAiD, and their families, as they contemplate and plan for this option. **It is important that social workers work within their scope of practice.**

Only a NP or MD may administer, prescribe or provide a substance which causes death to an eligible person who is requesting MAiD. A NP or MD may also counsel a person who is requesting MAiD about this option.

Social workers may assist an NP or MD in providing support to a person requesting MAiD but may not administer or provide the substance that causes death. Social workers may provide therapeutic counseling and support to an individual requesting MAiD, as well as their family, but may not counsel or suggest it, nor advise the individual to choose it. They may ensure that individuals with whom they work have access to information and resources, as well as social support.

If social workers have concerns regarding a patient's care, and whether they have been given the opportunity to be counseled on MAiD, the social worker should NOT bring it up to the patient themselves, but rather escalate their concerns to their supervisor or to the patient's doctor. The social worker may provide the patient with contact information for the Nova Scotia Health MAiD Access and Resource Team (toll free at 1-833-903-6243, or 902-491-5892 within the Halifax region) or call themselves to obtain more information about MAiD.

If a social worker is not willing or able to support an individual or family in this situation, this social worker has a duty to refer. If MAiD is in conflict with the social worker's moral beliefs and values, they may decline to participate in any aspect of care connected to MAiD. If they choose not to participate on these grounds, they must ensure the person has a reasonable opportunity to arrange to receive professional services from another social worker or suitable professional (see [NSCSW Standards of Practice 2.5.1](#)).

MAiD scope of practice summary

Social workers can:

- Provide psychosocial support and/or therapeutic counseling to a person who has requested MAiD, as well as their family.
- Support a person who voluntarily expresses interest (or expresses interest on behalf of someone) in MAiD to access more information (i.e.: providing a brochure, suggesting they speak with their NP or MD)

- Provide the person with contact information for the Nova Scotia Health MAiD Access and Resource Team (toll free at 1-833-903-6243, or 902-491-5892 within the Halifax region) or call themselves to obtain more information about MAiD.
- Escalate to their supervisor if they are unsure of their role in relation to MAiD or concerned the patient is not being provided with appropriate access to MAiD as an option.

Social workers cannot:

- Counsel or suggest MAiD, nor advise the individual about whether to choose it.
- Administer or provide the substance that causes death.



MAiD in Canada

MAiD eligibility

A person may receive MAiD only if they meet the following criteria:

1. be 18 years of age or older and have decision-making capacity with respect to their health
2. be eligible for government funded health care services (or would be eligible, but for any applicable minimum period of residence or waiting period)
3. make a voluntary request for MAiD that is not the result of external pressure
4. give informed consent to receive MAiD after having been informed of the means that are available to relieve their suffering, including palliative care
5. have a grievous and irremediable medical condition, which is defined as:
 - having a serious and incurable illness, disease or disability, excluding a mental illness
 - be in an advanced state of irreversible decline in capability and
 - that the illness, disease or disability or that state of decline causes them enduring and intolerable physical or psychological suffering that cannot be alleviated under conditions the person considers acceptable.

The [Criminal Code of Canada](#) requires that all clients requesting MAiD be assessed to determine if they have capacity to give informed consent to request and receive this intervention.

Temporary exclusion from MAiD

According to the Government of Canada, Canadians whose only medical condition is a mental illness, and who otherwise meet all eligibility criteria, will not be eligible for MAiD until March 17, 2023. This includes conditions that are primarily within the domain of psychiatry, such as depression and personality disorders. It does not include neurocognitive and neurodevelopmental disorders, or other conditions that may affect cognitive abilities.

This temporary exclusion will provide the Government of Canada with more time to study how the provision of MAiD on the basis of a mental illness can safely be provided, and to ensure appropriate safeguards are in place to protect those persons. Other outstanding important questions related to MAiD—such as eligibility of mature minors, advance requests, mental illness, palliative care and the protection of Canadians living with disabilities—remain to be considered during a parliamentary review of the MAiD legislation that began April 2021.

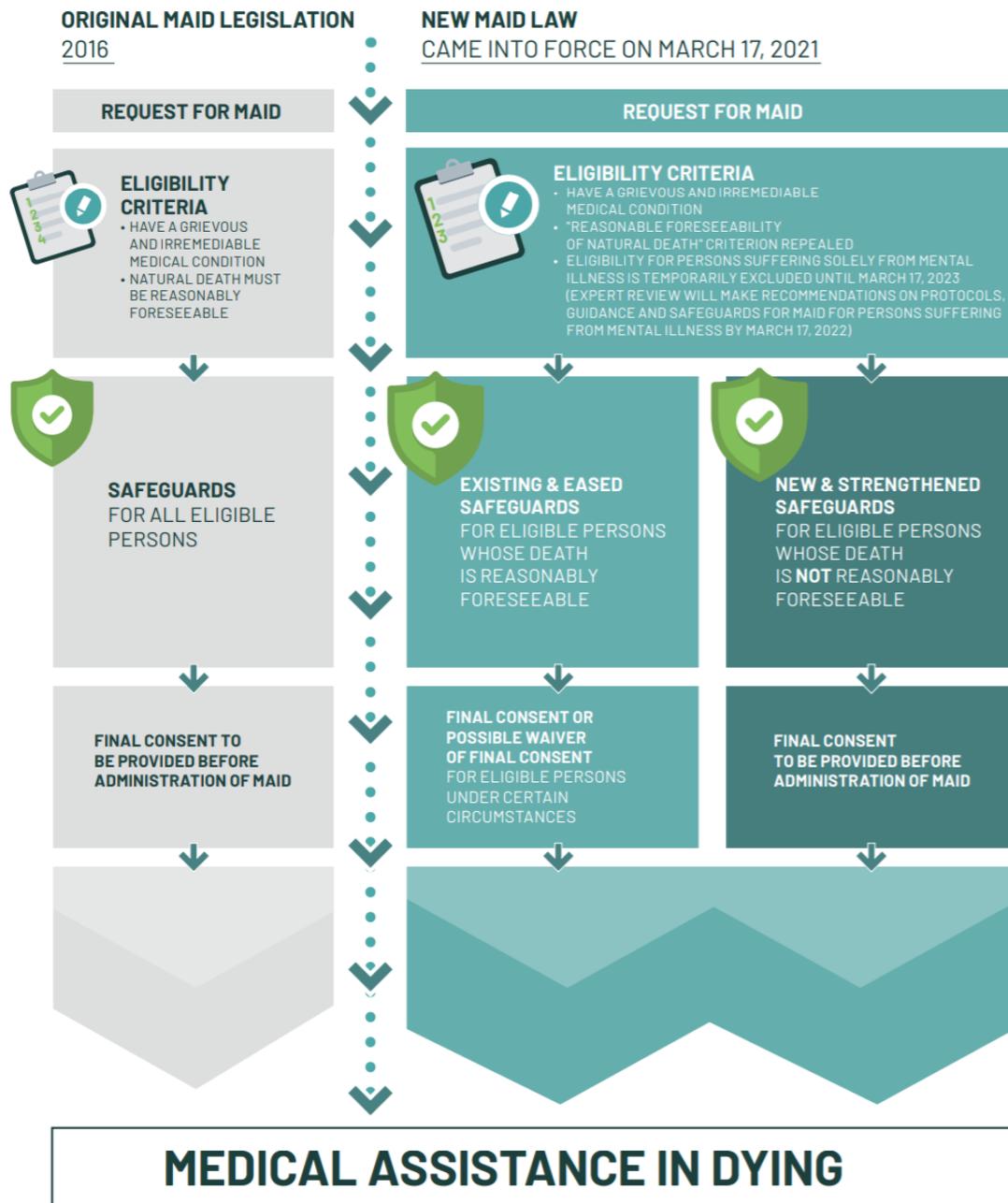
Summary of 2021 changes

While the original MAiD legislation in 2016 restricted access to MAiD to those whose natural death was reasonably foreseeable, the eligibility criteria was expanded in March 2021, although certain of these



(those related to mental illness and disability) are not yet in effect. It is important for social workers to be aware of the [changes](#).

The Department of Justice has provided an infographic that outlines the differences between the original MAiD legislation in 2016 and the revised legislation from 2021.



MAiD in Nova Scotia & Nova Scotia Health (NSH)

The Nova Scotia Health MAiD Access and Resource Team is in place to facilitate access to a medically assisted death for those who wish to explore this option. The team helps to coordinate and streamline the process from the point of referral, which includes providing information about medical assistance in dying, completing an intake assessment, connecting patients with providers who can complete an assessment, and supporting eligible patients who choose a medically assisted death to have access when and in the location they choose.

Although MAiD can take place in many different settings of care, including community, hospital, hospice or long term care facility, Nova Scotia Health has created a policy and procedure to help provide clarity on how MAiD can be discussed and how it can be provided within the context of the legislation. These policy and procedure documents emphasize that health care providers must always refer to their College's standards for specific details about how their discipline can engage in medical assistance in dying.

To learn more about MAiD in Nova Scotia, visit the [Nova Scotia Health website](#).



References & resources

Federal and provincial government resources

- Government of Canada: [Medical Assistance in Dying](#)
- Parliament of Canada
 - [Bill C-14 \(2016\)](#)
 - [Bill C-7 \(2021\)](#)
- Department of Justice:
 - Justice Laws Website: [Medical Assistance in Dying in the Criminal Code of Canada](#)
 - Legislative Background: [Medical Assistance in Dying \(Bill C-14\) \(2016\)](#)
 - [Canada's new medical assistance in dying \(MAiD\) law \(2021\)](#)
 - [MAiD infographic PDF \(2021\)](#)
- Nova Scotia Health: [Medical Assistance in Dying](#)

Canadian social work regulatory bodies on MAiD

- [Alberta College of Social Workers](#)
- [British Columbia College of Social Workers](#)
- [Manitoba Association of Social Workers](#)
- [Newfoundland & Labrador Association of Social Workers](#)
- [Ontario College of Social Workers and Social Service Workers](#)
- [Saskatchewan Association of Social Workers](#)
- Canadian Association of Social Workers: [MAiD resource hub](#)