

Medical Assistance in Dying (MAiD)
Practice Guideline

2017



COLLEGE OF
LICENSED PRACTICAL NURSES
OF NEWFOUNDLAND AND LABRADOR
LPNS - A PRACTICAL APPROACH TO QUALITY CARE



The College of Licensed Practical Nurses of Newfoundland and Labrador (CLPNL), in accordance with the *Licensed Practical Nurses Act (2005)*, has the legislated responsibility for regulating the practice of Licensed Practical Nurses (LPNs) in Newfoundland and Labrador.

The mandate of the CLPNL is to protect the public by ensuring the provision of safe, competent, ethical, and compassionate nursing care.

USING THIS DOCUMENT

Practice guidelines are documents that outline the LPN's accountability in specific practice contexts. These guidelines reflect relevant legislation and are designed to assist LPNs to understand their responsibilities and legal obligations. This practice guideline will describe the CLPNL's expectations for LPNs in relation to Medical Assistance in Dying (MAiD).

INTRODUCTION

Legislation regulating the provision of Medical Assistance in Dying (MAiD) (Bill C-14) was passed by the federal government on June 17, 2016. Bill C-14 allows for eligible individuals to receive medical assistance in dying. In addition, it establishes safeguards to protect clients and provides protection for health care providers who participate in MAiD within the parameters of the legislation.

WHAT IS MAiD?

MAiD refers to the process (Section 241.1 of the *Criminal Code*¹) where an eligible healthcare provider:

- prescribes and administers a medication to a client, at their request, that causes their death; or
- prescribes or provides a medication to a client, at their request, so that they may self-administer the substance and in doing so cause their own death.

THE NURSING ROLE IN MAiD

Nurses have a significant role in providing end of life care to clients and their families, whether the process is medically assisted or not. Nurses must have the knowledge, skill, ability and judgement to provide safe, competent, ethical and compassionate end of life care. According to Section 241.7 of the *Criminal Code*¹, MAiD must be provided with knowledge, care and skill and in accordance with applicable laws, rules and standards.



THE CLPNNL PROVIDES THE FOLLOWING GUIDELINES FOR LPNs:

1. LPNs can aid in MAiD under the direction of a physician.
2. The current scope of practice for Nurse Practitioners in NL does not authorize Nurse Practitioners to provide MAiD².
3. If requested, LPNs may support access to accurate and objective information about MAiD to clients so that they may make informed decisions about their care.
4. LPNs should not initiate a discussion on MAiD with clients.
5. LPNs must have the knowledge, skill, ability and judgement to provide safe, competent, ethical and compassionate end of life care.
6. If the LPN has reason to believe that the client does not meet the eligibility criteria or all mandatory safeguards are not in place, the LPN must immediately discuss this with the client's health care team.
7. LPNs can insert an intravenous line that will be used for the administration of the medication that will cause death.
8. LPNs are **NOT** authorized under any circumstances to administer the substance that causes the death.
9. LPNs can be present to provide end of life nursing care during the administration of the medication that will cause death.
10. LPNs must document their involvement in MAiD in accordance with the standards of practice and employer policy.

CLIENT ELIGIBILITY FOR MAiD

Determining eligibility for MAiD is the responsibility of the physician. LPNs should be aware of the criteria but are not permitted to determine the client's eligibility for MAiD.

As outlined in Section 241.2 of the *Criminal Code*¹, a person may receive medical assistance in dying only if they meet all the following criteria:

- They are eligible — or, but for any applicable minimum period of residence or waiting period, would be eligible — for health services funded by a government in Canada;
- They are at least 18 years of age and capable of making decisions with respect to their health;
- They have a grievous and irremediable medical condition;

- They have made a voluntary request for medical assistance in dying that, in particular, was not made as a result of external pressure; and
- They give informed consent to receive medical assistance in dying.

SAFEGUARDS

Section 241.3 of the *Criminal Code*¹ identifies the following safeguards that must be met before an eligible person can receive medical assistance in dying.

- The request for MAiD must be signed and dated by the client before two independent witnesses (see independent witnesses section, page 3);
- A second physician must provide a written opinion confirming that the client meets the eligibility criteria;
- There must be 10 days between the day on which the request was signed and the day on which MAiD is provided, or – if both physicians assessing the eligibility criteria are of the opinion that the client’s death, or the loss of capacity to provide informed consent, is imminent – any shorter period that the first physician considers appropriate in the circumstances;
- Immediately before the provision of MAiD, the physician must give the client an opportunity to withdraw their request and ensure that the client gives express consent to receive MAiD.

INDEPENDENT WITNESSES

Section 241.2(5) of the *Criminal Code*¹ outlines that the two independent witnesses must not:

- know or believe that they are a beneficiary under the client’s will;
- know or believe that they are a recipient, in any other way, of a financial or other material benefit resulting from the client’s death;
- be an owner or operator of a health care facility where the client is being treated, or any facility in which the client resides; or
- be directly involved in providing health care services or personal care to the client.



CONSCIENTIOUS OBJECTION

The LPN may decline to participate in MAiD if it conflicts with their moral beliefs and values. If the LPN chooses not to participate in MAiD, the LPN must notify the manager immediately so that alternate arrangements for nursing care can be made. The LPN's personal beliefs about MAiD should not be expressed to the client and/or family. The LPN must also continue to provide safe, competent, ethical and compassionate care in a professional, nonjudgmental, and non-discriminatory manner until alternative care arrangements can be made to meet the client's needs or wishes.

SUMMARY

LPNs have a significant role in providing end of life care to clients and their families, whether the process is medically assisted or not. LPNs must have the knowledge, skill, ability and judgement to provide safe, competent, ethical and compassionate end of life care. In the provision of nursing care, LPNs must practice according to applicable legislation, standards of practice and the code of ethics.

¹ An Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying), ASSENTED TO June 17, 2016, Bill C – 14.

² Registered Nurses and Nurse Practitioners – Aiding in Medical Assistance in Dying (2016). Association of Registered Nurses of Newfoundland and Labrador.





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www.clpnnl.ca

209 Blackmarsh Road, St. John's, NL A1E 1T1

709.579.3843 • Toll Free 1.888.579.2576 • info@clpnnl.ca