



College of Physicians and Surgeons of British Columbia

Communications Briefing Note

Medical Assistance in Dying

College position

The Canadian Medical Association (CMA) *Code of Ethics and Professionalism* is founded on the fundamental principles and values of medical ethics: compassion, beneficence, non-maleficence, respect for persons, justice and accountability. Appropriate access to medical care is a core value of Canadian society, and this access should be equally available to all patients, including those in vulnerable and marginalized populations.

Key messages

- Patients have the right to make decisions about their bodily integrity (autonomy) and to have access to unbiased and accurate information about relevant medical issues and treatments.
- Physicians have the right to decide whether or not to perform medical assistance in dying (MAiD). Nothing in the Criminal Code compels a person to provide MAiD.
- In cases where they might conscientiously object, physicians have an obligation to provide their patients with health information and health services in a non-discriminatory fashion and an obligation not to abandon their patients.
- The federal government has indicated that MAiD is intended to be restricted to those individuals who meet certain criteria (outlined below).

Criteria for receiving MAiD

- In order for a patient to receive MAiD, they must meet all of the following criteria so they are 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 MAiD that, in particular, was not made as a result of external pressure
 - they have given informed consent to receive MAiD after having been informed of the means that are available to relieve their suffering including palliative care

Grievous and irremediable medical condition criteria

A person has a grievous and irremediable medical condition only if they meet all of the following criteria:

- they have a serious and incurable illness, disease, or disability
- they are in an advanced state of irreversible decline in capability
- that illness, disease, disability or state of decline causes them enduring physical or psychological suffering that is intolerable to them and that cannot be relieved under conditions that they consider acceptable
- their natural death has become reasonably foreseeable, taking into account all of their medical circumstances, without a prognosis necessarily having been made as to the specific length of time they have remaining

Conscientious objection

Physicians may make a personal choice not to assess patients for and/or perform MAiD based on their values and beliefs. The College expects the physician to provide patients with enough information and assistance to allow them to make informed choices for themselves. This includes consulting with other experts on relevant medical facts and, when needed, competency assessments.

Physicians who object to MAiD on the basis of their values and beliefs are required to provide an effective transfer of care for their patients by advising patients that other physicians may be available to see them, suggesting the patient visit an alternate physician or service, and if authorized by the patient, transferring the medical records as required.

Where needed, physicians must offer assistance to the patient and must not abandon the patient. While a physician is not required to make a formal referral on behalf of the patient, they do have a duty of care that must be continuous and non-discriminatory. Physicians should not discuss in detail their personal beliefs and should not pressure patients to disclose or justify their own beliefs. In all cases, physicians must practise within the confines of the legal system, and provide compassionate, non-judgmental care according to the *CMA Code of Ethics and Professionalism*.

Reference

- College Practice Standard: [Medical Assistance in Dying](#)