

PURPOSE

The *College of Audiologists and Speech-Language Pathologists of Manitoba* (CASLPM) offers practice advice on matters pertaining to Standards of Practice, Legislation and College expectations. It is granted this authority under *The Regulated Health Professions Act* (RHPA) with the duty to serve and protect the public. Practice directions are provided in response to specific inquiries and may not be relevant in all circumstances. The intention is to support practice but does not replace professional judgement nor legal advice. All practice directions should be read in conjunction with RHPA and regulations, the by-laws, and The Code of Ethics.

The purpose of this practice direction is to help CASLPM registrants understand their professional and legal responsibilities related to MAiD. While registrants are not obligated to provide or participate in MAiD, they need to comply with provincial and federal legislation with respect to MAiD. CASLPM will continue to monitor the legislation and will revise this document as necessary. The legislation will supersede this practice direction.

OVERVIEW OF THE LEGISLATION

In accordance with federal legislation, physicians and nurse practitioners are permitted, at an individual's request, to provide that individual with medical assistance in dying in one of two ways:

1. Directly administer a substance that causes an individual's death; or,
2. Provide or prescribe a substance for an individual to self-administer to cause their own death.

While there may be future revisions to the legislation, individuals who wish to receive MAiD currently must meet all of the following criteria:

1. Be eligible for health services funded by the provincial or federal government.
2. Be at least 18 years old and capable of making their own health decisions.
3. Have a serious and incurable illness, disease, or disability (not including mental illness*).
4. Have made a voluntary request for MAiD free from any outside pressure or influence.
5. Have given informed consent to receive MAiD after being made aware of all options available including palliative care.

MAiD can only be provided to patients who can give consent. Consent through an alternate or substitute decision maker or through a personal advanced directive is not applicable.

Under the federal legislation, no one is compelled to participate in medical assistance in dying.

Under the Manitoba statute:

- an individual can, without disciplinary or employment repercussions, refuse to participate in medical assistance in dying because of personal convictions; and
- a professional regulatory body cannot require its members to participate in medical assistance in dying.

DEFINITIONS

Client Designate: an individual who has been given authority by the client to act on their behalf.

Conscientious Objector: any registrants who refuses to provide or participate in providing MAiD related services because such action would violate a personal, deeply held moral or ethical value.

Individual/Client: a person including a patient, resident or client of a Shared Health Facility or a Shared Health clinical service.

MaiD or Medical Assistance in Dying: The administering by a Medical Practitioner or Nurse Practitioner of a substance to an individual, at that individual's request, that causes death; or the prescribing or providing by a Medical Practitioner or Nurse Practitioner of a substance to an Individual, at that Individual's request, so that they may self-administer the substance and in doing so cause their own death.

MaiD Team: The group of health care professionals known as the Manitoba Provincial MaiD Team who have been approved by the Shared Health chief medical officer to provide MaiD.

Registrant/Regulated member: an individual who meets the CASLPM regulatory requirements to practice as an Audiologist or Speech-Language Pathologist in Manitoba.

PERFORMANCE REQUIREMENTS

Regardless of a registrant's moral, ethical or religious concerns or objections, a registrant must:

1. Respect the dignity, values, and choices made by a client or a client's designate.

- 1.1. Registrants are permitted to inform clients about the option of Medical Assistance in Dying (MAiD) as a possible medical intervention.
- 1.2. Registrants are not allowed to share personal opinions on MAiD with clients.

2. Be aware of their facility/RHA policies regarding MAiD.

- 2.1. If the registrant is a conscientious objector to MAiD, they must express this with as much advance notice as possible to their employer.

3. Make appropriate and effective referrals in a timely manner.

- 3.1. Registrants, if approached by a client or their family/client designate about MAiD, can refer a request for information or services directly to the provincial MAiD team. The MAiD team will establish eligibility and consent.
- 3.2. Registrants can also provide an information pamphlet obtained from the provincial MAiD website and/or can direct a client or their family/client designate to the Shared Health MAiD website.
- 3.3. Registrants can also direct a client, or their family/client designate to their physician or other health care provider.

Registrants must comply with this and all Practice Directions, the RHPA and Regulations, the by-laws, and the Code of Ethics. Failure to comply is professional misconduct. In the event of any inconsistency between this Practice Direction and any legislation that governs the practice of audiology and speech-language pathology, the legislation governs.

3.4. If the registrant is a conscientious objector, they can choose not to participate in the discussion of MAiD but still need to refer the client to another clinician, institution or agency that can address their questions in a timely manner.

4. Continue to provide for the health care needs of any client who has inquired or requested information about MAiD.

4.1. A client requesting or discussing MAiD services does not diminish the therapeutic benefit of continuing treatment of other healthcare services not related to MAiD even if the registrant is a conscientious objector.

REFERENCES

- Shared Health Medical Assistance in Dying Policy (2022)
<https://healthproviders.sharedhealthmb.ca/files/maid-policy.pdf>
- Shared Health Website <https://sharedhealthmb.ca/services/maid/>
- Government of Canada Medical Assistance in Dying <https://www.canada.ca/en/health-canada/services/medical-assistance-dying.html>
- Medical Assistance in Dying (MAiD) Guideline (2019). A Guideline from the College of Physiotherapists in Manitoba.
- A Guidance Document for Occupational Therapists in Manitoba regarding Medical Assistance in Dying (MAiD) 2019. (Updated December 2021)

CASLPM is grateful to the provincial Manitoba Shared Health MAiD team for their assistance with this document. Special thanks to Caitlin Buchel, RSLP for her guidance and contribution.

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FREQUENTLY ASKED QUESTIONS

Do I still have to follow this if I am not an employee under Shared Health?

Yes. This practice direction applies to all registrants.

If an individual/client asks for a referral to MAiD, is it my responsibility to determine they are eligible first?

No. Under the legislation, speech-language pathologists and audiologists are not permitted to determine client eligibility for MAiD. However, they may have a role in assisting a physician or nurse practitioner in the process for determining eligibility, as appropriate.

If an individual/client asks for either information or a referral, do I have to report that?

Documentation of a client's request for information should always occur. The request should be reported to a manager/supervisor if the registrant is unable or unwilling to engage appropriately with the client so a referral can be initiated. The reporting process may be determined by institutional or regional health authority policies.

What if the individual/client has difficulty communicating or has an issue with hearing?

The provincial MAiD team works with a speech-language pathologist and other professionals who support communication challenges to ensure an effective and reliable means of communication during the review for eligibility and at the time medical assistance in dying is provided. An audiologist would be involved if required.

Can a healthcare provider, friend, or family member initiate the request for MAiD on behalf of an individual?

Yes. Anyone can request information and resources relating to MAiD on behalf of individual and as instructed by the individual with their consent. Ultimately, the individual will need to meet all the eligibility criteria, including being able to make medical decisions for themselves and provide consent.

What if I am a conscientious objector to MAiD?

While a registrant has a right to conscience-based objection and cannot be forced to participate in the MAiD process, they have a responsibility to respond to a client's inquiry about MAiD and ensure clients have access to this service. If asked for or about MAiD, registrants must ensure timely access to resources that provide accurate information and abide by the guidelines set out by the legislation and the College. Additionally, registrants should be aware of and are required to abide by any additional policies as outlined by their institution/organization and or regional health authority.

If you are a conscientious objector to MAiD you are expected to:

- Inform your manager/employer about your conscience-based objection as early as possible.
- Respect client's autonomy regardless of the registrant's personal beliefs or values.
- Not withhold any information or resources that would impede access to MAiD.
- Direct the client to available MAiD services and resources.
- Obtain consent to refer the client to an alternate service provider who will address the request for MAiD as appropriate if the registrant is unwilling to do so.
- Continue with maintaining the therapeutic relationship and services that are not directly related to the request for MAiD, as appropriate.

What are my professional and ethical obligations to a client who has requested MAiD?

The registrant must:

- Practice according to Federal and Provincial regulations, professional regulatory standards and organizational policies related to all aspects of MAiD.
- Inform their manager/employer about their conscience-based objection as early as possible if one exists.
- Acknowledge the client's request and assure the client that their request will be conveyed.
- Inform their manager/employer about the request if the registrant is unwilling or unable to engage the client in this process.
- Maintain the therapeutic relationship with the patient and continue to provide care that is not directly related to MAiD.
- Document in the client's health record any request for information related to MAiD and any resources shared with the client.
- Contact CASLPM with any questions.

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How do I access MAiD information and resources?

Direct those seeking information on MAiD directly to the provincial team and ensure that clients are aware of all additional supports that may be available to them including palliative care or spiritual support. Additionally, you may provide resources found at their website [Medical Assistance in Dying - Shared Health \(sharedhealthmb.ca\)](https://www.sharedhealthmb.ca). Here there are resources such as FAQs for healthcare providers as well. The Provincial Medical Assistance in Dying Team can be contacted at (204) 926-1380 or by email at maid@wrha.mb.ca