

Government reviewing assisted dying eligibility

By Sarah Vance

People being denied access to medical assistance in dying are the subject of a review announced by Jane Philpott, Minister of Health, and Jody Wilson-Raybould, Minister of Justice and Attorney General, on Dec. 13.

"MAID [medical assistance in dying] has brought end of life planning to the forefront for many Canadians who have been given new choices as a result of Bill C-14," said John Fraser, parliamentary assistant to Philpott, in an interview with *Bancroft This Week*. "The legislation is just six months old. We do not have a lot of proximity to the implications surrounding it yet as it becomes a reality."

Samantha Rae Ayoub, for the Council of Canadian Academies (CCA), the organization undertaking the review, said that the study aims to provide evidence to inform the ongoing policy discussion on the issues related to MAID.

"CCA recognizes that the three areas identified in the legislation involve sensitive and complex issues that would benefit from careful assessment," said Rae Ayoub.

"Expert panel members will consider a range of evidence including peer reviewed literature, professional practices from other jurisdictions, legislation and guidelines, and stakeholder position papers."

While the announcement is bringing hope to patients, organizations like Dying with Dignity Canada (DWDC) are nonetheless worried that a forum for accepting public input is not yet in place. If the bill is passed, it will allow patients going through it the opportunity to get their [funeral planning](#) in place among other affairs that need to be taken care of and can bring peace of mind to these individuals.

"At this point it is unclear if Canadians will have a chance to raise their issues," said spokesperson for DWDC Cory Ruf. "It is so important that this is not an abstract exercise as voices need to be heard."

When the bill was written, people under the age of 18, patients seeking advance requests for assisted dying, and requests where mental illness was the sole factor were excluded.

Mature minors who do not yet meet the 18 years of age prerequisite have been lobbying for change where DWDC stresses that capacity and competence should hold more weight than a minimum cut-off age.

"There are constitutional issues in the bill, regarding the threshold for capacity that need to be remedied," said Ruf. "Patients competent enough to understand what is happening to them are experiencing undue suffering."

Advance requests, made by patients who have a terminal illness but for whom death is not yet imminent, have brought legal recommendations by the Canadian Bar Association, who published Resolution 16-02-A, on their behalf.

DWDC has identified that there are still Ontario patients travelling out of country to obtain medical assistance in dying.

"This is so upsetting and expensive for patients and their families, who know the treatment is available in their province and covered by OHIP," said Ruf.

In Ontario, Bill-84 Medical Assistance in Dying Statute Law Amendment Act 2016 was moved by Eric Hoskins on Dec. 7, 2016 to provide greater clarification around MAID in Ontario.

While Bill 84 will help ensure that insurance and benefit claims cannot be affected when MAID is used as an end of life choice, it doesn't address patients excluded by Bill C-14.

This is the second article in a series of three on assisted dying.