



Professional Licensing & Regulatory Affairs

Professional Memorandum

To: Yukon Pharmacists
From: Micheal Noseworthy, Registrar
Date: June 13, 2016
Re: Update on Medical Assistance in Dying in Yukon

INTRODUCTION

As you are aware, the Supreme Court of Canada imposed a deadline of June 6, 2016 for the federal government to establish new legislation regulating medical assistance in dying (MAID). That date has passed without such legislation in force. In light of this, patients may now seek medical assistance in dying under the Supreme Court of Canada's *Carter* decision in circumstances that are set out in that decision.

(Please see [Carter v. Canada \(Attorney General\)](http://www.lexisnexis.ca/documents/2015scc005.pdf), 2015 SCC 5:
<http://www.lexisnexis.ca/documents/2015scc005.pdf>)

The *Carter* decision deals with the rights of individuals to request physician-assisted death under specific conditions and does not explicitly address the involvement of the overall health team in this process.

Under the *Carter* decision, only physicians are exempted from criminal liability when providing physician-assisted death. The decision is ambiguous regarding involvement of the overall health team in physician-assisted death and does not explicitly provide pharmacists an exemption from criminal liability.

GUIDANCE

Pharmacists must make their own measured and informed decision about whether they will participate in MAID in the absence of federal legislation specifically permitting them to do so.

While there have been court cases subsequent to *Carter* that have held that, in order to give effect to *Carter*, health care professionals that support the physician in providing MAID are similarly exempted, this only applies if the patient meets the *Carter* requirements.

In addition to considering the information provided above, pharmacists are strongly encouraged to inform their decision by seeking their own legal counsel, discussing with their liability insurance provider, and reviewing the guidance document provided to Yukon physicians by the Yukon Medical Council.

Yukon Medical Council's "Medical Assistance in Dying (Physician-Assisted Death) - Advice to the Profession" document was recently updated to specifically address how physicians should work with pharmacists in relation to MAID, (which is now outlined in section 10 of that document).

(Please see YMC: Updated Advice to the Profession Document:

http://www.yukonmedicalcouncil.ca/pdfs/Physician_Assisted_Dying_Advice_to_Profession.pdf)

Other Canadian jurisdictions have provided guidance to pharmacists on this developing issue, and this information may be of interest as well:

Ontario College of Pharmacists: <http://www.ocpinfo.com/library/news/pad-guidance/>

College of Pharmacists of British Columbia: <http://www.bcpharmacists.org/news/update-medical-assistance-dying>

Alberta College of Pharmacists: <https://pharmacists.ab.ca/medical-assistance-dying-maid>

CURRENT PROCESS

To support appropriate access to MAID in Yukon, MAID drugs will be dispensed from the Whitehorse General Hospital pharmacy, and will only be dispensed directly to physicians.

Pharmacists should always advise individuals requesting information about MAID that their first point of contact is their physician.