



## Professional Memorandum

**To:** Pharmacists, Certified Dispensers, Pharmacy Technicians, Pharmacy Students and Interns  
**From:** Beverley Zwicker, Registrar  
**Date:** June 6 2016; updated June 17, 2016  
**Re:** Update on Medical Assistance in Dying in Nova Scotia

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### 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 arrived and no such legislation is 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.

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.

While the *Carter* decision does not explicitly provide pharmacists and pharmacy technicians with an exemption from criminal liability, subsequent court decisions created ambiguity regarding the extent of their criminal liability. In response, many provincial Public Prosecution Services have attempted to provide greater certainty to members of the health care community by providing assurances pertaining to the risk of charges being laid. Such an assurance was provided on June 16, 2016 by the Nova Scotia Public Prosecution Service.

### GUIDANCE

The Nova Scotia Public Prosecution Service (PPS) statement on [Physician-Assisted Death](#) provides greater certainty to members of the Nova Scotia health care community who may become involved in cases which fall within the legally permissible boundaries of the *Carter* decision. Community pharmacists who decide to become involved in cases that fall within those boundaries need to ensure that the criteria set out in the PPS statement are met. For pharmacists this includes:

- that they practice in accordance with assisted dying standards established by the NSCP, and
- that their participation is under the direction of a physician, in a **physician-assisted death that falls within the parameters described by the Supreme Court of Canada in its *Carter* decision (2015 SCC 5).**

Pharmacists and pharmacy technicians must make their own measured and informed decision about whether they will participate in medical assistance in dying in the absence of federal legislation specifically permitting them to do so or a court order which finds that the **physician-assisted death falls within the parameters described by the Supreme Court of Canada in its *Carter* decision** (see the June 17, 2016 [Ontario Superior Court of Justice decision O.P. v. Canada \[Attorney General\], 2016 ONSC 3956](#)).

In addition to the guidance provided above, pharmacists and pharmacy technicians may wish to inform their decision by seeking their own legal counsel and reviewing guidance documents provided in the other provinces:

[College of Pharmacists of British Columbia: Update on Medical Assistance in Dying \(MAiD\)](#)

[Ontario College of Pharmacists: Physician Assisted Death: Guidance to Pharmacists & Pharmacy Technicians](#)

[Alberta College of Pharmacists: Medical Assistance in Dying - Guidance to the Professions](#)

Current Interim Process:

Pharmacists are to advise individuals requesting information about MAiD that their first point of contact is their physician. If this is not possible, the patient can call the Nova Scotia Health Authority (NSHA) at 902-491-5892 where they will be able to leave a message and someone will return their call. The NSHA has provided documents to provide answers to some of the most common questions about [Medical Assistance in Dying](#) on its website.

Pharmacists who decide to participate in MAiD during this interim period (prior to the establishment of federal legislation) are advised to read the Nova Scotia Public Prosecution Statement on [Physician-Assisted Death](#). One of the requirements set out in this statement is that the health care provider must practice in accordance with assisted dying standards established by their regulatory college.

The NSCP is in the final stage of approval of *Standards of Practice: Medical Assistance in Dying* to support pharmacists who decide to participate in MAiD during this interim period. Pharmacists will be promptly notified once it has been posted. In addition, the NSCP has been working closely with key stakeholders to have standards in place to support community pharmacists who decide to participate in MAiD once federal legislation is in place. The NSCP will be conducting consultation on these standards and will be advising pharmacists how they may provide feedback.

The details around the provision of MAiD are ever unfolding, and the NSCP will be sending out additional information as it develops, including posting updates on the NSCP website. It is important to continually monitor information from the NSCP about MAiD as the future development of policies, legislation or regulations may impact this guidance.