



Nova Scotia
College of
Pharmacists

STANDARDS OF PRACTICE: Medical Assistance in Dying

ACKNOWLEDGEMENTS

This Standards of Practice document has been developed by the Nova Scotia College of Pharmacists with the assistance and guidance of many individuals and organizations. The College acknowledges and thanks the contributions of the NSCP MAiD ad hoc advisory group as well as the organizations identified below.

The following regulatory authorities shared information and documentation regarding medical assistance in dying to assist with the development of the Nova Scotia Standards of Practice and to support inter-provincial consistency.

- Alberta College of Pharmacists
- College of Pharmacists of British Columbia
- New Brunswick College of Pharmacists
- Ontario College of Pharmacists

External Review and Contributors

Details will be added upon completion of the consultation process.

Approved: June 29, 2016

Revised: November 16, 2016

TABLE OF CONTENTS

1 Background	1
2 Purpose	2
3 Terminology	3
4 Ethical Considerations	5
5 Standards of Practice	6
Appendix A – MAiD References and Resources	10
Appendix B – Pharmacy MAiD Form	11
Appendix C – Pharmacy MAiD Pathway	15

1 BACKGROUND

Historically, medical assistance in dying (MAiD) has been prohibited in Canada under the Criminal Code as it was considered to be aiding, abetting or counselling a person to commit suicide. On February 6, 2015, the Supreme Court of Canada (in the *Carter*¹ decision) found that the criminal laws prohibiting physician assistance in dying were contrary to an individual's right to life, liberty and security of person under the *Canadian Charter of Rights and Freedoms*.

The Court suspended its decision and ordered that the Criminal Code provisions (sections 241(b) and 14) remain in force until February 6, 2016, which was later extended to June 6, 2016². This period was given to provide time for federal and provincial governments to respond, by enacting legislation that is consistent with the constitutional parameters set out in *Carter* and that also provides safeguards to protect vulnerable people from abuse and error.

On June 17, 2016, new federal legislation was passed that amends the Criminal Code to “create exemptions from the offences of culpable homicide, of aiding suicide, and of administering a noxious thing, in order to permit medical practitioners and nurse practitioners to provide medical assistance in dying and to permit pharmacists and other persons to assist in the process.”³ It provides for both assisted suicide where the patient is provided assistance in ending their own life through self-administration of a lethal dose of medication(s); and voluntary euthanasia, where a medical or nurse practitioner directly administers a lethal dose of medication(s).

The legislation includes patient eligibility criteria and safeguards to be respected when supporting medical assistance in dying. In addition, the amended Criminal Code (MAiD) includes an exemption specific to pharmacists for the dispensing of MAiD medications. Given this specific exemption, it is important for pharmacists to recognize their accountability and responsibility for decisions, actions as well as compliance with the federal legislation and the *Standards of Practice: Medical Assistance in Dying* when participating in any aspect of medical assistance in dying.

¹ [Carter v. Canada \(Attorney General\), \[2015\] 1 SCR 331](#)

² [Carter v. Carter \(Attorney General\), 2016 SCC 4 \(CanLII\)](#)

³ [An Act to amend the Criminal Code and to make related amendments to other Acts \(medical assistance in dying\), S.C. 2016, c. 3 \[referenced as the amended Criminal Code \(MAiD\)\]](#)

2 PURPOSE

The *Standards of Practice: Medical Assistance in Dying* establish the accountabilities and responsibilities of pharmacists who participate in MAiD under the amended Criminal Code (MAiD). The standards provide pharmacy practice requirements and safeguards supporting the appropriate and timely delivery of MAiD in a consistent, compassionate and respectful manner.

Pharmacists shall undertake MAiD activities in accordance with these Standards of Practice as well as existing legislation, regulations, the [NSCP Code of Ethics](#), and other standards of practice and policy directives relevant to pharmacy practice in Nova Scotia.

This Standards of Practice document includes the following:

- Terminology – definition of terms referenced in the standards.
- Ethical Considerations – information for pharmacists on the ethical considerations regarding medical assistance in dying.
- Standards of Practice – requirements, expectations and limitations for pharmacists related to medical assistance in dying.
- Appendix A – list of reference documents and educational resources relevant to MAiD.
- Appendix B – Pharmacy MAiD Form template used to document the pharmacy MAiD process.
- Appendix C – Pharmacy MAiD Pathway that provides an overview of the MAiD process for pharmacists.

3 TERMINOLOGY

The following terms and definitions are provided as reference for purposes of these standards.

General Terms and Definitions:

Carter decision	The February 6, 2015 decision of the Supreme Court of Canada striking down the provision in the Criminal Code regarding physician-assisted death.
Effective referral	When the pharmacist or pharmacy exercises conscientious objection, or is otherwise unwilling or unable to participate in MAiD, the pharmacist refers the physician or nurse practitioner to: <ul style="list-style-type: none"> • another pharmacist who is available to accept the referral, accessible to the patient and willing to participate in MAiD; or • the Nova Scotia College of Pharmacists.
Patient	The person seeking medical assistance in dying.
Participating Pharmacist	A pharmacist who has decided to provide pharmacy practice services to support MAiD for a specific patient after receiving a request from a physician or nurse practitioner who provides confirmation that the patient meets all of the MAiD eligibility criteria including that they have obtained informed consent from the patient.
Physician	The First Physician or Second Physician as set out in the College of Physicians and Surgeons of Nova Scotia <i>Professional Standard Regarding Medical Assistance in Dying</i> . The physician is licensed to practise medicine in the province of Nova Scotia.

Terms and Definitions from Amended Criminal Code (MAiD):

Medical Assistance in Dying (MAiD)

Medical Assistance in dying means:

- a. the administering by a medical practitioner or nurse practitioner of a substance to a person, at their request, that causes their death; or
 - b. the prescribing or providing by a medical practitioner or nurse practitioner of a substance to a person, at their request, so that they may self-administer the substance and in doing so cause their own death.
-

Medical Practitioner*

A person who is entitled to practise medicine under the laws of a province.

Note that for purposes of these standards, a “medical practitioner” referenced in the federal legislation is referred to as a physician.

Nurse Practitioner*

A registered nurse who, under the laws of a province, is entitled to practise as a nurse practitioner – or under an equivalent designation – and to autonomously make diagnoses, order and interpret diagnostic tests, prescribe substances and treat patients.

Pharmacist*

A person who is entitled to practise pharmacy under the laws of a province.

* For purposes of these standards, this person is licensed to practise in the province of Nova Scotia.

4 ETHICAL CONSIDERATIONS

The process of providing a medication for the purpose of MAiD raises important ethical issues and differences in viewpoints rooted in an individual's culture, values, morals and spiritual beliefs. A pharmacist needs to thoughtfully consider their personal viewpoint together with professional accountabilities and NSCP standards and policies. They need to be prepared for how they will respond in meeting their clinical, ethical and legal responsibilities if asked to participate in MAiD.

As a pharmacist considers whether they will participate in MAiD, the [*NSCP Code of Ethics*](#) serves as a key resource. In particular, the following values taken from the Code are highlighted for pharmacists to review and guide their decisions and behaviours related to MAiD.

VALUE II - Professional Relationship with the Patient

- Registrants will not discriminate inappropriately against any person in providing pharmacy services.

VALUE III - Respect for Autonomy

- Registrants recognize and respect the patient's needs, beliefs, values, experiences and preferences, particularly as they apply to their attitudes to suggested treatments.
- Registrants inform patients when personal values may influence their provision of care and do so in a manner that respects the patient's right to choose.
- Registrants respect the informed decisions of a competent patient to choose what is right for him or herself, including the choice to refuse treatment or services and to live at risk.

VALUE V - Responsibility to the Patient

- Registrants who do not provide medicines or services to patients because of a conscientious objection including personal, moral or religious reasons, inform pharmacy management of their objections at the earliest opportunity. Pharmacy management provides reasonable accommodation of the registrant's right of conscience and develops an appropriate means to ensure the medicines or services are provided in as timely and convenient a manner as possible.

5 STANDARDS OF PRACTICE

The following Standards of Practice represent the expectations of pharmacy practice specifically associated with MAiD. These are to be considered as clarifying and adding to, but not replacing, the practice expectations set out in the NSCP *Standards of Practice: General Pharmacy Practice* and NSCP policies.

MAiD Participation Requirements

1. A pharmacist who receives a request from a physician or nurse practitioner to participate in MAiD for a specific patient shall provide a response at the earliest opportunity as to whether or not they and their pharmacy will participate. If declining, the pharmacist must provide an *effective referral*.
2. A pharmacist will have the requisite competency if they choose to participate in the MAiD process, including knowledge of the following:
 - College of Physicians and Surgeons of Nova Scotia Professional Standard Regarding Medical Assistance in Dying; and
 - College of Registered Nurses of Nova Scotia Medical Assistance in Dying: A Guideline for Nurses.
3. If a pharmacist receives a prescription for MAiD before being notified in advance by a physician or nurse practitioner, and before agreeing to be a *participating pharmacist*, then the pharmacist shall not proceed until they have been in contact with the physician or nurse practitioner.
4. Prior to participating in MAiD, including before dispensing medication for MAiD, the pharmacist must receive a written confirmation from the physician or nurse practitioner that:
 - the medication is for a specified patient;
 - the medication is intended for MAiD for that specified patient; and
 - the specified patient meets the MAiD eligibility criteria established for physicians and nurse practitioners by their respective regulatory authority as per the amended Criminal Code (MAiD).

The pharmacist shall document receiving the above confirmations from the physician or nurse practitioner on the Pharmacy MAiD Form (refer to Appendix B for the form template).

5. The pharmacist shall document the details of the MAiD process on the Pharmacy MAiD Form as the process proceeds and is completed.

6. A pharmacist shall ensure a prescription received for MAiD:
 - meets the legal requirements for a prescription;
 - is patient specific (i.e. is not for “office use”);
 - is for medications consistent with a recognized MAiD drug protocol; and
 - is written on the NS Prescription Monitoring Program (PMP) duplicate pad form, if applicable.
7. The additional quantity of the MAiD medication(s) required as a contingency for potential spoilage or additional dosing must be prescribed separately. The drugs shall be dispensed at the same time as, but packaged separately from, the primary MAiD prescription(s). The package shall be identified as an additional supply for clarity to those involved in the administration of the medications.
8. Prior to release, the pharmacist shall store the prepared MAiD prescription(s) in the pharmacy’s locked safe or cabinet.
9. The pharmacist shall release the MAiD medication(s):
 - to the physician or nurse practitioner, or a licensed health care professional designated by the physician or nurse practitioner; and
 - on the date specified by the physician or nurse practitioner.
10. The pharmacist shall either provide the patient counselling or receive confirmation from the physician or nurse practitioner that they are providing the patient counselling related to the MAiD medications.
11. The pharmacist shall ensure the physician or nurse practitioner has information on the preparation, stability, storage and any other details supporting the efficacy and administration of the MAiD drugs by:
 - providing this information to the physician or nurse practitioner; or
 - confirming with the physician or nurse practitioner that they have this information.
12. The pharmacist shall support the secure and timely return and disposal of any unused MAiD drugs consistent with the approach established in collaboration with the physician or nurse practitioner.
13. The pharmacist shall file and report MAiD related information to any designated government organization(s) in accordance with the required format, manner and schedule.

Practice Limitations

14. A pharmacist shall NOT participate in MAiD without first being contacted by a physician or nurse practitioner with a request to support MAiD for a specific patient.
15. A pharmacist shall NOT perform any activity which is leading, or that may imply they are leading, the MAiD process. In particular, a pharmacist shall NOT provide counselling regarding MAiD (including information about medications or drug protocols) unless directly supporting the provision of MAiD for a specific patient at the request of a physician or nurse practitioner. Until such time, the pharmacist shall refer the individual to:
 - their family physician or another physician or nurse practitioner of their choice; or
 - if that is not possible, the individual may call the Nova Scotia Health Authority. Contact information is available at www.nshealth.ca/about-us/medical-assistance-dying.
16. A pharmacist shall NOT assess a patient to determine if their condition is grievous or irremediable or if they meet the MAiD eligibility criteria.
17. A pharmacist shall NOT collect patient consent for MAiD. This is the responsibility of the physician or nurse practitioner.
18. A pharmacist shall NOT prescribe drugs for MAiD. This includes NOT adapting a prescription. The authority provided by the *Pharmacist Drug Prescribing Regulations* does NOT apply to MAiD.
19. A pharmacist shall NOT dispense drugs intended for MAiD as “for office use”. A prescription for MAiD must be dispensed under the patient’s name and documented in the patient record.
20. The pharmacist shall NOT delegate the responsibility and accountability for the dispensing of MAiD medications.
21. A pharmacist shall NOT engage in any pharmacy practice activities supporting MAiD which present a conflict of interest or compromise their professional independence, judgment or integrity. This includes NOT participating in MAiD if:
 - The pharmacist is or believes they may be a beneficiary under the will of the patient.
 - The pharmacist is or believes they may be a recipient, in any other way, of a financial or other material benefit resulting from the patient’s death, other than the standard compensation received for the services provided.
 - The medication is for themselves, a family member or someone with whom they have a close personal relationship.

Conscientious Objection

22. If a pharmacist or a pharmacy decides to exercise conscientious objection and not participate in MAiD, or is otherwise unwilling or unable to do so, the pharmacist must:
- Inform pharmacy management of their objections at the earliest opportunity.
 - Advise the physician or nurse practitioner at the earliest opportunity upon receiving a request to participate.
 - Not impede or block access to information, care or services for MAiD.
 - Provide the physician or nurse practitioner with an *effective referral* to:
 - another pharmacist who is available to accept the referral, accessible to the patient and willing to participate in MAiD; or
 - the Nova Scotia College of Pharmacists.
 - Take steps to ensure continuity of care for the patient, which includes:
 - Expediting the provision of all relevant medication records to the physician, nurse practitioner and/or other pharmacy; and
 - Continuing to provide pharmacy services unrelated to MAiD unless the patient requests otherwise or until an effective transfer of care has been completed.
 - Not directly convey or express any disapproving or other judgmental opinions regarding the decisions or beliefs of those involved in MAiD.

APPENDIX A – MAiD REFERENCES AND RESOURCES

Reference Documents

A pharmacist shall fulfill their accountabilities and responsibilities for MAiD in accordance with the *Standards of Practice: Medical Assistance in Dying* as well as existing legislation, regulations, the NSCP *Code of Ethics*, other standards of practice and policy directives relevant to pharmacy practice in Nova Scotia (refer to www.nspharmacists.ca).

Information on MAiD drug protocols to support the pharmacist in meeting the standards is available on the NSCP website (pharmacist login and password required) posted under “Library > Home > Pharmacist’s Documents” in the members only section of the site.

Additional references are provided below.

- [NSCP members only MAiD Library](#)
- [An Act to Amend the Criminal Code and to make related amendments to other Acts \(medical assistance in dying\), S.C 2016, c. 3](#)
- [Nova Scotia Health Authority – Medical Assistance in Dying: Frequently Asked Questions](#)
- [Report of the External Panel on Options for a Legislative Response to Carter v. Canada](#)
- [Report of the Provincial-Territorial Expert Advisory Group on Physician-Assisted Dying](#)
- [Report of the Special Joint Committee on Physician-Assisted Dying](#)
- [CPSNS Professional Standard Regarding Medical Assistance in Dying](#)
- [CRNNS Medical Assistance in Dying: A Guideline for Nurses](#)
- [NSCP Code of Ethics](#)

Educational Resources

A pharmacist should complete education and access information regarding medical assistance in dying to be prepared for requests to participate in MAiD. A pharmacist may also choose to access counselling, spiritual guidance and other services to support their own well-being. Following are document references which may provide helpful information for pharmacists:

- [An Ethics-based Analysis and Recommendations for Implementing Physician-Assisted Dying in Canada, Joint Centre for Bioethics, University of Toronto, 2016](#)
- [Making an Ethical Decision, Santa Clara University, 2009](#)
- [Model for Ethical Decision Making, College of Pharmacists of British Columbia, 2011](#)

APPENDIX B – PHARMACY MAiD FORM

Refer to the next page for the Pharmacy MAiD Form template. The form is used to document the MAiD process.

Pharmacy MAiD Form

Date:

Identification and Confirmation

Patient Information

Name (print)		DOB:
Address		Health Card Number:
Medical Information (only if pertinent to MAiD - allergies, etc.)		

Physician or Nurse Practitioner Information

Name (print)		Licence #:
Address		
Telephone Number		

Physician or Nurse Practitioner Confirmations

I declare that I have received the following confirmations in writing from the above physician or nurse practitioner:

- The prescribed medication is for this specified patient.
- The prescribed medication is intended for medical assistance in dying for this specified patient.
- This specified patient meets the MAiD eligibility criteria.

Pharmacist Name (print)	
Pharmacist Signature	
Pharmacy Name and Address	

Note that the intention is NOT that the pharmacist will perform an assessment of the patient's eligibility for MAiD. The assessment is only completed by the physician/nurse practitioner.

Collaboration and Planning	
Patient Name (print):	Date:
Plan for Prescription Release from Pharmacist	
Release date (YYYY MM DD) <i>Do not release prescription(s) before this date.</i>	
Name (print) of person to whom prescription(s) will be released	
Expiry date of prescription(s) (YYYY MM DD) <i>Do not release prescription(s) on or after this date.</i>	
Patient Counselling Approach	
Name (print) of physician, nurse practitioner or pharmacist who will provide patient counselling	
Name (print) of person to receive patient counselling (if not patient)	
Plan for Concluding MAiD Process	
A plan has been established for how the physician or nurse practitioner will advise the pharmacist about the patient's death.	<input type="checkbox"/> Yes
An approach has been established for the return of any unused drug(s) to the community pharmacy for secure and timely disposal.	<input type="checkbox"/> Yes

Prescription Fulfillment

Patient Name (print):	Date:
-----------------------	-------

Dispensing Sign Off

Dispensed by:	Name of Pharmacist	License #
	Signature	Date

Record prescription numbers below for all dispensed MAiD medications:

Primary MAiD Medications:	Additional Quantity Supply:
---------------------------	-----------------------------

Medication Release Sign Off

Medication(s) Released by:	Name of Pharmacist	Date
	Signature	

Medication(s) Received by:	Name	Date
	Signature	

Details of Confirming Photo ID, if applicable	
--	--

Patient Death Information

The physician or nurse practitioner will provide the patient's date of death to the pharmacist.

Date of death	
----------------------	--

Return of any Unused Medications to Pharmacist for Disposal

The physician or nurse practitioner will notify the pharmacist if any unused medication(s) remain. Together they will determine the approach to return unused medication(s) as soon as possible.

Medication(s) and quantity returned:	
---	--

Returned by:	Name	
	Signature	

Received by:	Name of Pharmacist	
	Signature	
	Date	

APPENDIX C – PHARMACY MAiD PATHWAY



