



College of  
Registered Nurses  
of Manitoba

# Medical Assistance in Dying (MAiD) Guidelines for Manitoba Nurses: RN(NP) Supplement

## Introduction and Purpose

The *Criminal Code of Canada* outlines eligibility criteria and safeguards for medical assistance in dying (MAiD).

General guidance for all nurses in Manitoba related to MAiD can be found in the tri-college document *Medical Assistance in Dying (MAiD): Guidelines for Manitoba Nurses*. The purpose of this supplement is to provide additional clarity for RN(NP)s regarding applying practice expectations within their extended authority to assess eligibility for MAiD; or provide MAiD with the support of the Provincial MAiD Clinical Team. The Model Practice Standard for Medical Assistance in Dying (MAiD) released by the government of Canada in March 2023 reflects the current state of Canadian law with respect to MAiD (as established by the Criminal Code). It is this Standard that applies to all MAiD cases. Any requests for MAiD where a mental disorder is the sole underlying medical condition (MAiD MD-SUMC) do not meet criteria for MAiD.

No health-care provider can be compelled to prescribe or administer substances for the purpose of MAiD. However, they are expected to provide safe, compassionate, competent, and ethical care if a client expresses interest in MAiD. Notwithstanding any conscientious objection, the RN(NP) is expected to provide care within the practice expectations outlined in:

Practice Expectations for RNs;

Practice Expectations for RN(NP)s;

Interprofessional Collaborative Care; and

Code of Ethics for Registered Nurses.

## Applying the Practice Expectations

Through the course of providing care that meets federally legislated criteria and safeguards, as an RN(NP) you can demonstrate the practice expectations by doing the following:

### Scope of Practice

1. As an RN(NP) who chooses to assess eligibility for or provide MAiD, you must have sufficient relevant education, experience, and qualifications to safely and competently do so in the circumstances of each case. This should include training in capacity assessment, trauma-informed care, and cultural safety and humility.

### Response to Expressions of Interest

2. Use an evidence-informed guideline/protocol to ensure that your response to a client's expressions of interest about MAiD and your provision of care related to MAiD includes a team approach, comprehensive assessment, and supportive care (e.g. Shared Health Medical Assistance in Dying Guidelines).
3. Consult with qualified health-care providers if you do not have the knowledge, skill and judgment necessary to work with clients regarding MAiD (e.g. Provincial Medical Assistance in Dying Team: <https://sharedhealthmb.ca/services/maid/>).
4. Maintain continuity of client-centered care without promoting your own values or beliefs about MAiD with clients. You must take reasonable steps to ensure the client does not perceive coercion, inducement, or

pressure to pursue or not pursue MAiD. Advising clients of potential eligibility for MAiD is distinct from counselling persons to consider MAiD.

5. Include the client's family and natural support system in care as far as the client consents to their involvement. Assessors and providers of MAiD must not disclose that a client has requested a MAiD assessment or provision without the explicit consent to do so from the client.

### Conscientious Objection

6. Anticipate, in advance as much as possible, whether you have any conscientious objection related to MAiD.
7. Base any conscientious objection upon moral concern, informed choice and not upon prejudice, fear or convenience.
8. If you conscientiously object to MAiD:
  - i) Express this sensitively and appropriately to your employer with as much advance notice as possible.
  - ii) You must take reasonable steps to ensure clients are informed of the full range of treatment options available to relieve suffering.
  - iii) You must not assume that all persons potentially eligible for MAiD are aware that MAiD is legal and available in Canada.
  - iv) Continue to provide safe, compassionate, competent, ethical care and treatment not related to MAiD. You must not discharge the client from your care on the grounds that a MAiD request has been made or the client is receiving services from the Provincial MAiD Clinical Team.
  - v) The provision of care includes, at a minimum, information about timely access to MAiD if you have reasonable grounds to believe that your client may be eligible, and that MAiD is consistent with the client's values and goals of care.

### Assess Eligibility

9. Assess eligibility to ensure that the person meets legislated criteria outlined in Criminal Code 241.2 (1).

10. An important part of assessing eligibility is the determination of capacity to make the decision. When assessing capacity to make decisions with respect to MAiD, the provider and assessor must determine whether the client has the capacity to understand and appreciate:
  - i) The history and prognosis of their medical condition(s);
  - ii) Their treatment options and their risks and benefits; and
  - iii) That the intended outcome of the provision of MAiD is death.
11. Assess the client's capacity to understand information about MAiD to provide informed consent for MAiD, as evidenced by:
  - i) Retaining information about MAiD long enough to explain in their own words,
  - ii) Weighing options for care according to their own values, and
  - iii) Communicating their decision. Where the client experiences communication challenges, include a service provider who has expertise in augmentative communication (e.g. qualified translator or speech language pathologist with certification to act as a communication intermediary).
12. Note that assessment of capacity to make a decision in this regard is different from assessment of competency under the Manitoba government's *Mental Health Act* or *The Vulnerable Persons Living with a Mental Disability Act*.
13. In the event that you have any reasonable doubt as to the person's competence, seek an additional independent assessment by another qualified and specialized health-care provider (e.g. psychiatrist).
14. Where you do not have the competence to assess the client's decision-making capacity, consult with another qualified health-care provider who has the relevant expertise to assess the client's decision-making capacity for MAiD.

15. To find a client eligible for MAiD, assessors and providers must be satisfied that the client's decision to request MAiD has been made freely, without undue influence from family members, health care providers, or others.

### Ensure Safeguards

16. Ensure specific safeguards for natural death foreseeable or natural death not foreseeable outlined in the *Criminal Code of Canada* are implemented and documented based on the assessment of the client.
17. When ensuring independence between yourself and the other RN(NP) or medical practitioner who will either provide MAiD or an opinion confirming that the person meets the eligibility criteria, ensure that either of you are not:

i) A mentor to the other practitioner or responsible for supervising their work;

ii) Knowing or believing that you are a beneficiary under the will of the person making the request, or a recipient, in any other way, of a financial or other material benefit resulting from that person's death, other than standard compensation for their services relating to the request; or

iii) Knowing or believing that you are connected to the other practitioner or to the person making the request in any other way that would affect their objectivity.

### Apply Reasonable Knowledge, Care and Skill

18. Provide MAiD with reasonable knowledge, care, and skill in accordance with any applicable provincial laws, rules or standards including availability from the time of medication administration until death occurs. As necessary, seek out training with respect to MAiD as well as aspects of care for expressions of intent and after-care.
19. Recognize the provision of MAiD excludes ordering another health-care provider or person to provide or administer a substance that will cause MAiD.

### Meet Prescribing Practice Expectations

20. Before prescribing a substance intended for MAiD, you must inform the pharmacist who will dispense

the substance that the substance is intended for that purpose. In Manitoba, only specific pharmacies have the authority to dispense substances for MAiD.

21. Meet all prescribing expectations as outlined in the Practice expectations for RN(NP)s.

### Document, Monitor and Report

22. Document in the client's health-care record all assessments, diagnoses, plans, care provided and evaluations that are relevant to your role.
23. Meet all practice expectations related to client records as outlined in the Practice Expectations for RNs.

## Resources

[\*Criminal Code of Canada - Code 241\*](#)

[\*Medical Assistance in Dying \(MAiD\) - Shared Health\*](#)

### College Resources

[Code of Ethics for Registered Nurses](#)

[Medical Assistance in Dying \(MAiD\): Guidelines for Manitoba Nurses](#)

[Practice Expectations for RNs](#)

[Practice Expectations for RN\(NP\)s](#)

[Interprofessional Collaborative Care](#)

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For more information please contact one of  
our quality practice consultants at

**204-774-3477**

**[practice@crnm.mb.ca](mailto:practice@crnm.mb.ca)**

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