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Contemporaneous
and Advance Requests for

Medical Aid in Dying

Do you know the difference between the two?



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This guide was made possible with funding from:

Department of Justice Canada

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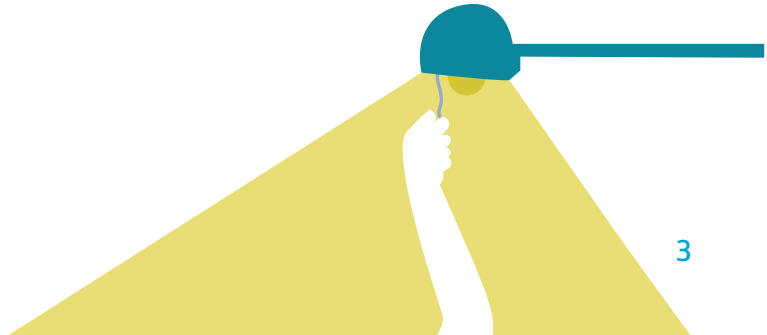
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In Quebec, people who are experiencing unbearable suffering can ask a doctor or specialized nurse practitioner to give them medication to end their lives. This is called **medical aid in dying (MAID)**.

There are two types of requests for MAID:

the **contemporaneous request**, to receive MAID relatively soon, p. 8

the **advance request**, to receive MAID in the future, when the person no longer has legal capacity to consent to care. p.12



Who can request MAID?

To request MAID, you must:

- ✓ be 18 years old or older,
- ✓ have a Quebec health insurance card (RAMQ),
- ✓ be able to understand and have legal capcity to make decisions about your health care at the time of the request, free of any outside pressure,
- ✓ have a serious and incurable illness or condition*.

*You cannot request MAID based solely on a mental disorder. The only exception is a neurocognitive disorder.

You must also meet **additional requirements**, depending on the type of request:

Contemporaneous request

- Your illness or condition must seriously affect your health, with no chance of getting better.
- You must have been informed about the ways available to relieve your suffering and have found them unacceptable.
- You must be in constant and unbearable physical or psychological pain.

Advance request

- Your illness must lead to incapacity to give consent to health care (ex. Alzheimer's disease).
- You must have been informed about your illness, how it's expected to progress and the available treatment options.

A summary of the differences between the two types of MAID requests

Contemporaneous request	Advance request
You ask for MAID because you want to receive it **as soon as possible.**	You ask for MAID in advance, **in case you later become incapacitated** and unable to consent to health care.
You must generally still have legal capacity to consent to health care when MAID is given.	You no longer have legal capacity to consent to health care when MAID is given.
Your request is **based on your current situation**: you must be in constant and unbearable pain when you make the request.	Your request is **based on specific symptoms or signs that you identify in advance**. You must be suffering from constant and unbearable pain at the time MAID is given. You don't need to be experiencing that pain when you make the request.
The healthcare team evaluates your request and starts the process to act on it **when it's received.**	The healthcare team will evaluate your request and start the process to act on it **once you show the symptoms identified in advance or show signs of constant and unbearable suffering.**

Contemporaneous requests for medical aid in dying

How do you make a request?

A patient who wants to get MAID must use a government form to request it. They must sign and date the form themselves unless they are physically unable to do it. In that case, someone else can sign for them in their presence and following their instructions.

A healthcare or social services professional must be present as an independent witness when the patient signs the form. They must then sign the form as well. If this professional isn't the doctor or specialized nurse practitioner treating the patient, they must give the completed form to that doctor or specialized nurse practitioner.

! CANCELLATION

The patient can change their mind and cancel their request for MAID at any time. They can also ask to postpone MAID to a later date.

What happens after a request is made?

After a contemporaneous request for MAID is received, the healthcare professional treating the patient must evaluate if the patient meets all the requirements.

If they're satisfied that the patient meets the requirements, a second doctor or specialized nurse practitioner must also confirm in writing that the patient meets the requirements and is eligible for MAID.

What happens next depends on whether the patient's natural death is reasonably foreseeable.

When natural death is reasonably foreseeable

A patient's natural death is reasonably foreseeable when a doctor or specialized nurse practitioner believes there's a real possibility that the patient will die within a relatively short period of time.

If a patient's natural death is reasonably foreseeable, the doctor or specialized nurse practitioner treating the patient can give MAID without further delay. In most cases, they must make sure the patient still consents to receive MAID immediately before it's given.

When natural death is not reasonably foreseeable

If a patient's natural death is not reasonably foreseeable, the doctor or specialized nurse practitioner treating the patient may need to get a third opinion from a specialist in the patient's medical condition. This is required if neither of the previous two evaluations were done by a specialist.

The treating healthcare professional must also meet with the patient to discuss other ways to relieve their suffering, like counselling services, mental health and disability support services, community services and palliative care.

Finally, the patient will generally have to wait at least 90 days from the start of the first evaluation before MAID is given.

Once these additional requirements are met, the treating healthcare professional can give MAID. In most cases, they must make sure the patient still consents to receive MAID immediately before it's given.

Advance requests for medical aid in dying

How do you make a request?

A patient who wants to get MAID must use a government form to request it. They must sign and date the form themselves unless they are physically unable to do it. In that case, someone else can fill it out and sign for them in their presence and following their instructions.

The patient must make the request in front of a notary or in front of two witnesses. They must also be assisted by a doctor or a specialized nurse practitioner. The healthcare professional's role includes making sure the patient meets the requirements to request MAID.

In the form, the person making the request must describe the symptoms to come that justify giving MAID.

The patient and the healthcare professional assisting them must both sign the form in front of the notary or two witnesses. Once the form is completed and signed, it's added to an official register that contains all advance requests for MAID.

! CANCELLATION

The patient can change their mind and cancel their request for MAID at any time while they still have the legal capacity to consent to health care.

What happens after a request is made?

The patient's illness must progress before anything else happens. They must be found legally incapacitated and unable to consent to health care.

Once the patient becomes incapacitated, healthcare professionals must check the register of advance requests for MAID and inform the other members of the healthcare team about the request.

Trusted individuals named in the request are responsible for informing the medical or social services staff caring for the patient **if they see the symptoms described in the request or believe that the patient is suffering constant and unbearable pain.**

Once informed of the situation—or if they notice it on their own—the doctor or specialized nurse practitioner treating the patient must examine the patient and speak with the trusted individuals and other members of the healthcare team.

To move forward with the request, the treating healthcare professional must conclude in writing that the patient:

- repeatedly experiences the symptoms described in their advance request as those that should lead to MAID,
- suffers from constant, unbearable physical or psychological pain that can't be relieved in a tolerable way.

If they're satisfied that the patient meets the requirements, a second doctor or specialized nurse practitioner must also confirm in writing that the patient meets the requirements and is eligible for MAID.

Once these two assessments have been done, MAID can be given, unless the patient refuses to receive it. However, MAID can still be given if the healthcare professional believes that the patient isn't refusing MAID, but rather that their behaviour is a symptom of their illness. For example, this may be the case if the patient resists all health care.

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For more information about medical aid in dying:

- *Medical Aid in Dying : General Rules*
- *Requesting Medical Aid in Dying Ahead of time: "Advance Requests"*

You can also contact Quebec's association for the right to die with dignity for additional support:
aqdmd.org/en/

