To: All Ontario Physicians

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Re: Medical Assistance in Dying

Background:

On April 14, 2016, the federal government introduced Bill C-14: An Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying). Given that the federal legislation did not pass by June 6, 2016, the criteria set out in the Supreme Court of Canada’s decision in Carter v. Canada forms the legal basis for the provision of medical assistance in dying (MAID) until federal legislation is enacted.

This means that physicians will legally be allowed to provide assistance in dying to a competent adult person who (1) clearly consents to the termination of life, and (2) has a grievous and irremediable medical condition (including an illness, disease or disability) that causes enduring suffering that is intolerable to the individual in the circumstances of his or her condition.

In addition to the criteria set out in the Carter v. Canada, the College of Physicians and Surgeons of Ontario (CPSO) has established interim guidance, which lay out a number of safeguards for the provision of MAID in Ontario.

For further information related to the provision of MAID in Ontario, physicians should refer to the CPSO’s website (http://www.cpso.on.ca/).
Payment for Provision of MAID Services:

MAID is an insured service in Ontario. Physicians will be eligible to be paid by OHIP for required services in the provision of MAID.

Until further notice, physicians who provide a required service in the provision of MAID should use the existing fee code(s) that are appropriate to the service provided. For example, this may include consultations, assessment, counseling, primary mental health care, or house call assessments.

As a reminder, patients must meet the following eligibility requirements in order to be publicly insured for health service in Ontario:

- be a Canadian citizen, permanent resident or among one of the newcomer to Canada groups who are eligible for OHIP as set out in Ontario’s Health Insurance Act; and
- be physically present in Ontario for 153 days in any 12-month period; and
- be physically present in Ontario for at least 153 days of the first 183 days immediately after establishing residency in the province; and
- make their primary place of residence in Ontario.

Other Resources:

For any other inquiries, please visit https://www.ontario.ca/page/medical-assistance-dying-and-end-life-decisions or contact the Service Support Contact Centre at 1-800-262-6524 or SSContactCentre.MOH@ontario.ca

If physicians have legal questions, they should either contact the CPSO or their legal counsel.