



EMMANUEL CARE – UPDATE ON PAD

DATE: December 4TH, 2015
TO: Physician, Board Members and CEO's of Emmanuel Care facilities,
FROM: Scott Irwin, President and CEO
RE: Emmanuel Care response to Physician Assisted Death

Background

On February 6, 2015, the Supreme Court of Canada struck down Criminal Code provisions prohibiting physician assisted death. The court allow for a 12 month period to draft new law. Yesterday, Dec. 3rd, the Federal Department of Justice requested a 6 month extension of the suspension by the Supreme Court of Canada of the effects of its decision in the Carter v. Canada case regarding physician-assisted death. Unless this extension is granted as February 6, 2016, whether or not new federal legislation is passed it will not be illegal for a physician to assist a patient to die, if they meet the following criteria¹:

- 1) The patient consents;
- 2) The patient has a grievous medical condition;
- 3) The condition is irremediable using treatments that the patient is not willing to accept; and,
- 4) The patient's suffering is intolerable to the patient.

Emmanuel Care, as member of the Catholic Health Alliance of Canada (CHAC), has been part of numerous meetings and discussions at the national level on how best to remain engaged as this issue unfolds in our country. Throughout, we remain committed to upholding our institutional integrity, honoring our mission to affirm the sacredness of life, while respecting the needs and values of all we serve, and with those with whom we work.

The Supreme Court has given Parliament and the provincial governments a year to respond in developing the necessary legislative frameworks in which physician assisted death and voluntary euthanasia could be legally practiced, and under what specific medical conditions and criteria.

Emmanuel Care position

Emmanuel Care and Catholic providers across Canada are an important voice in this critical national conversation. As Emmanuel Care works with others to understand the implications of the ruling, we have focused our efforts on advocating for:

- comprehensive, quality palliative and end-of-life care as a core component of the health system across Canada

¹ Carter's criteria - Carter v. Canada (Attorney General): Decision Summary
http://www.cmdscanada.org/my_folders/PAD/CarterDecisionSummary.pdf

- the development of comprehensive and rigorous criteria and processes in the emerging practice that mitigates risks and/or harms to patients, health professionals, caregivers and health care providers
- the protection of healthcare providers and organizations to uphold the right to conscientiously objecting to cooperate in providing physician assisted deaths or in the direct referral that would allow this act to occur.

Key messages

The issue of physician assisted death is complex and raises many questions. Emmanuel Care has consulted with physicians, clinical leaders and diocesan groups over the past ten months while considering our ethical principles, mission and values.

We are also working with Catholic providers across Canada to draft common policies and approaches, and together with our colleagues across Canada and various professional bodies to reflect on such issues as conscience, medical criteria, standards of practice and other implications of the Supreme Court ruling, with the aim of minimizing harm.

It is important to note the Supreme Court of Canada ruling recognizes the constitutional rights of both patients and physicians, and that such rights need to be reconciled. In keeping with our principles and moral integrity, Emmanuel Care also continues to affirm the conscientious rights of our staff and physicians where the exercise of conscience does not put the person in care at risk of harm or abandonment (*Health Ethics Guide, 2012*).

Scott Irwin
President and CEO of
Emmanuel Care