

A Brief for the Joint Committee on Physician Assisted Dying

Submitted By

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Dear Special Joint Committee on Physician Assisted Dying

When the Supreme Court of Canada ruling in Carter v. Canada in February of 2015 was made public, I imagine hearing a sigh of relief from the vast majority (84%) of Canadians. Riveted to my TV all day, I shed tears of happiness when the actual wording was read out. I now wait with hope that the Special Joint Committee will accept the principles outlined by the Supreme Court and recommend that these fair and necessary principles be incorporated into legislation for the benefit of Canadians who need and desire this assistance.

I was impressed by the wording of the Supreme Court regarding who is eligible for PAD. The phrase used: "grievous and irremediable medical condition that is intolerable to them" does not limit the eligibility by commonly-used but restrictive words such as "illness or "months from dying" but I think the word "medical" (as in "medical condition") should NOT be used because it is restrictive. The phrase "intolerable to them" allows the affected person, not the doctor, not the family, to decide if his/her condition is intolerable. I think it is insulting if the patient is not allowed to make some of the most important decisions of his/her life.

I would like to talk about one other condition that is intolerable to many people, including myself, and that condition is dementia. More and more Canadians are filling out an Advanced Care document which will state his/her desires regarding when the medical community should stop trying to save him/her under certain conditions. They also appoint someone who knows the wishes of the person and will speak for him/her if speech/communication is gone. Dementia is in my family history. At some point, I will prefer death but I want to be able to state clearly in advance that I would like a peaceful death when I have reached that stage. I do not want the request to be thrown out because I am no longer competent. I was competent when I described the condition I could not bear and want my wish for a peaceful PAD death to be honoured.

Another perhaps obvious principle which will protect Canadians is having the requirement that two, not one, physicians will verify free and informed consent. To me, that idea is necessary. If there were any patient issues about the PAD request, two (or more) physicians can discuss the patient's qualifications and hopefully come to an intelligent and caring decision.

A related protective clause should say that if the physicians in a person's medical community are opposed to PAD, they must refer the person to a facility that is not opposed to PAD. Publicly funded healthcare facilities MUST allow PAD on their premises even if they have to temporarily bring in an outside physician who is not opposed. I think Canada learned a lesson when abortion was legalized without many of these safeguards. Another helpful suggestion is that, especially in small or remote communities, other healthcare providers such as nurses,

physician-assistants, should be allowed to assist the doctor. Canadians must have access to medical care.

When you are considering all the possibilities, all the arguments, large and small, please do not neglect the small words and phrases. These will mean the difference between legislation which denies some Canadians access to PAD and legislation that is fair and accessible to qualifying Canadians.

Canadians have good reason to be proud of our healthcare, healthcare which is available to us from birth to death. All of us are going to die but some of us face unbearable suffering in death or unbearable suffering in quality of life. The Committee can help Canadians facing this suffering by creating a well-thought-out, fair, and caring path to a peaceful death.

I want to thank you, the Special Joint Committee on Physician Assisted Dying, for listening to ordinary Canadians. This is the core of democracy.

Thank you.

Carol Rankmore