

brief

Sent: February 2, 2016 1:17 AM

To: Physician-Assisted Dying Committee Comité Aide médicale à mourir

Subject: Physician Assisted Dying

To: Special Joint Committee on Physician Assisted Dying

I am concerned about any forthcoming legislation regulating physician-assisted death (PAD). I know this is a shared responsibility between the federal and provincial authorities. I will leave those details for you to sort out, but I do ask that the legislation will ensure that:

1. the recommendations made by the Provincial-Territorial Expert Advisory Group on Assisted Dying will be implemented.
2. patient declaration forms completed prior to the diagnosis of grievous and irremediable conditions will be considered valid.
3. there will be equal access to PAD across Canada.

1. The Provincial-Territorial Expert Advisory Group was spear-headed by Ontario but residents of all provinces participated in their on-line survey. Therefore, their recommendations represent the opinion of Canadians across the country. They represent an outstandingly balanced approach to the subject, ensuring safeguards against abuse by their insistence on a second opinion by a second doctor and the assurance that the request for PAD is the patient's true desire. At the same time, in their words, "the recommendations place the patient at the centre." There are two approaches to this problem. One is to start with the importance of the safeguards and ask, "given them, how much can we allow for the patient." The other approach is to start with the desire of the suffering patient and ask "how can we implement safeguards without denying the patient's needs and constitutional rights." The Advisory Group took the second approach. I hope you will too. Any legislation should be patient-centered.

The Advisory Group did a good job of consultation with experts and stakeholder groups and investigation of how other jurisdictions implement assisted dying. Their recommendations are practical, logical and compassionate. Please implement the availability of PAD for suffering Canadians as soon as possible, using their recommendations.

2. The one recommendation I ask you to reconsider is #13 which asks that a group be formed "to study and report in a year's time whether patient declaration forms completed prior to a diagnosis of a grievous and irremediable medical condition might also be considered valid." Why does this require extra time? We are encouraged to have an Advance Directive so that while we are competent we can outline what medical treatments we want or don't want in the future. We should be able to do the same for PAD. For instance, a person might be diagnosed with serious brain damage due an automobile accident and therefore be unable to sign a declaration form. Later, suffering unbearably from a cancer condition, he/she would be denied their constitutional right to request PAD. Let's get the law right, NOW, and avoid another trip to the Supreme Court.

This is not an easy job you have. Good luck in your work to provide all Canadians with the opportunity choose the manner of their dying, if that is truly their wish.

Respectfully submitted

Margot Lods
