

DATE: 04.11.2020
TO: JUSTICE COMMITTEE
RE: BILL C-7 – AN ACT TO AMEND MAiD
FROM: RON POSNO

PRIMARY QUALIFICATION: I am 80+ years of age and I was assessed with dementia more than four years ago.

SECONDARY QUALIFICATIONS: I have three university graduate degrees including a doctorate from the University of Toronto. My career leadership in the education and support of people with special needs was professionally accepted and nationally recognised with an award as early as 1970. Since then, I became a consultant, school superintendent, and continued to teach in thirteen different colleges and universities across Canada and the U.S.A.

MY PURPOSE: To support the successful adoption of Bill C-7 – an Act to amend the existing legislation respecting Medical Assistance in Dying (MAiD).

NOTE: MAiD is likely the most significant health legislation since the Canada Health Act in 1968. However, it failed to meet the directive of the Supreme Court of Canada (Carter Decision, 2015) and within a year of its passage, it was challenged with three different cases in three provinces - British Columbia, Ontario, and Quebec. Bill C-7 is a consequence of the first court to respond (Quebec Superior Court (Truchon & Gladu 2018). The cases in British Columbia and Ontario have been suspended pending determination of C-7.

Bill C-7 does not address all the failures of MAiD, however it attempts to correct some of the important shortcomings with respect to the following:

1. Discontinuance of any consideration of “death in the foreseeable future” as a limiting factor;
2. Primary consideration of remaining life as a period of “unendurable pain and agony,” and;
3. Allowance of an “Advance Request*” well before provision of assistance to die.

**** The term “Advance Request” would be better replaced with the term “Advance Directive” to ensure that a request has been accepted and will be completed as agreed and determined.***

MAJOR CONSIDERATIONS: Up until now, MAiD has failed to allow for any consideration of people with dementia. Before the pandemic, almost 600,000 people in Canada were diagnosed with Alzheimer's which is only one of at least thirteen classifications of dementia (albeit the most common - about 65%). Dementia is characterized as a physical condition resulting in an eventual, complete failure of brain function. In spite of more than fifty years of focussed research there is no cure nor preventive measure. It is not immediate - after diagnosis there is a period of five to fifteen years of decline. By the final end-of-life stage, a person with dementia has lost all cognitive function and barely exists with the mind and behaviour of an infant. S/he is totally dependent upon others for whatever existence remains.

While cogent and rational - a period of five to ten years - people with dementia can consider medical care and many would choose MAiD - if it was available. Just one example ...

... In October, 2018 I had the opportunity to be interviewed on CBC National Radio by Michael Enright about my wish for MAiD. In spite of no suggested contact information, more than 5,000 people across Canada reached out to me for support or more information. Here's the story of one through the words of his daughter.

Gus was a retired auto worker in Windsor. For five years he was happy, meeting with his friends at Tim Horton's or the Legion. He kept busy in his garage workshop - restoring old motorcycles and being the neighbourhood fix-it guy. Then he was assessed with Alzheimer's. His life stopped - he retired to the confines of his kitchen - refusing to see or hear anyone. Just worrying!

Gus and Terri (his daughter) listened to my interview with Enright. Terri said, "Dad brightened right up. That's what I'm going to do. I'm going to get MAiD."

That afternoon, he went out, straightened out his workshop, and promised a neighbour to clean her gutters.

Unfortunately, I had to tell Terri that her dad was not eligible for MAiD. The law made it impossible for people with dementia to apply. She told her dad ... and then I received her email ...

... "Dad's done it! Last night, early in the morning he pushed his motorcycle out, drove it to the river and jumped in."

The next day, I received a picture of Terri standing on the icy rocks looking down the river. It was early November. They found his body just before New Year's.

Since then, Terri and I have talked. She told me early on, that it wasn't my fault. The possibility of MAiD provided my dad with a "Beacon of Hope."

I had never before considered MAiD as “A Beacon of Hope.” What an opportunity! Think of all the many people who could restart their lives - after diagnosis - with the assurance of an Advance Request/Directive. They don’t have to complete the directive. Some may change their minds, but having the choice can make the rest of their life endurable and worthwhile.

Last January the Federal Government undertook a survey of Canadians about MAiD. In less than two weeks, the government offices were swamped with more than 320,000 responses. At the same time, a Leger poll indicated that 87% of all Canadians wanted an improved MAiD.

C-7 responds to changes expected by the Quebec Superior Court. It’s an important first step. Next year, we are anticipating a formal, more complete review of MAiD promised by the passage of C-14 - the progenitor of MAiD. Let’s pass C-7. It’s needed and will help thousands of people like Gus. We can deal with the possibility of additional MAiD change during the next review.

Our choice is now. C-7 is a big step to a better future. It can provide a true “Beacon of Hope.”

Respectfully submitted,

Dr. Ron Posno, B.A., M.Ed., Ed.D.

PS: During the review of the originating legislation of MAiD, much time was taken considering the euthanasia law of the Netherlands and Belgium. After more than twenty years, the restrictions respecting dementia were removed this past summer.