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Bill 84

An Act to amend various Acts with respect to medical assistance in dying

The Hon. E. Hoskins

Minister of Health and Long-Term Care

Government Bill

1st Reading December 7, 2016

2nd Reading March 9, 2017

3rd Reading

Royal Assent

*(Reprinted as amended by the Standing Committee on Finance and Economic Affairs
and as reported to the Legislative Assembly April 12, 2017)*

(The provisions in this Bill will be renumbered after 3rd Reading)



This reprint of the Bill is marked to indicate the changes that were made in Committee.
The changes are indicated by underlines for new text and a ~~strikethrough~~ for deleted text.

EXPLANATORY NOTE

Various Acts are amended in response to the Federal *Criminal Code* legislation dealing with medical assistance in dying.

The *Coroners Act* is amended to provide that, in the case of a medically assisted death, the doctor or nurse practitioner who provided the medical assistance in dying shall notify the coroner and provide the coroner with any information necessary to determine whether to investigate the death, and other people with knowledge of the death shall provide the coroner with information on request.

The *Excellent Care for All Act, 2010* is amended to provide protection against litigation for care providers and for doctors, nurse practitioners and people assisting them for performing medical assistance in dying. (This does not apply where negligence is alleged.)

Also, the fact that a person received medical assistance in dying may not be invoked as a reason to deny a right or refuse a benefit or any other sum which would otherwise be provided under a contract or statute.

The Minister is required to establish a care coordination service to assist patients and caregivers in accessing additional information and services for medical assistance in dying and other end-of-life options.

The *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act* are amended to provide that they do not apply to identifying information relating to medical assistance in dying.

The *Vital Statistics Act* is amended to provide that the requirements respecting the coroner's documentation do not apply in cases of medical assistance in dying if the coroner has determined that the death not be investigated.

The *Workplace Safety and Insurance Act, 1997* is amended to provide that a worker who receives medical assistance in dying is deemed to have died as a result of the injury or disease for which the worker was determined to be eligible to receive medical assistance in dying.

An Act to amend various Acts with respect to medical assistance in dying

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

CORONERS ACT

1 The *Coroners Act* is amended by adding the following section:

Medical assistance in dying

10.1 (1) Where a person dies as a result of medical assistance in dying, the physician or nurse practitioner who provided the medical assistance in dying shall give notice of the death to a coroner and, if the coroner is of the opinion that the death ought to be investigated, the coroner shall investigate the circumstances of the death and if, as a result of the investigation, the coroner is of the opinion that an inquest ought to be held, the coroner shall hold an inquest upon the body.

Requirements re giving of notice

(2) The physician or nurse practitioner who provided the medical assistance in dying shall provide the coroner with any information about the facts and circumstances relating to the death that the coroner considers necessary to form an opinion about whether the death ought to be investigated, and any other person who has knowledge of the death shall provide such information on the request of the coroner.

Non-application of clause 10 (1) (f)

(3) Clause 10 (1) (f) does not apply in respect of a deceased person who died as a result of medical assistance in dying.

Review

(4) The Minister shall, within two years after the *Medical Assistance in Dying Statute Law Amendment Act, 2017* receives Royal Assent, establish a process to review the provisions of this section.

Definitions

(5) In this section,

“medical assistance in dying” means medical assistance in dying within the meaning of section 241.1 of the *Criminal Code* (Canada); (“aide médicale à mourir”)

“nurse practitioner” means a registered nurse who holds an extended certificate of registration under the *Nursing Act, 1991*; (“infirmière praticienne ou infirmier praticien”)

“physician” means a member of the College of Physicians and Surgeons of Ontario. (“médecin”)

EXCELLENT CARE FOR ALL ACT, 2010

2 (1) Section 1 of the *Excellent Care for All Act, 2010* is amended by adding the following definitions:

“medical assistance in dying” means medical assistance in dying within the meaning of section 241.1 of the *Criminal Code* (Canada); (“aide médicale à mourir”)

“nurse practitioner” means a registered nurse who holds an extended certificate of registration under the *Nursing Act, 1991*; (“infirmière praticienne ou infirmier praticien”)

“physician” means a member of the College of Physicians and Surgeons of Ontario; (“médecin”)

(2) The Act is amended by adding the following sections:

MEDICAL ASSISTANCE IN DYING

Immunity, MAID

13.8 (1) No action or other proceeding for damages shall be instituted against a physician or nurse practitioner or any other person assisting him or her for any act done or omitted in good faith in the performance or intended performance of medical assistance in dying.

Exception

(2) Subsection (1) does not apply to an action or proceeding that is based upon the alleged negligence of a physician, nurse practitioner or other person.

Care providers

(3) No action or other proceeding for damages based on direct or vicarious liability shall be instituted against a care provider or a director, officer or employee of a care provider for any act done or omitted in good faith.

(a) by the care provider in relation to the delivery of medical assistance in dying; or

(b) by a physician or nurse practitioner or any other person assisting him or her in the performance or intended performance of medical assistance in dying.

Exception, negligence

(4) Subsection (3) does not apply to an action or proceeding that is based upon the alleged negligence of the care provider, director, officer, employee, physician, nurse practitioner or other person.

Definition, “care provider”

(5) In this section,

“care provider” means,

(a) a health service provider as defined in subsection 2 (2) of the *Local Health System Integration Act, 2006*,

(b) a licensee as defined in subsection 2 (1) of the *Retirement Homes Act, 2010*, and

(c) any other prescribed person or entity.

MAID has no effect on rights and benefits

13.9 (1) Subject to subsection (2), the fact that a person received medical assistance in dying may not be invoked as a reason to deny a right or refuse a benefit or any other sum which would otherwise be provided under a contract or statute.

Contrary intention

(2) Subsection (1) applies unless an express contrary intention appears in the statute.

Care co-ordination service

13.10 The Minister shall establish a care co-ordination service to assist patients and caregivers in accessing additional information and services for medical assistance in dying and other end-of-life options.

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

3 Section 65 of the *Freedom of Information and Protection of Privacy Act* is amended by adding the following subsections:

Non-application of Act

~~(11) This Act does not apply to identifying information relating to medical assistance in dying.~~

Interpretation

~~(12) In subsection (11),~~

~~“identifying information” means information that identifies a person or facility or for which it is reasonably foreseeable in the circumstances that it could be utilized, either alone or with other information, to identify a person or facility; (“renseignements identificatoires”)~~

~~“medical assistance in dying” means medical assistance in dying within the meaning of section 241.1 of the *Criminal Code* (Canada). (“aide médicale à mourir”)~~

Non-application of Act

(11) This Act does not apply to identifying information in a record relating to medical assistance in dying.

Interpretation

(12) In subsection (11),

“identifying information” means information,

(a) that relates to medical assistance in dying, and

(b) that identifies an individual or facility, or for which it is reasonably foreseeable in the circumstances that it could be utilized, either alone or with other information, to identify an individual or facility; (“renseignements identificatoires”)

“medical assistance in dying” means medical assistance in dying within the meaning of section 241.1 of the *Criminal Code* (Canada). (“aide médicale à mourir”)

MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

4 Section 52 of the *Municipal Freedom of Information and Protection of Privacy Act* is amended by adding the following subsections:

Non-application of Act

~~(5) This Act does not apply to identifying information relating to medical assistance in dying.~~

Interpretation

~~(6) In subsection (5),~~

~~“identifying information” means information that identifies a person or facility or for which it is reasonably foreseeable in the circumstances that it could be utilized, either alone or with other information, to identify a person or facility; (“renseignements identificatoires”)~~

~~“medical assistance in dying” means medical assistance in dying within the meaning of section 241.1 of the *Criminal Code* (Canada). (“aide médicale à mourir”)~~

Non-application of Act

~~(5) This Act does not apply to identifying information in a record relating to medical assistance in dying.~~

Interpretation

~~(6) In subsection (5),~~

~~“identifying information” means information,~~

~~(a) that relates to medical assistance in dying, and~~

~~(b) that identifies an individual or facility, or for which it is reasonably foreseeable in the circumstances that it could be utilized, either alone or with other information, to identify an individual or facility; (“renseignements identificatoires”)~~

~~“medical assistance in dying” means medical assistance in dying within the meaning of section 241.1 of the *Criminal Code* (Canada). (“aide médicale à mourir”)~~

VITAL STATISTICS ACT

5 Section 21 of the *Vital Statistics Act* is amended by adding the following subsection:

Exception

(7) Subsections (5) and (6) do not apply if the person has died after receiving medical assistance in dying within the meaning of section 241.1 of the *Criminal Code* (Canada), and a coroner has been given notice of or information about the death under section 10.1 of the *Coroners Act* and determined that the death ought not to be investigated.

WORKPLACE SAFETY AND INSURANCE ACT, 1997

6 (1) Subsection 2 (1) of the *Workplace Safety and Insurance Act, 1997* is amended by adding the following definition:

“medical assistance in dying” means medical assistance in dying within the meaning of section 241.1 of the *Criminal Code* (Canada); (“aide médicale à mourir”)

(2) Part I of the Act is amended by adding the following section:

Medical assistance in dying

2.2 For the purposes of this Act, a worker who receives medical assistance in dying is deemed to have died as a result of the injury or disease for which the worker was determined to be eligible to receive medical assistance in dying in accordance with paragraph 241.2 (3) (a) of the *Criminal Code* (Canada).

COMMENCEMENT AND SHORT TITLE

Commencement

7 This Act comes into force on the day it receives Royal Assent.

Short title

8 The short title of this Act is the *Medical Assistance in Dying Statute Law Amendment Act, 2017*.