

Psychological Assessments can guide the decision.

Psychological Treatment can prevent it.

As a result of the Supreme Court of Canada's *Carter* decision, patients will soon have the right to request medical assistance in dying (MAID). The provinces need to draft legislation to regulate the practice as soon as possible.

The Special Joint Commission (SJC) on Medical Assistance in Dying released its report in February 2016. Generally, we find the report to be thoughtful and comprehensive.

OPA supports the Substantive Safeguards as presented in the Commission's report, which require a grievous and irremediable medical condition (including an illness, disease or disability), enduring suffering that is intolerable to the individual, capacity to make the decision, and informed consent.

We recommend that *two health professionals, capable of assessing and communicating a diagnosis* should independently concur that a person is eligible for MAID. The expertise of professionals other than physicians needs to be included in the determination of eligibility for MAID.

OPA is deeply concerned that the SJC's report makes no specific mention of the need for psychological expertise throughout the MAID process:

- Limited access to psychological treatments can result in treatable conditions becoming severe and irremediable
- Psychological treatment may increase the tolerance of the individual for their suffering, reducing the need to rely on Medical Assistance in Dying (MAID)
- Psychological expertise and in-depth assessment will be necessary in many cases:
  - To ensure the most accurate diagnosis and thorough understanding of the related suffering and impairments
  - To determine the capacity of the patient to make an informed decision about MAID, particularly in the case of minors
  - To identify the patient's unique vulnerabilities, so that these can be mitigated or considered in the process of making the decision
  - To determine an appropriate waiting period
  - In the case of advance decisions, to identify baseline markers of functioning, and objectively determine the degree of decline
  - To support the health care team as they guide the patient through the MAID process
  - To support the family during and after MAID.

The OPA believes that the mentally ill, when competent, deserve exactly the same rights that are due to any other individual under the law. Therefore, we condone the recognition that the mentally ill individual has the right to end their suffering just as the physically ill individual does.

There is no logical distinction between physical and psychological suffering. We recognize that every end-of-life decision demands an understanding of the complex interplay of both the physical and the psychological. It is therefore critical that professionals who are experts in these processes be available to assist in end of life decisions, *regardless of the source of suffering*.

We recognize that the issue of mental illness raises important concerns with respect to MAID. Psychologists are uniquely qualified to examine many of these complex issues. We receive extensive training in the assessment of:

- Cognitive processes
- Reality testing
- Suffering
- Judgment
- Cultural issues
- Developmental processes
- Interpersonal processes
- Emotional crises
- Suicidal ideation (vs. rational appraisal of the quality of one's life)
- Prognosis

Psychological assessments can help to ensure that the individual who is requesting MAID is doing so with fully informed consent, including an accurate appreciation of the consequences of accepting or rejecting MAID. A psychological assessment can also help to illuminate the vulnerabilities and complex social and contextual processes that might be influencing a request for MAID. We are highly skilled at identifying the degree of impairment arising from a diagnosis, and we are able to provide treatment options, along with a realistic appraisal of their capacity to alleviate suffering. We can determine whether the intent to die arises from a rational evaluation, or as a symptom of emotional crisis. In-depth psychological assessments, using standardized instruments, offer the best possible foundation for making informed decisions about MAID.

*Psychologists are experts in the assessment and diagnosis of mental health, and are uniquely qualified to conduct the in-depth assessments of subtle cognitive, emotional, social and interpersonal processes that MAID will require.* The legislation must make specific allowance for psychologists to be included in the process. Psychologists should be afforded the same responsibilities under this legislation as physicians and psychiatrists, with the exception of the administration of lethal medications.

Improved access to psychological care, well before MAID is ever considered, is necessary to ensure that those who suffer have the best chance of partial or full remediation of their condition, or to increase their capacity to tolerate it.

The SJC recommends that, following a consultative process, MAID should be available to competent minors. OPA stands ready to help in that consultative process.

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