
Instructions for Completion – For Patient and Providing Practitioner

What is the Waiver of Final Consent?

This is a written arrangement between the person requesting medical assistance in dying (the Patient) and the physician or nurse practitioner who will provide them with medical assistance in dying (the Practitioner). It allows the Patient to waive the requirement to give informed consent immediately before they receive MAID in situations where the Patient is at risk of losing their ability to give this consent. Once the *Waiver of Final Consent* is completed and signed, the MAID Practitioner can provide medical assistance in dying to the Patient even after they have lost the capacity to give informed consent, as long as it is done according to the terms agreed on by the Patient and the Practitioner.

Can all Patients can use the Waiver of Final Consent?

NO. It can only be used under specific conditions that must be ALL met:

1. The Patient's natural death is reasonably foreseeable
2. The Patient meets all of the eligibility criteria and related safeguards for MAID
3. The Patient has been informed by the Practitioner that they are at risk of losing their capacity to consent to receive MAID
4. The Patient is still capable of giving consent to receive MAID at the time the Waiver of Final Consent is completed

If all of the above conditions are met, the Patient and the Practitioner may complete and sign a *Waiver of Final Consent*

Does the Patient have to specify a date for when they will receive MAID?

YES. As per Federal Legislation, in order to waive final consent, the Patient and Providing Practitioner must sign a written arrangement saying that the Practitioner will provide MAID on a specified day. While the arrangement specifies a defined date, it may also indicate that the patient may receive medical assistance in dying at an earlier date but no later than the date specified.

Can the specified date for MAID in the written agreement be changed?

YES, BUT ONLY if the Patient and Practitioner agree to change the scheduled date for provision of MAID. Any changes to the agreement can only be made while the Patient remains capable of giving informed consent AND require completion of a new *Waiver of Final Consent*.

What are “additional terms” and why are they optional?

The *Waiver of Final Consent* is only valid if all required conditions in the federal legislation requirements are met. These are listed on the *Waiver of Final Consent*.

In addition to these mandatory conditions, the Patient and Practitioner can agree to adding additional terms. Examples of this could include the Patient specifying what criteria will be used, once they have lost capacity to consent, to determine when they would like MAID provided to them (i.e. as soon as possible, once certain family/friends can be present). Please keep in mind when adding any additional terms, that once the Patient has lost capacity to consent, MAID can *only* be provided according to the terms specified in the *Waiver of Final Consent*.

Can a patient make arrangements with an alternate Practitioner as backup should the first Practitioner become unable to provide them with MAID?

YES. However, for the alternate Practitioner to be able to provide MAID they must:

- also have directly assessed and found the Patient eligible while he/she still had the capacity to provide informed consent
- have completed the combined assessor/provider form
- have completed and signed a separate *Waiver of Final Consent* form with the Patient

Is the Practitioner obligated to provide MAID once the *Waiver of Final Consent* form is signed?

NO. If the Patient demonstrates, by words, sounds or gestures, refusal or resistance to the administration of the MAID medication then the advance consent is invalidated. Furthermore, the advance consent arrangement does not impose any legal duty on the Practitioner to provide MAID.

What if the Patient is unable to sign the Agreement?

If a patient is physically unable to sign the agreement then they may authorize a proxy to sign it on their behalf. The proxy is not an alternate decision maker and is only authorized to initial and sign this agreement on the

WAIVER OF FINAL CONSENT For Medical Assistance in Dying

patient's behalf if the patient is physically unable to sign the agreement and has given express direction to the proxy to do so. The proxy must initial and sign all required sections of the agreement.

The proxy must also complete the Declaration of Proxy section and sign his or her name on page 4.

Important: The person acting as your proxy cannot be the Practitioner.

Can this Agreement be done virtually?

Wherever possible we would encourage this agreement be discussed and signed by both the patient and practitioner in-person at the same time. Nevertheless, situations may arise requiring the Waiver of Final Consent to be done urgently and where in-person attendance may not be readily possible. In these specific situations the agreement may be signed virtually, preferably with a witness present. Each parties signed agreement should then be forwarded to the MAID Care Coordination Service, either via email at maid.careteam@ahs.ca or fax at 1-888-220-2729. Please note, it is recommended all providers obtain the patient's original executed copy of the Waiver of Final Consent and that it is stored with the other MAID related forms.

The agreement should be signed, in order of preference:

1. In Person: Both patient and practitioner are in the same room and complete the Waiver of Final Consent form together. No witness is required.
2. Virtual (WITH Video): If the practitioner is able to clearly authenticate the patient's identity then no witness is required. Please note verifying and authenticating the patient's identity should be done in accordance with the AHS [Provider and Patient ID Verification](#) process.
3. Virtual (WITHOUT Video, WITH Witness): If in-person and virtual (with video) assessment are both not possible and the Waiver of Final Consent needs to be completed as soon as possible, then both patient and practitioner should obtain a witness signature. The practitioner could rely upon another health care worker to witness the conversation pertaining to the Waiver of Final Consent and the authentication of the patient's identity. The patient will also require a witness, which could also be a health care worker if one is available where they reside. The names of the witnesses should be documented on the Waiver of Final Consent and confirmation of the witness's presence with the patient should be obtained. As before, please refer to the AHS [Provider and Patient ID Verification](#) process for further guidance.
4. Virtual (WITHOUT Video, WITHOUT Witness): If no witness is available the Waiver of Final Consent can still be executed, with both parties recognizing the risk of doing so. Again, please refer to the AHS [Provider and Patient ID Verification](#) process for further guidance.