Frequently Asked Questions about Witnessing for Medical Assistance in Dying

Alberta Health Record of Request Form

1. Why is the Record of Request Form important?

The Record of Request form was created by Alberta Health to allow a patient, who believes they are eligible for medical assistance in dying, to make a formal request to receive this service. This form must be completed and delivered/sent to a doctor, Nurse Practitioner or the AHS Care Coordination Services before the patient will be able to move through the steps related to medical assistance in dying.

2. Is the Record of Request Form a consent form where the patient agrees to receive medical assistance in dying?

No. The Record of Request form is solely a written, formal request to receive services. If later in the process, the patient is deemed eligible for medical assistance in dying and after an “informed consent” discussion chooses to receive the service, the patient will be required to sign an AHS consent to treatment form.

3. What does it mean to be a witness on the Alberta Health Record of Request Form for a patient requesting medical assistance in dying?

The Alberta Health Record of Request Form (Link to form) requires the signature of two witnesses who are independent. The role of an independent witness will be to verify all of the following information:

- The witness is at least 18 years of age;
- The witness understands the nature of the request;
- The patient is personally known to the witness or has provided proof of identify;
- The patient signed the request in the witness’ presence (see Record of Request form for requirements if a proxy signed instead of the patient);
- The witness does not know or believe they are a beneficiary under the will of the patient or a recipient of financial or material benefit resulting from the patient’s death;
- The witness is not the owner or operator of a health care facility where the patient is receiving treatment or a facility where the patient resides;
- The witness is not directly involved in providing health care services to the patient, and
- The witness is not directly providing personal care to the patient.
Scenario:

A health professional works in a program or a facility anywhere in Alberta. This same health professional has been asked by a patient, who is making a formal request for medical assistance in dying, to be an independent witness on the Alberta Health Record of Request Form.

To date, the health professional has NOT been assigned to provide direct care to the patient. The health professional does work in the same program or on the same unit where the patient is admitted, but has never provided direct care to the patient in the past.

4. In the scenario described above, would the health professional be allowed, per the law governing medical assistance in dying, to sign as an independent witness?

Yes. Because the health professional is NOT currently assigned to provide direct care to the patient and has NOT been previously been assigned to provide direct care to the patient, they are free to sign as an independent witness should they meet all of the other criteria outlined in Question 3 above.

5. Can the health professional, who has NOT previously participated in direct care and who signed as an independent witness, be assigned to participate in direct care in the days after signing as an independent witness?

Yes. So long as the witness health care provider was independent at the time of witnessing, it is acceptable for that witness to be subsequently assigned to care for the patient.

6. If the health professional HAS previously been assigned to provide direct care to the patient in the past, are they allowed, per the law governing medical assistance in dying, to be an independent witness?

No. Because the health professional HAS previously been assigned to provide direct care to the patient they are not allowed, by law to act as an independent witness.

7. Does AHS require me to be an independent witness for a patient requesting medical assistance in dying using the Alberta Health “Record of Request Form”?

No. AHS does not require that staff as act as an independent witness. In many cases, when requesting medical assistance in dying, the patient will arrange for two independent witnesses.

8. What if the patient cannot locate two independent witnesses to the Alberta Health Record of Request Form?

The AHS Care Coordination Service may provide the patient with some suggestions as to how to obtain the two required independent witnesses. Possible resources may include, but are not limited to, lawyers, notaries, commissioners and external patient advocacy organizations.
1. **Why is an AHS Consent to Treatment Plan or Procedure Form important?**

The AHS Consent to Treatment Plan or Procedure Form documents a patient’s decision to accept or withdraw their consent to receive a health service. The consent form is evidence of the informed consent process and will only be signed by the patient and witnessed after the patient has been provided with information the patient understands, has had time to reflect, ask questions and reach an informed decision.


2. **What does it mean to witness the AHS Consent to Treatment Plan or Procedure Form for a patient consenting to medical assistance in dying?**

The AHS Consent Policy advises that the role of the witness is to confirm the identity of the person signing the consent form and observe this person making his/her signature.

3. **Does AHS require me to be a witness of the AHS Consent to Treatment Plan or Procedure Form for a patient consenting to medical assistance in dying?**

No. AHS does not require staff to act as a witness on the AHS Consent to Treatment Plan or Procedure Form.

4. **Who can sign as a witness on the AHS Consent to Treatment Plan or Procedure form?**

AHS' Consent to Treatment Policy and Procedures provide that any person other than:

   i) a relative of the patient,
   ii) the Most Responsible Health Practitioner, and
   iii) Interpreter for the patient may be a witness.