

Monday, April 11th, 2016

PROMINENT PHYSICIANS MAKE THE CASE FOR ARM'S LENGTH PRIOR REVIEW

In an important [commentary](#) published yesterday in the Toronto Star, VPS Advisor Dr. Harvey Chochinov described the safeguard of arm's length prior review for physician-assisted death as consistent with the principles of sound clinical practice. Dr. Chochinov, distinguished professor of psychiatry at the University of Manitoba and Canada Research Chair in Palliative Care, wrote:

"If physician-hastened death is part of the continuum of medicine, then we must treat it as such. Like any other new treatment or clinical innovation, it demands careful evaluation and methodological rigour, including fixed eligibility criteria, detailed data collection, objective monitoring of outcomes and tracking of adverse effects; the ability to analyze cumulative data, with incremental ramping up entirely based on preceding trial outcomes.

We would insist on no less stringency for a new cold remedy or wart ointment, let alone physician-hastened death...

If physician-hastened death is framed as a medical act, then decision-making pieces must comply with standards governing all clinical innovations, particularly pre-approval, to be sure that protocol requirements have been fulfilled before administering a hastened-death."

In expressing his support for a prior approval process that invokes "precedent-based principles of judicial reasoning", oncologist and University of Toronto Professor of Medicine Dr. Harvey Schipper, reasoned:

"This exceptional action demands wise and independent counsel before it is too late... A prior review process that draws on judicial discipline will provide comfort for both physicians and the community."

The requirement for independent review and authorization before the administration of any physician-assisted death, is one of five cornerstone safeguards required by the [Vulnerable Persons Standard](#).

DID YOU KNOW?

There are three distinct stages in the process of physician-assisted death: **Evaluation, Determination, and Administration.**

In the **Evaluation** phase, healthcare professionals work with the patient to assess their medical condition and prognosis, to consider all sources of their suffering and to explore any available medical and social interventions that could alleviate symptoms and suffering.

In the **Determination** phase, a legal decision must be made. For an exemption to be granted to the *Criminal Code* prohibitions against the taking of life, the narrow criteria specified by the Supreme Court of Canada must be met, confirming, for example, that possible sources of inducement, coercion or undue influence have not been overlooked.

In the **Administration** phase, a duly authorized healthcare professional (usually a physician), acting with legal authorization, provides an assisted death.

When understood in this way, it becomes clear that the **evaluation** and **administration** phases of the assisted-dying process require the expertise of physicians and healthcare professionals. The **determination** phase, however, is outside the purview of medicine, and calls for neutrality, legal knowledge and procedural fairness. Decisions made at this phase must address the needs of:

- the person who has made the request,
- the person or persons who will fulfill the request, and
- the public interest served by the *Criminal Code*.

For this reason, a formal but expedited process of legally mandated

determination is a critical safeguard before proceeding with a physician-assisted death.

The Vulnerable Persons Standard was developed by a group of more than forty advisors with expertise in medicine, ethics, law, public policy and needs of vulnerable persons. The Standard is a series of evidence-based safeguards intended to help ensure that Canadians requesting assistance from physicians to end their life can do so without jeopardizing the lives of vulnerable persons who may be subject to coercion and abuse.

To learn more about the Standard and the many Canadians and organizations endorsing the Standard, please visit us at www.vps-npv.ca.

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