

## Physician Guide to Vermont's Aid-in-Dying law.

The Patient Choice at the End of Life law gives adult Vermonters who are imminently dying the choice to control the manner and timing of their death with a physician's prescription. Two physicians certify that the individual is eligible to use the law – one physician writes the prescription and submits the required documents to the state department of health and the other physician is a consultant.

### Who is Eligible?

The law requires the patient:

1. be an adult - 18 years of age or older,
2. be capable - able to make and communicate health care decisions,
3. be an Vermont resident,
4. have a terminal illness – a disease that will, within reasonable medical judgment, produce death in 6 months, and
5. make a voluntary request.

### Legal Requirements of the Prescribing Physician

You must document the elements of an informed decision as follows:

1. diagnosis,
2. prognosis,
3. range of appropriate treatment options,
4. if patient is not on hospice, all feasible end-of-life services including palliative care and hospice,
5. potential risks associated with taking the medication (vomiting and death, or rarely, the medication is ineffective), and
6. result of taking the medication (death).

After exploring the basis of the request, obtain a consultation from another physician to confirm the diagnosis and prognosis.

If either physician is unsure of the patient's decision-making capacity or judgment, refer the patient to a licensed psychiatrist, psychologist or clinical social worker. The prescribing physician may not write the prescription until the mental health professional determines the patient is capable and has intact judgment.

### Legal Requirements of the Consulting Physician

The consultant must examine the patient and relevant records. He or she must confirm the diagnosis and prognosis, the patient is capable, the patient is making an informed decision, and the request is voluntary. The consultant must document this process on the *Consulting Physician Reporting Form* and deliver the form to the prescribing physician.

### Timing Safeguards of the Act

- The prescribing physician must wait at least fifteen (15) calendar days after the patient's first oral request **and** forty-eight (48) hours after the last of the following to occur -
  - the date on patient's completed *Request for Medication Form*,
  - the patient's second request or
  - the physician's offering the patient an opportunity to rescind the request -to write the prescription.
- The earliest a physician may write a prescription is 17 calendar days after the first oral request.
- The patient can sign the *Request for Medication Form* any time.
- The patient may make the second oral request no less than fifteen (15) calendar days after the first request.

**The Medication Procedure and name of a cooperating pharmacist** are available from us by request.

### **Special Circumstances**

Poor candidates for using this law are patients unable to ingest the entire medication mixture in approximately two (2) minutes and patients who have poor drug absorption, bowel obstruction, or uncontrolled vomiting. Other options include voluntary refusal of food and fluids and palliative sedation. Contact us if you wish to discuss the problem.

### **Should the Prescribing Physician be Present?**

The choice is your patient's and yours. *Compassion* offers to have experienced volunteers present and our volunteers always offer your patient one more chance to change his or her mind.

### **How Terminally Ill Patients Die after Self-Administering the Medication to Hasten Death**

In Oregon, as of the end of 2012, 673 persons have died using the Death with Dignity law. After ingesting the lethal medication, coma occurred in a median of 5 minutes and death occurred in a median of 25 minutes with a range of 1 min to 104 hrs. In addition, 6 persons who took medication awakened and are not included in the number that died.

### **After the Patient Has Died**

Family or friends should notify hospice. If the patient is not on hospice, we recommend notifying the prescribing physician.

### **Reporting Requirements**

The Act requires physicians to report to the Vermont Department of Health. The required forms and other information are available on the department website:  
[http://healthvermont.gov/family/end\\_of\\_life\\_care/patient\\_choice.aspx](http://healthvermont.gov/family/end_of_life_care/patient_choice.aspx)

Copies of the following forms must be mailed to VDH promptly after writing the prescription:

1. one 2-page *Physician Reporting Form*;
  2. the *Consulting Physician Reporting Form*;
  3. the patient's completed *Request for Medication Form*, which must be witnessed by 2 individuals
- The mailing address is on the forms.

Do not mail medical record copies.

Information that all parties provide to the Vermont regarding identity of patients and physicians is confidential.