

# OREGON

1997



## DEATH WITH DIGNITY ACT

**Medical Assistance in Dying (MAiD)** is a legal process in which healthcare professionals provides or administers medication at a patient's voluntary request to intentionally end their life. This resource summarizes these laws from state to state.

Scan for the complete MAiD Toolkit!



### Eligibility Criteria



Patient must have terminal illness



Patient must be capable of making decisions



Request must be voluntary

Eligibility criteria attempt to ensure the process is ethical and applies only to those who meet specific, legally defined conditions to prevent misuse or coercion.

### Informed Consent

Regulating information of a treatment, procedure, or process.



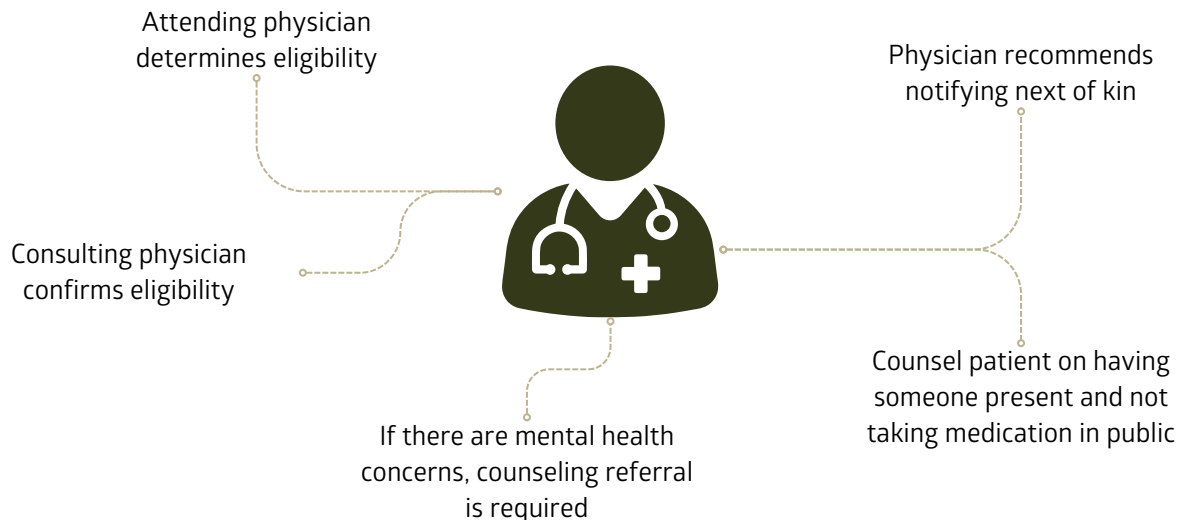
Physician must verify informed decision prior to writing a prescription



Patient must be informed of a diagnosis, prognosis, risks, results, and alternatives

### Physician Responsibilities

Physicians have legal and ethical duties outlined in the Death with Dignity Act.



## Request Process

- 1 One written request
- 2 Two oral requests at least **15 days** apart
- 3 Right to rescind at any time.
- 4 Waiting periods of **15 days** after oral request and **48 hours** after written request (with exceptions if close to death)

## Documentation & Reporting



Medical record must document oral and written requests, physicians' determinations, counseling report, offer to rescind, and medication prescribed.



Oregon Health Authority reviews sample annually and collects dispensing records.

## Legal Provisions, Regulatory Compliance, Oversight



Law prohibits using contract provisions to restrict rights.



Law ensures insurance/annuities are not affected by requests for medication.



Deaths under the Act are not considered suicide or homicide.



# WASHINGTON

2008



## DEATH WITH DIGNITY ACT

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### Eligibility Criteria

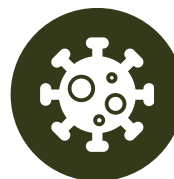
Eligibility criteria attempt to ensure the process is ethical and applies only to those who meet specific, legally defined conditions to prevent misuse or coercion.



18 years of age or older resident of Washington.



Capable of making and communicating informed decision to health care providers.



Diagnosed with terminal disease that will result in death within 6 months.



Voluntarily expresses wish to die.

### Informed Consent

Regulating information of a treatment, procedure, or process.



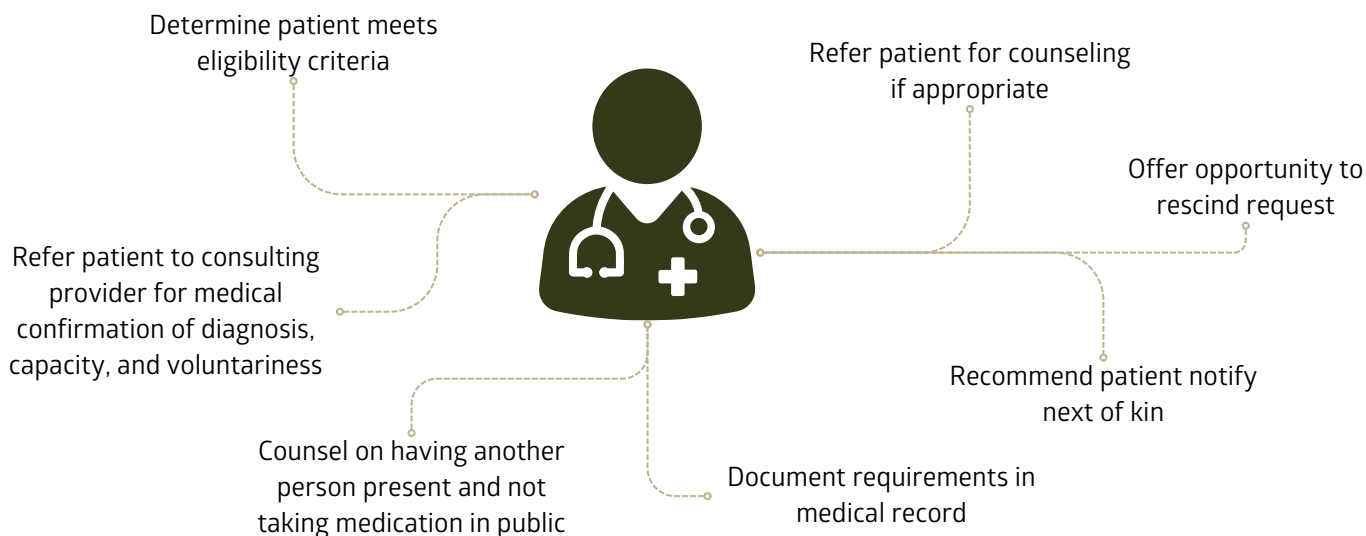
Attending provider must inform patient of medical diagnosis, prognosis, potential risks and result of taking medication, and alternatives.



Patient must make an informed decision.

### Physician Responsibilities

Physicians have legal and ethical duties outlined in the Death with Dignity Act.



## Request Process

- 1 Patient must make one oral request and one written request.
- 2 Oral request must be reiterated no less than **7 days** after initial request.
- 3 Written request must be signed and dated by patient and witnessed by at least 2 individuals.
- 4 One witness cannot be a relative, entitled to estate, or employed at health care facility.

## Documentation & Reporting



Attending provider must document all required information in medical record



Health care providers must file documentation with Department of Health within 30 days.



Department of Health must collect and review all records annually.

## Legal Provisions, Regulatory Compliance, Oversight



Participating providers immune from civil/criminal liability and professional discipline



Euthanasia, lethal injection, mercy killing prohibited



Actions under the Act do not constitute suicide or homicide



Contracts/wills/insurance cannot be conditioned on or affected by request for medication



Department of Health oversees compliance through data collection and annual review of records



Department of Health issues annual statistical report



# MONTANA

2009



## BAXTER V. MONTANA

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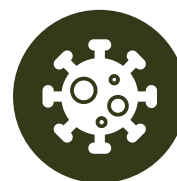


### Eligibility Criteria

Eligibility criteria attempt to ensure the process is ethical and applies only to those who meet specific, legally defined conditions to prevent misuse or coercion.



Patient must be mentally competent.



Patient must be terminally ill.

### Informed Consent

Regulating information of a treatment, procedure, or process.



Physician must inform patient of diagnosis, risks, probably result of taking medication.

### Physician Responsibilities

Physicians have legal and ethical duties outlined by *Baxter v. Montana*

Physician must ensure patient is making an informed decision



Physician's actions cannot be the sole cause of the patient's death - patient must self-administer medication

## Request Process



*Baxter v. Montana* does not specify a request process for medical assistance in dying.

## Documentation & Reporting



*Baxter v. Montana* does not specify measures for documenting or reporting cases of medical assistance in dying.

## Legal Provisions, Regulatory Compliance, Oversight



Physician aid in dying does not violate Montana's homicide statutes when patient consents and self-administers medication



# VERMONT

2013



## PATIENT CHOICE & LIFE CONTROL AT THE END OF LIFE ACT

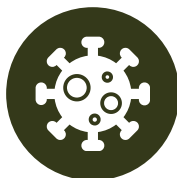
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### Eligibility Criteria

Eligibility criteria attempt to ensure the process is ethical and applies only to those who meet specific, legally defined conditions to prevent misuse or coercion.



Patient must be suffering from an incurable and irreversible disease that would result in death within 6 months.



Patient must be able to self-administer the prescribed medication.



Patient must be capable of making a voluntary, informed health care decision.

### Informed Consent

Regulating information of a treatment, procedure, or process.



Patient must make both oral and written requests.



Requests must be voluntary.

### Physician Responsibilities

Physicians have legal and ethical duties outlined in the Patient Choice & Control at the End of Life Act.

Physician must determine patient meets eligibility criteria

Participation by physician and other health care providers is voluntary



Physician must refer patient to a second physician for medical confirmation of diagnosis, prognosis, and determination that patient is capable, acting voluntarily, and has made an informed decision

## Request Process

- 1 Patient must make an initial oral request.
- 2 Patient must make a written request.
- 3 Patient must make a second oral request.
- 4 Witnesses are required.

## Documentation & Reporting



Prescribing physician must send a written report to the Department of Health documenting completion of required steps



Patient information is protected under privacy laws.

## Legal Provisions, Regulatory Compliance, Oversight



Physicians, nurses, pharmacists, and others are immune from liability and professional discipline for good faith compliance with the law



Law prohibits life insurance companies from denying benefits to individuals who act in accordance with the law





# CALIFORNIA

2015



## END OF LIFE OPTION ACT

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### Eligibility Criteria

Eligibility criteria attempt to ensure the process is ethical and applies only to those who meet specific, legally defined conditions to prevent misuse or coercion.



18 years of age or older resident of California



Capacity to make medical decisions



Diagnosed with a terminal disease with a prognosis of 6 months or less to live



Voluntarily requesting aid-in-dying drug

### Informed Consent

Regulating information of a treatment, procedure, or process.

2 verbal requests at least 15 days apart

One of the witnesses cannot be related, entitled to estate, or employed at treating health facility

Physician must inform of diagnosis, prognosis, risks, probably result, alternatives

Written request signed and dated with 2 witnesses

Confirm request is voluntary and not coerced

Right to rescind at any time

### Physician Responsibilities

Physicians have legal and ethical duties outlined in the End of Life Option Act.

Referring physicians must determine if patient qualifies and has capacity and inform of risks/alternatives



Consulting physician must confirm diagnosis and capacity

Document in medical record  
Report to California Department of Public Health

Offer opportunity to rescind before prescribing

## Request Process

- 1 Two oral requests **15 days** apart to attending physician.
- 2 Written request on statutory form.
- 3 Witness requirements.

## Documentation & Reporting



Attending and consulting physician compliance forms.



Final attestation form within 48 hours prior to taking drug.



Department of Public Health collects forms and publishes annual statistical report.

## Legal Provisions, Regulatory Compliance, Oversight



Physicians not subject to liability for providing aid-in-dying in good faith compliance with law.



Unused drugs must be properly disposed after death.



Insurance cannot be conditioned on requesting aid-in-dying.



Contracts/wills cannot restrict right to make request.



Department of Public Health oversees and collects data.



# COLORADO

2016

**CENTER  
FOR  
JUSTICE**  
RACIAL &  
DISABILITY

## END OF LIFE OPTIONS ACT

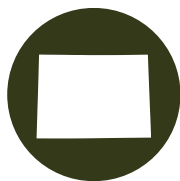
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### Eligibility Criteria

Eligibility criteria attempt to ensure the process is ethical and applies only to those who meet specific, legally defined conditions to prevent misuse or coercion.



- Adult resident of Colorado



- Mentally capable of making an informed decision



- Terminal illness with prognosis of 6 months or less



- Voluntarily expressing wish for aid-in-dying medication

### Informed Consent

Regulating information of a treatment, procedure, or process.

- Attending physician must inform patient of diagnosis, prognosis, potential risks and results of taking medications, and alternatives
- Patient must make 2 oral requests at least 15 days apart and a written request
- Physician must verify patient is making an informed decision just prior to writing prescription

### Physician Responsibilities

Physicians have legal and ethical duties outlined in the End of Life Options Act.

Physician documents and dates of oral requests, written request, diagnosis, prognosis, mental capacity determination, consulting physician's confirmation, mental health referral, notification of right to rescind, prescription.



Department of Public Health and Environment annually reviews records.

## Request Process

- 1 Patient must make initial oral request and submit written request signed by two witnesses.
- 2 Patient submits a second oral request at least **15 days** after initial oral request.
- 3 Prescribing of medication only after **15 days** after first oral request, **48 hours** after written request.
- 4 Prescribing of medication only after **15 days** after first oral request, **48 hours** after written request.

## Documentation & Reporting



The Colorado *End of Life Options Act* does not specify measures for documenting or reporting cases of medical assistance in dying.

## Legal Provisions, Regulatory Compliance, Oversight



Participating in good faith compliance with the law is not a crime or unprofessional conduct.



Contracts and insurance policies not affected by making request.



Death certificates list underlying terminal illness, not assisted suicide



Department of Public Health and Environment monitors compliance.



# WASHINGTON, D.C.

2016



## DEATH WITH DIGNITY ACT

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### Eligibility Criteria

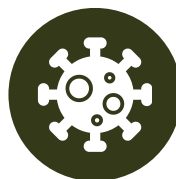
Eligibility criteria attempt to ensure the process is ethical and applies only to those who meet specific, legally defined conditions to prevent misuse or coercion.



18 years or older



Capable of making and communicating health care decisions



Diagnosed with terminal disease with prognosis of 6 months or less



Resident of the District of Columbia

### Informed Consent

Regulating information of a treatment, procedure, or process.

Patient must make 2 oral requests at least 15 days apart

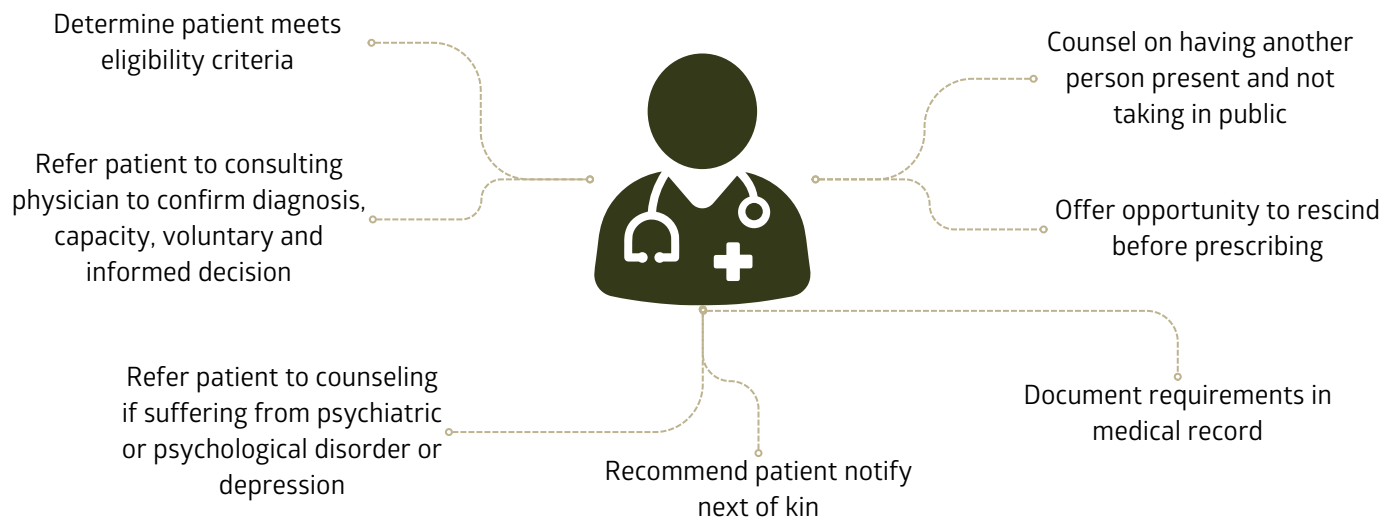
Patient must provide a written request signed and dated with 2 witnesses

Attending physician must inform patient of diagnosis, prognosis, potential risks, probable result, and alternatives

Attending physician must inform patient of opportunity to rescind at any time

### Physician Responsibilities

Physicians have legal and ethical duties outlined in the Death with Dignity Act.



## Request Process

- 1 Patient must make 2 oral requests at least **15 days** apart
- 2 Written request must be witnessed by at least 2 individuals
- 3 One witness cannot be relative, entitled to estate, or owner/employee of treating health care facility
- 4 Attending physician cannot be a witness.

## Documentation & Reporting



Attending physician must document oral and written requests, diagnosis, prognosis, determination of capability, offer to rescind, and medication prescribed.



Department of Health reviews records annually to ensure compliance.



Department issues annual statistical report.

## Legal Provisions, Regulatory Compliance, Oversight



Participating in good faith compliance is not a crime.



Actions do not constitute suicide or homicide.



Health care providers may prohibit participation on their premises.



No effect on wills, contracts, insurance, or annuity policies.



Mayor may issue rules to implement the Act.



Department of Health monitors for compliance through record review.



# HAWAI'I

2019



## OUR CARE, OUR CHOICE ACT

**Medical Assistance in Dying (MAiD)** is a legal process in which healthcare professionals provides or administers medication at a patient's voluntary request to intentionally end their life. This resource summarizes these laws from state to state.

Scan for the complete MAiD Toolkit!



### Eligibility Criteria

Eligibility criteria attempt to ensure the process is ethical and applies only to those who meet specific, legally defined conditions to prevent misuse or coercion.



18 years or older



Capable of making and communicating health care decisions



Diagnosed with terminal disease with prognosis of 6 months or less



Resident of Hawai'i

### Informed Consent

Regulating information of a treatment, procedure, or process.

Patient must make 2 oral requests at least 20 days apart

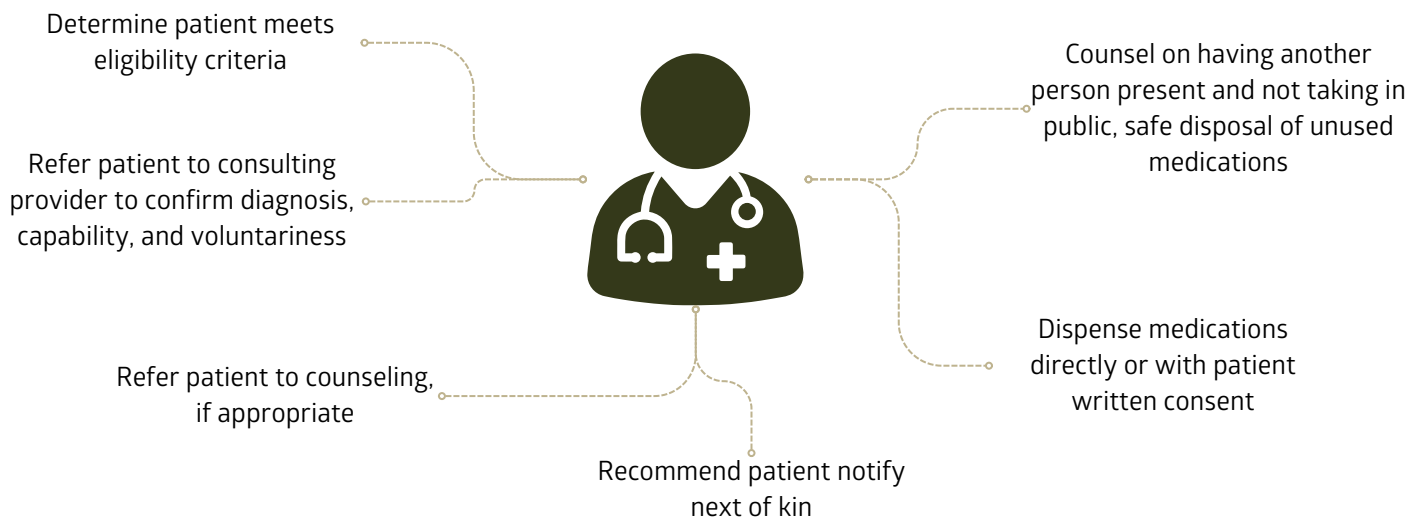
Patient must provide a written request signed in the presence of 2 witnesses

Attending provider must inform patient of diagnosis, prognosis, risks, result of taking medication, alternatives, options to rescind

Attending provider must offer opportunity to rescind before prescription is written

### Physician Responsibilities

Physicians have legal and ethical duties outlined in the Our Care, Our Choice Act.



## Request Process

- 1 Patient must make 2 oral requests at least **20 days** apart
- 2 Written request must be signed by the patient and 2 witnesses
- 3 One witness cannot be relative, entitled to estate, or owner/employee of treating health care facility
- 4 Minimum of **20 days** between initial request and writing prescription
- 5 Minimum of **48 hours** between written request and writing prescription

## Documentation & Reporting



Attending provider must document oral and written requests, diagnosis, prognosis, capability, informed decision, consulting provider confirmation, counseling referral, offering opportunity to rescind, and medication prescribed.



Department of Health reviews records annually.

## Legal Provisions, Regulatory Compliance, Oversight



Participating providers immune from civil/criminal liability and professional discipline.



Cause of death listed as underlying terminal disease.



Health care facilities may prohibit participation on premises.



Contracts, wills, insurance, and annuity policies not affected.



Department of Health monitors compliance and issues annual statistical report.





# NEW JERSEY

2019



## MEDICAL AID IN DYING FOR THE TERMINALLY ILL ACT

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Scan for the complete MAiD Toolkit!



### Eligibility Criteria

Eligibility criteria attempt to ensure the process is ethical and applies only to those who meet specific, legally defined conditions to prevent misuse or coercion.



Adult resident of New Jersey



Capable of making and communicating health care decisions



Terminally ill prognosis of 6 months or less



Voluntarily expresses wish for medication

### Informed Consent

Regulating information of a treatment, procedure, or process.

Patient must make 2 oral requests at least 15 days apart and one written request

15 days must elapse between initial request and writing prescription

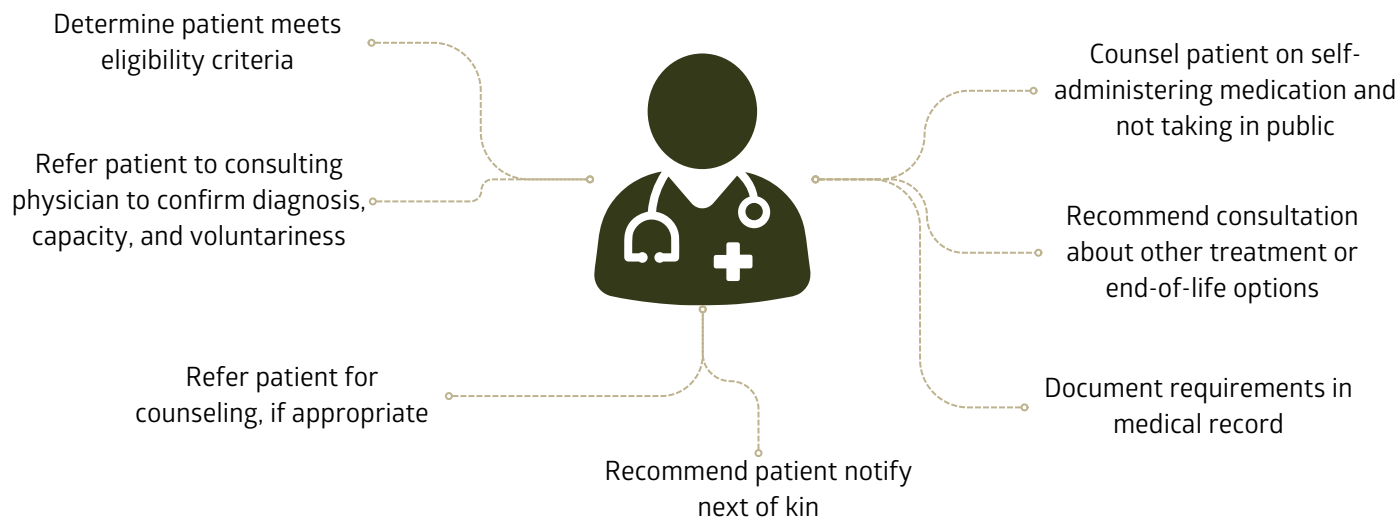
Attending physician must inform patient of diagnosis, prognosis, risks, probably results, and alternatives

Physician must offer opportunity to rescind at time of second oral request

48 hours must elapse between written request and prescription

### Physician Responsibilities

Physicians have legal and ethical duties outlined in the Medical Aid in Dying for the Terminally Ill Act.



## Request Process

- 1 Patient must make 2 oral requests at least **15 days** apart.
- 2 Written request must be signed and dated with two witnesses.
- 3 One witness cannot be relative, entitled to estate, or employed at health facility.

## Documentation & Reporting



Attending physician must document all criteria and steps taken in medical record.



Dispensing record filed with Department of Health within 30 days.



Department of Health must collect and review information annually.

## Legal Provisions, Regulatory Compliance, Oversight



Participating in accordance with the Act is not suicide, assisted suicide, or homicide.



Requests cannot affect insurance policies or annuity contracts.



Facility policies govern health care professional activity on their premises.



No contract/will provision can restrict requests under the Act.



Relevant licensing boards adopt regulations for health professional duties.



Department of Health collects documents and issues annual reports.



# MAINE

2019



## DEATH WITH DIGNITY ACT

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Scan for the complete MAiD Toolkit!



### Eligibility Criteria

Eligibility criteria attempt to ensure the process is ethical and applies only to those who meet specific, legally defined conditions to prevent misuse or coercion.



18 years or older resident of Maine



Capable of making and communicating health care decisions



Diagnosed with a terminal disease with a prognosis of 6 months or less



Voluntarily expresses wish to die

### Informed Consent

Regulating information of a treatment, procedure, or process.



Attending physician must inform patient of medical diagnosis, prognosis, risks, result of taking medication, and alternatives



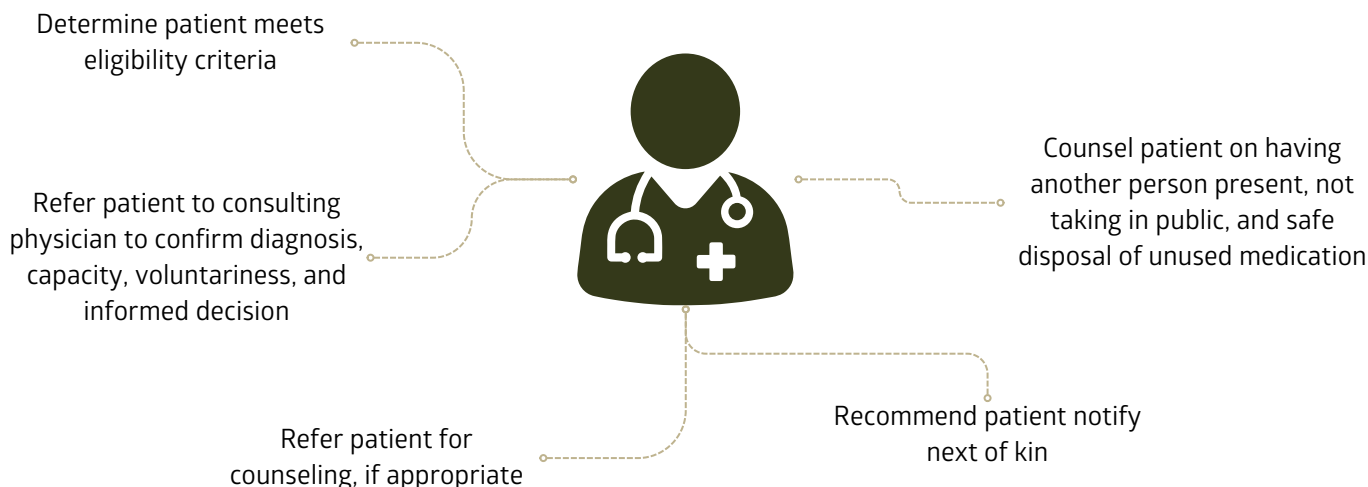
Patient must make 2 oral requests at least 15 days apart and one written request



Attending physician must offer opportunity to rescind request at second oral request.

### Physician Responsibilities

Physicians have legal and ethical duties outlined in the Death with Dignity Act.



## Request Process

- 1 Patient must make 2 oral requests at least **15 days** apart
- 2 Written request must be signed and dated with 2 witnesses
- 3 One witness cannot be relative, entitled to estate, or owner/employee of treating health care facility
- 4 Minimum of **15 days** between initial request and writing prescription
- 5 Minimum of **48 hours** between written request and writing prescription

## Documentation & Reporting



Attending physician must document all criteria and steps taken in medical record.



Health care providers must report prescribing/dispensing information to the Department of Health and Human Services



Department of Health and Human Services must publish annual statistic report

## Legal Provisions, Regulatory Compliance, Oversight



Criminal penalties for coercing or forging requests.



Death certificate lists underlying terminal disease, not suicide.



Healthcare providers can prohibit participation on their premises.



No contract/will/insurance can be conditioned on request.



Rulemaking authority to Department of Health and Human Services to facilitate data collection and confidentiality.



Department of Health and Human Services collects documentation and issues annual report.



Euthanasia, mercy killing, lethal injection prohibited.



# NEW MEXICO

2021



## ELIZABETH WHITEFIELD END OF LIFE OPTIONS ACT

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### Eligibility Criteria

Eligibility criteria attempt to ensure the process is ethical and applies only to those who meet specific, legally defined conditions to prevent misuse or coercion.



Adult resident of New Mexico



Has capacity to make health care decisions



Has a terminal illness with a prognosis of 6 months or less



Voluntarily makes request for aid-in-dying medication



Has the ability to self-administer the medication

### Informed Consent

Regulating information of a treatment, procedure, or process.



Prescribing provider must inform patient of diagnosis, prognosis, risks of taking medication, probable result, option to obtain medication but not use it, and alternatives like hospice and palliative care.



Patient must complete a signed form making the request.

### Physician Responsibilities

Physicians have legal and ethical duties outlined in the Elizabeth Whitefield End of Life Options Act.

Determine if patient meets eligibility criteria

Provide care in accordance with accepted medical standards



Refer patient to consulting provider to confirm terminal illness, unless patient is enrolled in hospice

Document determination in medical record

Determine request is not due to coercion or undue influence

## Request Process

- 1 Patient must make request on specific form.
- 2 Form must be signed by patient and two witnesses.
- 3 Prescription cannot be filled until **48 hours** after being written, unless patient is likely to die before then.

## Documentation & Reporting



Providers must report prescriptions written to the Department of Health



Department of Health must issue annual statistical report on data collected

## Legal Provisions, Regulatory Compliance, Oversight



Participating in accordance with the Act is not suicide, homicide, or adult abuse.



Providers acting in good faith are immune from liability and professional discipline.



Health care entities can prohibit participation on their premises.



Providers can choose not to participate based on conscience.



Department of Health collects reports and issues annual statistical report.

