

Act 39 – Patient Choices at End of Life	“Oregon Model” with robust safeguards until SUNSET (6/30/16)	“Best Medical Practices” without robust safeguards after SUNSET (7/1/16)
Full assessment of patient including medical history and examination	Yes	Yes
Patient must have terminal illness, with prognosis of 6 months or less.	Yes	Yes
Patient must be Vermont resident	Yes	Yes
Patient must be capable of making decision	Yes	Yes
Patient must be able to self administer medication	Yes	Yes
Physician must inform patient in person and in writing re: diagnosis, prognosis, range of treatment options, risks of taking medication, probably result of taking medication	Yes	Not required (Physician must “advise the patient of all foreseeable risks related to the prescription.”)
Physician must inform patient about hospice and all end of life services * <i>also required under current law, 18 VSA 1871.</i>	Yes	Yes
Patient must provide informed consent.	Yes	Nothing other than what is required by existing practice standards.
Physician must verify that patient does not have impaired judgment	Yes	Yes
If any question re: impaired judgment, patient must be referred for a psych evaluation	Yes	Not required
Waiting period of 15 days between 1st and 2nd oral request	Yes	Not required
Waiting period of 48 hours after last request prior to writing prescription	Yes	Not required
Oral Request in presence of physician	2 oral requests 15 days apart	Not required
Written request signed by the patient in the presence of two or more witnesses who were not interested persons, who were at least 18 years of age, and who	Yes	Not required

signed and affirmed that the patient appeared to understand the nature of the document and to be free from duress or undue influence at the time the request was signed.		
Second opinion re: diagnosis and prognosis, capable and acting voluntarily	Yes	Not required
Encourage next of kin notified	Not required	Not required
Encourage someone present	Not required	Not required
Physician offer patient two opportunities to rescind request	Yes	Not required
Physician must file a report to VDOH	Yes	Not required
Immunity for physician (Civil & Criminal)	Yes	Yes
Life & Medical Malpractice Insurance protection	Yes	Yes
Exceptions for provider & facilities to not participate	Yes	Yes
VDOH must file an annual statistical report	Yes	Not required