

Vermont Medical Aid In Dying Process

Act 39 provides a detailed set of qualifications and a required process in order for a doctor to legally prescribe medical aid in dying.

Before the Statutory Process Begins

- Patient gets terminal diagnosis, and a prognosis of 6 months or less.
- Patient and physician discuss all available options related to terminal care.
- Patient decides to pursue medical-aid-in-dying.
- Patient discusses medical-aid-in dying with their physician and asks whether their physician will agree to support them through the process.
- If the Physician agrees, the statutory process begins.

Statutory Process Begins (18 VSA Chapter 113)

Before the physician can write the prescription, the following steps must be taken and documented in the patient's medical record.

First Request: Patient makes first oral request to the physician

Physician Confirms that the Patient Meets Act 39 Requirements:

Physician examines the patient and their medical history and determines that the patient is:

- suffering from a terminal disease with a prognosis of 6 months or less to live;
- capable of making and communicating their decision;
- making an informed decision;
- making a voluntary request for medication to hasten their death; and
- is a Vermont resident 18 years or older.

Patient Receives All Relevant Information: The physician informs the patient in person, both verbally and in writing, of all the following:

- the patient's medical diagnosis;
- the patient's prognosis;
- the range of treatment options appropriate for the patient and the patient's diagnosis;
- all feasible end-of-life services, including palliative care, comfort care, hospice care, and pain control;
- the range of possible results, including potential risks associated with taking the medication to be prescribed;
- the probable result of taking the medication to be prescribed; and
- that the patient may rescind the request at any time and in any manner.

The physician either verifies that the patient does not have impaired judgment or refers the patient for an evaluation by a psychiatrist, psychologist, or clinical social worker for confirmation that the patient is capable and does not have impaired judgment.

The physician refers the patient to a second physician.



Second Physician Confirms:

- the patient's diagnosis;
- the patient's prognosis;
- the determination that the patient is capable, acting voluntarily, and has made an informed decision.

Written Request with Independent Confirmation: The patient makes a written request for the medication witnessed by two independent individuals who affirm 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.

Patient makes their second oral request *Made no fewer than 15 days after the first*

Physician offers the patient an opportunity to rescind the request.

No sooner than 48 hours later



Physician ensures that all required steps have been taken and confirms that the patient is making an informed decision.

Physician Writes the Prescription

Medical Record: Physician records all of the above, including dates and times of each step and the medication prescribed, in the patient's medical record.

Reporting: Physician completes and files the forms required with the Department of Health.