

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred Senate Bill
3 No. 74 entitled “An act relating to modifications to Vermont’s patient choice at
4 end of life laws” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 Sec. 1. 18 V.S.A. § 5281 is amended to read:

8 § 5281. DEFINITIONS

9 As used in this chapter:

10 * * *

11 (11) “Health care services” means services for the diagnosis, prevention,
12 treatment, cure, or relief of a health condition, illness, injury, or disease.

13 (12) “Telemedicine” means the delivery of health care services,
14 including dental services, such as diagnosis, consultation, or treatment through
15 the use of live interactive audio and video over a secure connection that
16 complies with the requirements of the Health Insurance Portability and
17 Accountability Act of 1996, Pub. L. No. 104-191.

18 Sec. 2. 18 V.S.A. § 5283 is amended to read:

19 § 5283. REQUIREMENTS FOR PRESCRIPTION AND

20 DOCUMENTATION; IMMUNITY

1 (a) A physician shall not be subject to any civil or criminal liability or
2 professional disciplinary action if the physician prescribes to a patient with a
3 terminal condition medication to be self-administered for the purpose of
4 hastening the patient's death and the physician affirms by documenting in the
5 patient's medical record that all of the following occurred:

6 (1) The patient made an oral request to the physician in the physician's
7 physical presence or by telemedicine, if the physician determines the use of
8 telemedicine to be clinically appropriate, for medication to be self-
9 administered for the purpose of hastening the patient's death.

10 (2) No fewer than 15 days after the first oral request, the patient made a
11 second oral request to the physician in the physician's physical presence or by
12 telemedicine, if the physician determines the use of telemedicine to be
13 clinically appropriate, for medication to be self-administered for the purpose of
14 hastening the patient's death.

15 * * *

16 (5) The physician determined that the patient:

17 (A) was suffering a terminal condition, based on the physician's
18 ~~physical examination of the patient and~~ review of the patient's relevant
19 medical records and a physician's physical examination of the patient;

20 (B) was capable;

21 (C) was making an informed decision;

1 (D) had made a voluntary request for medication to hasten ~~his or her~~
2 the patient's own death; and

3 (E) was a Vermont resident.

4 (6) The physician informed the patient in person or by telemedicine,
5 both verbally and in writing, of all the following:

6 * * *

7 (12) The physician wrote the prescription ~~no fewer than 48 hours~~ after
8 the last to occur of the following events:

9 (A) the patient's written request for medication to hasten ~~his or her~~
10 the patient's own death;

11 (B) the patient's second oral request; ~~or~~ and

12 (C) the physician's offering the patient an opportunity to rescind the
13 request.

14 (13) The physician either:

15 (A) dispensed the medication directly, provided that at the time the
16 physician dispensed the medication, ~~he or she~~ the physician was licensed to
17 dispense medication in Vermont, had a current Drug Enforcement
18 Administration certificate, and complied with any applicable administrative
19 rules; or

20 * * *

1 (c) No physician, nurse, pharmacist, or other person licensed, certified, or
2 otherwise authorized by law to deliver health care services in this State shall be
3 subject to civil or criminal liability or professional disciplinary action for
4 acting in good faith compliance with the provisions of this chapter.

5 (d) Except as otherwise provided in this section and sections 5283, 5289,
6 and 5290 of this title, nothing in this chapter shall be construed to limit liability
7 for civil damages resulting from negligent conduct or intentional misconduct
8 by any person.

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(Committee vote: _____)

Senator _____

FOR THE COMMITTEE