

**PHI 213: MEDICAL AND BIOETHICS
OREGON'S DEATH WITH DIGNITY ACT**

I. GENERAL PROVISIONS: The patient must:

- A. Be 18 years or older.
- B. Be a legal resident of Oregon
- C. Have a terminal illness, as determined by the Attending Physician and the Consulting Physician.
- D. Sign a written request on a required form, with two witnesses. "One of the witnesses cannot be a relative of the patient, a person entitled to a part of their estate, or an owner or operator of the healthcare facility."
- E. "The Consulting physician must examine the patient and confirm terminal illness and that the patient is acting voluntarily."
- F. "If either of the physicians believes the patient may be suffering from a psychiatric or psychological disorder, or depression causing impaired judgment, he or she shall refer the patient for counseling. If such a disorder or depression is present, no medication to end a patient's life is permitted."
- G. "The patient also has to make an oral request (before the written one), and reiterate the request orally, no less than 15 days after the written request. And then the physician must allow the patient to rescind the request."
- H. "A patient may rescind the request at any time and in any manner without regard to his or her mental state. If he or she does so, no prescription may be written."
- I. "The sale, procurement, or issuance of any life, health, or accident insurance or annuity policy or the rate charged for any policy shall not be conditioned upon or affected by the making or rescinding a request, by a person, for life-ending medication. Neither shall a qualified patient's act of ingesting life-ending medication have an effect upon a life, health, or accident insurance or annuity policy."
- J. "Nothing in this Act shall be construed to authorize a physician or any other person to end a patient's life by lethal injection, mercy killing or active euthanasia. Actions taken in accordance with this Act shall not, for any purpose, constitute suicide, assisted suicide, mercy killing or homicide, under the law."
- K. "No person shall be subject to civil or criminal liability or professional disciplinary action for participating in good faith compliance with this Act, including being present when a qualified patient takes the prescribed medication."
- L. "No professional organization or association, or healthcare provider, may subject a person to censure, discipline, suspension, loss of license, privileges, membership or other penalty for participating or refusing to participate in good faith compliance with this Act."
- M. "No request by a patient or his or her attending physician shall constitute neglect for any purpose of law or provide the sole basis for the appointment of a guardian or conservator."
- N. 95% choose to take the medication(s) at home. (DeathWithDignity.org)
- O. None of the Death with Dignity laws dictate what drug the physician must prescribe. Most patients receive an oral dose of a barbiturate (pentobarbital or secobarbital).
- P. A patient can receive the medication and not take it. A doctor does not, in effect, give the medication to the patient and wait for him or her to ingest it.
- Q. Three most frequently mentioned end-of-life concerns were: decreasing ability to participate in activities that made life enjoyable (90%), loss of autonomy (89%), and loss of dignity (75%).
- R. Among some patients, time from ingestion until death ranged from 15 minutes to 1.5 hours.
- S. Of 71 deaths in 2011, 69% were 65 or older. Most were white (96%), well-educated (49% had at least a BA degree) and had cancer (82%).
- T. Oregon's DWDA passed as an initiative in 1994, 51% to 49%. There was an injunction and another vote in 1997, and it passed 60% to 40%.
- U. In 2001, Attorney General John Ashcroft issued a directive that prescribing, dispensing or administering federally controlled substances to assist suicide violates the Controlled Substances Act. It was contested to SCOTUS, who upheld the DWDA in 2006.
- V. Assisted death is legal in these States: California, Colorado, Hawaii, Maine, Montana, New Jersey, New Mexico, Oregon, Vermont, Washington, and Washington, D.C.
- W. Assisted death is legal in some countries, under certain circumstances, including Canada, Belgium, the Netherlands, Luxembourg, Colombia, Switzerland, and parts of the United States and Australia (Victoria).
- X. Assisted death is illegal in: China, Denmark, France, Germany, Iceland, Ireland, New Zealand, South Africa, England and Wales.