



The Death with Dignity Act

In Washington state

This handout explains
Washington state's Death
with Dignity Act.

What is the Death with Dignity Act?

Washington's Death with Dignity Act (the Act) was passed by the voters of Washington state in November 2008. It allows adults with a terminal illness (an illness that is incurable and will lead to death) to request lethal doses of medicine from medical or osteopathic doctors. People who receive this medicine must give it to themselves by *ingesting* (swallowing) pills, by taking it through a feeding tube, or by using other means.

Who can request medicine under the Act?

A patient who requests medicine under the Act must be:

1. An adult (at least 18 years of age);
2. A Washington state resident; and
3. Suffering from a terminal (incurable, irreversible) illness that is medically expected to lead to death within 6 months.

What is required for Washington state residency under the Act?

Examples of proof of residency include, but are not limited to:

- Washington state driver's license.
- Washington state voter registration.
- Evidence that the patient owns or leases property in Washington state.

What must a patient do before receiving a prescription under the Act?

A patient must:

1. Tell their attending doctor twice that they would like a prescription. These 2 requests must be at least 15 days apart.
 - The patient must be asked if they would like to take back their request at the time of their second oral request.
2. Submit a written request, using the form provided by the Washington State Department of Health or one that is very similar.
 - The patient must sign and date the written request. Two witnesses must also sign and date the request form.
 - The patient must submit their request at least 48 hours before a prescription may be written.

What must the patient's doctor and other care providers do?

1. The attending doctor **and** a consulting doctor must confirm that the patient:
 - Is competent;
 - Has a terminal illness; and
 - Is making a voluntary, informed request.
2. Evaluation by a consulting psychiatrist or psychologist may be needed to determine that the patient does not have a mental disorder that is affecting their judgment.
3. Discuss available options, such as hospice, with the patient.
4. Counsel the patient to recommend the following:
 - That they inform their next of kin about their request and wishes.
 - That they have someone with them at the time they ingest the medicine.
 - That they not ingest the medicine in a public place.

Who may be a witness for the written request?

At least 1 witness may **not** be:

- The patient's relative by blood, marriage, or adoption;
- A person who, at the time the request is signed, would be entitled to any part of the patient's estate upon the patient's death under any will or by operation of law; or
- An owner, operator, or employee of a health care facility where the patient is receiving medical treatment or is living.

The patient's attending doctor at the time the request is signed is **not** eligible to be one of the witnesses.

If the patient is a resident of a long-term care facility, one of the witnesses must be a person named by the facility who is not an owner, operator, or employee of the facility. This witness may be, but is not limited to, an ombudsman, chaplain, or social worker.

What else must the participating health care providers do?

The following forms, developed by the Washington State Department of Health (DOH), must be completed and submitted to the State Registrar's Center for Health Statistics at the DOH:

- Attending Physician's Compliance form
- Consulting Physician's Compliance form
- Psychiatric/Psychological Consultant's Compliance form (if a mental health evaluation was done)
- Pharmacy Dispensing Record form
- Attending Physician's After Death Reporting form (within 30 calendar days of a qualified patient's ingestion of a lethal dose of medicine obtained under the Act, or death from any other cause, whichever comes first)

The attending doctor may sign the death certificate, which must list the underlying disease as the cause of death.

Would participating in the Act affect a patient's life insurance or other insurance policy?

No. The Act specifically provides that participating in the Act, including ingesting a lethal dose of medicine under the Act, will not have any effect on a person's life, health, annuity, or other insurance policy.

Are health care facilities, doctors, or pharmacists required to participate in the Act?

No. Only willing providers should participate in the Act. Any provider or facility may choose not to participate in the Act.

Questions?

Your questions are important. Call your doctor or health care provider if you have questions or concerns.

If a doctor, pharmacist, or facility does not want to participate, does the Act require a referral for the patient to a doctor, pharmacist, or facility who will?

No. However, if the patient wishes to be cared for by another doctor, the current doctor must transfer the patient's records to the new doctor.

Has University of Washington Medical Center (UWMC) chosen to *opt out* (not to participate in) the Act?

No. UWMC allows its doctors to participate in the Act. Any UWMC doctor or other provider or employee may choose not to participate on an individual basis.

How does UWMC respond to patient requests under the Act?

UWMC uses a "team approach" to help patients who make requests under the Act. If a UWMC patient makes a request under the Act to a UWMC doctor who is willing to participate, various team members will assist this doctor in working with the patient and their family.

If a UWMC patient makes a request under the Act to a UWMC doctor who is not willing to participate, the team **may** be able to help the patient transfer their care within UWMC. Or, they may give the patient information about other resources or options.

To Learn More

To read the complete Death with Dignity Act and to get forms, visit the Washington Department of Health Web site at www.doh.wa.gov/dwda.

If you do not have access to the Internet, your doctor may be able to help you get copies of the DOH forms. You also may call Compassion & Choices of Washington at 206-256-1636 or toll-free at 877-222-2816 for more detailed information and copies of the DOH forms.

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