

DIVISION 9 - REPORTING REQUIREMENTS OF THE OREGON DEATH WITH DIGNITY ACT

333-009-0000

Definitions

For the purpose of OAR 333-009-0000 through 333-009-0030, the following definitions apply.

- (1) "Act" means the "Oregon Death with Dignity Act" or Measure 16 as adopted by the voters on November 8, 1994.
- (2) "Adult" means an individual who is 18 years of age or older.
- (3) "Attending Physician" means the physician who has primary responsibility for the care of the patient and treatment of the patient's terminal disease.
- (4) "Authority" means the Oregon Health Authority.
- (5) "Capable" means that in the opinion of a court or in the opinion of the patient's attending physician or consulting physician, psychiatrist or psychologist, a patient has the ability to make and communicate health care decisions to health care providers, including communication through persons familiar with the patient's manner of communicating, if those persons are available.
- (6) "Consulting physician" means a physician who is qualified by specialty or experience to make a professional diagnosis and prognosis regarding the patient's disease.
- (7) "Counseling" means one or more consultations as necessary between a state licensed psychiatrist or psychologist and a patient for the purpose of determining that the patient is capable and not suffering from a psychiatric or psychological disorder or depression causing impaired judgment.
- (8) "Dispensing Record" means a copy of the pharmacy dispensing record form.
- (9) "Health Care Facility" shall have the meaning given in ORS 442.015.
- (10) "Health Care Provider" means a person licensed, certified or otherwise authorized or permitted by the law of this state to administer health care or dispense medication in the ordinary course of business or practice of a profession and includes a health care facility.
- (11) "Patient" means a person who is under the care of a physician.
- (12) "Physician" means a doctor of medicine or osteopathy licensed to practice medicine by the Oregon Medical Board.
- (13) "Qualified patient" means a capable adult who is a resident of Oregon and has satisfied the requirements of this Act in order to obtain a prescription for medication to end his or her life in a humane and dignified manner.

Stat. Auth.: ORS 127.865

Stats. Implemented: ORS 127.800-127.995

Hist.: HD 15-1997(Temp), f. & cert. ef. 11-6-97; OHD 4-1998, f. & cert. ef. 5-4-98; OHD 12-1999, f. & cert. ef. 12-28-99; PH 24-2006, f. & cert. ef. 10-19-06; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11

333-009-0010

Reporting

(1) To comply with ORS 127.865(2), within seven calendar days of writing a prescription for medication to end the life of a qualified patient the attending physician shall send the following completed, signed and dated documentation by mail to the State Registrar, Center for Health Statistics, 800 NE Oregon Street, Suite 205, Portland OR 97232, or by facsimile to (971) 673-1201:

(a) The patient's completed written request for medication to end life, either using the "Written Request for Medication to End My Life in a Humane and Dignified Manner" form prescribed by the Authority or in substantially the form described in ORS 127.897;

(b) One of the following reports prescribed by the Authority:

(A) "Attending Physician's Compliance Form"; or

(B) "Attending Physician's Compliance Short Form" accompanied by a copy of the relevant portions of the patient's medical record documenting all actions required by the Act;

(c) "Consulting Physician's Compliance Form" prescribed by the Authority; and

(d) "Psychiatric/Psychological Consultant's Compliance Form" prescribed by the Authority, if an evaluation was performed.

(2) Within 10 calendar days of a patient's ingestion of lethal medication obtained pursuant to the Act, or death from any other cause, whichever comes first, the attending physician shall complete the "Oregon Death with Dignity Act Attending Physician Interview" form prescribed by the Authority.

(3) To comply with ORS 127.865(1)(b), within 10 calendar days of dispensing medication pursuant to the Death with Dignity Act, the dispensing health care provider shall file a copy of the "Pharmacy Dispensing Record Form" prescribed by the Authority with the State Registrar, Center for Health Statistics, 800 NE Oregon St., Suite 205, Portland, OR 97232 or by facsimile to (971) 673-1201. Information to be reported to the Authority shall include:

(a) Patient's name and date of birth;

(b) Prescribing physician's name and phone number;

(c) Dispensing health care provider's name, address and phone number;

(d) Medication dispensed and quantity;

(e) Date the prescription was written; and

(f) Date the medication was dispensed.

Note: Forms referenced are available from the agency at <http://egov.oregon.gov/DHS/ph/pas/pasforms.shtml>.

Stat. Auth.: ORS 127.865

Stats. Implemented: ORS 127.800-127.995

Hist.: HD 15-1997(Temp), f. & cert. ef. 11-6-97; OHD 4-1998, f. & cert. ef. 5-4-98; OHD 12-1999, f. & cert. ef. 12-28-99; PH 24-2006, f. & cert. ef. 10-19-06

333-009-0020**Record Review/Annual Report**

(1) The Authority shall annually review records maintained pursuant to this Act.

(2) The Authority shall generate and make available to the public an annual statistical report of information collected under this Act.

Stat. Auth.: ORS 127.800

Stats. Implemented: ORS 127.800 - 127.897

Hist.: HD 15-1997(Temp), f. & cert. ef. 11-6-97; OHD 4-1998, f. & cert. ef. 5-4-98; PH 24-2006, f. & cert. ef. 10-19-06

333-009-0030**Confidentiality/Liability**

(1) All information collected pursuant to ORS 127.800 to 127.897 including, but not limited to, the identity of patients, physicians and other health care providers, and health care facilities shall not be a public record and may not be made available for inspection by the public.

(2) All information collected pursuant to ORS 127.800 to 127.897 and the annual statistical report referred to in 333-009-0020(2) shall be considered a special morbidity and mortality study under ORS 432.060. Summary information released in statistical reports shall be aggregated to prevent identification of individuals, physicians, or health care facilities.

(3) Pursuant to ORS 432.060, providing morbidity and mortality information to the Authority does not subject any physician, hospital, health care facility or other organization or person furnishing such information to an action for damages.

(4) Access to death certificate information shall be in accordance with OAR 333-011-0096 pursuant to ORS 432.121.

Stat. Auth.: ORS 127.800

Stats. Implemented: ORS 127.800 - 127.995, 432.060, 432.121

Hist.: HD 15-1997(Temp), f. & cert. ef. 11-6-97; OHD 4-1998, f. & cert. ef. 5-4-98; PH 24-2006, f. & cert. ef. 10-19-06