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PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 333
OREGON HEALTH AUTHORITY
PUBLIC HEALTH DIVISION

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FILING CAPTION: Amend Death with Dignity rules to align with HB 2279 (2023) and broaden reporting options

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Filed By:
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RULES:

333-009-0000, 333-009-0010

AMEND: 333-009-0000

NOTICE FILED DATE: 07/31/2023

RULE SUMMARY: AMEND OAR 333-009-0000, Definitions

This rule is amended to remove the residency requirement included in the definition of "qualified patient". Removal of the residency requirement is required by the passage of HB 2279 during the 2023 Legislative Session.

CHANGES TO RULE:

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 Pphysician" 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 Rrecord" means a copy of the pharmacy dispensing record form.¶¶
- (9) "Health Ccare Ffacility" 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~~their life in a humane and dignified manner.
Statutory/Other Authority: ORS 127.865
Statutes/Other Implemented: ORS 127.800-127.995

AMEND: 333-009-0010

NOTICE FILED DATE: 07/31/2023

RULE SUMMARY: AMEND OAR 333-009-0010, Reporting

This rule is amended to expand the ways in which physicians may report to the Oregon Health Authority (OHA) prescription documentation to OHA the "Pharmacy Dispensing Record Form." OHA will allow providers to e-mail documentation to OHA in addition to continuing documentation to the agency.

CHANGES TO RULE:

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 patient, the physician shall send the following completed, signed and dated documentation by regular mail to the State Registrar, Center for Health Statistics, 800 NE Oregon St., Portland OR 97232, ~~or by facsimile to (971) 673-1204; 5332, or by secure electronic mail:~~ ¶¶

(a) The patient's completed written request for medication to end life, either using the "Written Request for Medication to End Life" form prescribed by the Authority Oregon Health Authority (Authority) or in substantially the form described in ORS 127.890; and

(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 records; and ¶¶

(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, 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 physician shall file a copy of the "Pharmacy Dispensing Record Form" prescribed by the Authority with the State Registrar; via regular mail to the State Registrar, 800 NE Oregon St., Suite 205, Portland, OR 97232 ~~or by, via facsimile to (971) 673-1204; 5332 or by secure electronic mail.~~ Information to be included includes: ¶¶

(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 <https://public.health.oregon.gov/ProviderPartnerResources/EvaluationResearch/DeathwithDignityAct/www.oregon.gov/oha/PH/PROVIDERPARTNERRESOURCES/EVALUATIONRESEARCH/>

Statutory/Other Authority: ORS 127.865

Statutes/Other Implemented: ORS 127.800-127.995