

Death with Dignity Act Requirements

The Death with Dignity Act (DWDA) allows terminally ill Oregon residents to obtain and use prescriptions from their physicians for self-administered, lethal medications. Under the DWDA, ending one's life in accordance with the law does not constitute suicide. The law specifically prohibits euthanasia, where a physician or other person directly administers a medication to end another's life.

To request a prescription for lethal medications, the DWDA requires that a patient must be:

- an adult (18 years of age or older),
- a resident of Oregon,
- capable (defined as able to make and communicate health care decisions), and
- diagnosed with a terminal illness that will lead to death within six months.

Patients meeting these requirements are eligible to request a prescription for lethal medication from a licensed Oregon physician. To receive a prescription for lethal medication, the following steps must be fulfilled:

- The patient must make two oral requests to his or her physician, separated by at least 15 days. A change to the law effective January 1, 2020 allows patients whose life expectancy is less than 15 days to skip the waiting period.
- The patient must provide a written request to his or her physician, signed in the presence of two witnesses.
- The prescribing physician and a consulting physician must confirm the diagnosis and prognosis.
- The prescribing physician and a consulting physician must determine whether the patient is capable.
- If either physician believes the patient's judgment is impaired by a psychiatric or psychological disorder, the patient must be referred for a psychological examination.
- The prescribing physician must inform the patient of feasible alternatives to DWDA, including comfort care, hospice care, and pain control.
- The prescribing physician must request, but may not require, the patient to notify his or her next-of-kin of the prescription request.

To comply with the law, physicians must report to the Oregon Health Authority (OHA) all prescriptions for lethal medications. Reporting is not required if patients begin the request process but never receive a prescription. In 1999, the Oregon legislature added a requirement that pharmacists must be informed of the prescribed medication's intended use. Physicians and patients who adhere to the requirements of the DWDA are protected from criminal prosecution, and the choice of DWDA cannot affect the status of a patient's health or life insurance policies. Physicians, pharmacists, and health care systems are under no obligation to participate in the DWDA.

DWDA REPORTING REQUIREMENTS	
Within 7 calendar days of writing prescription:	Patient's written request for medication/consent form Attending physician compliance form Consulting physician compliance form Psychiatric/Psychological consultant compliance form (if applicable)
Within 10 calendar days of the pharmacy dispensing the lethal medications:	Pharmacy dispensing record form
Within 10 calendar days of the patient's death and/or ingestion of lethal medications:	Attending physician's follow-up form

The Oregon Revised Statutes specify that action taken in accordance with the DWDA does not constitute suicide, mercy killing or homicide under the law.

Links to statutes can be found at

<https://public.health.oregon.gov/ProviderPartnerResources/EvaluationResearch/DeathwithDignityAct/Pages/ors.aspx>.