

Washington Death with Dignity Act: Information for Residents



Washington is the second jurisdiction in the U.S. to authorize medical aid in dying. The Death with Dignity Act allows a mentally capable, terminally ill adult with six months or less to live to request medical aid-in-dying medication from their doctor which they choose to self-administer, if their suffering becomes unbearable, to bring about a peaceful death. The law went into effect on March 9, 2009.

Who is Eligible for Medical Aid in Dying

To be eligible for medical aid in dying under the Death with Dignity Act, a person must be:

1. An adult
2. Terminally ill
3. Given a prognosis of six months or less to live
4. Mentally capable of making their own healthcare decisions.

In addition, a person must meet the following requirements:

- A resident of Washington
- Acting voluntarily
- Capable of self-administering the medical aid-in-dying drug.

Steps for Using the Law to Access Medical Aid in Dying

In addition to meeting the requirements, there is a process that must be followed in order to qualify for a prescription for medical aid-in-dying medication.

- A person must make a total of three (3) voluntary requests —two oral requests at least 15 days apart directly to their doctor and one written request using the statutory form and signed by two witnesses. A physician must wait at least 48 hours after receiving a written request to write a prescription. These requests cannot be made by a designee or third party (including relatives or anyone with power of attorney), and the requests cannot be made via an advance healthcare directive.
- Two Washington physicians must agree that the requestor is eligible to use the Death with Dignity Act. One physician prescribes the medication, and the other provides a consulting opinion.
- A person may prove residency in the state of Washington by one of the following means:
 - ◆ Possession of a driver's license or other identification issued by the state of Washington
 - ◆ Registration to vote in Washington
 - ◆ Evidence of ownership or leasing of property in Washington, or
- A person must give fully informed consent after being given information by their doctor about all other end-of-life options.

Note: A person may at any time withdraw the request for the aid-in-dying drug or decide not to ingest the drug.

Rules Regarding Witnesses to Medical Aid-in-Dying Requests

Two witnesses must sign the statutory written request form in the presence of the person requesting medical aid-in-dying medication. This form will be available on the State Department of Health website.

The law requires that:

- The form be signed and dated by the patient and witnessed by at least two individuals who, in the presence of the patient, attest that to the best of their knowledge and belief the patient is:
 - ◆ Competent
 - ◆ Acting voluntarily
 - ◆ Is not being coerced to sign the request
- Only one of the two witnesses may be related by blood, marriage or adoption; or be a person entitled to a portion of the person's estate upon death.
- Only one of the two witnesses may own, operate or be employed at a healthcare facility where the qualified individual is receiving medical treatment or resides.
- The attending physician, consulting physician or mental health specialist may NOT be one of the witnesses.
- If the patient is a patient in a long-term care facility at the time the written request is made, one of the witnesses shall be an individual designated by the facility and having the qualifications specified by the department of health by rule.

No Adverse Effect on a Person's Will or Insurance

The law specifically mandates that wills, insurance, contracts and annuities are not affected if a qualified individual requests or ingests medical aid-in-dying medication. The underlying illness is listed as the cause of death on the death certificate.

Talking to Your Doctor About Medical Aid in Dying

Ask your doctors now whether they will support your end-of-life choices, including medical aid in dying. This will encourage them to listen to your priorities and become prepared to provide you with the care you may want in the future. If your medical providers are unable or unwilling to support your end-of-life choices, you have the option to change your care to a healthcare team that puts your wishes first.

Learn More

You can find more resources for patients and doctors at www.EndofLifeWA.org.