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## Death with Dignity Frequently Asked Questions

*We recommend reading all the questions and answers.*

*This information is provided as a courtesy and not intended as legal advice. Consult your physician and attorney.*

### **What is the Death with Dignity act?**

The Maine Death with Dignity Act, provides eligible Maine residents with terminal diseases the option to be prescribed a dose of medication that, if taken, will hasten the end of their life. This option requires the participation of a Maine-licensed physician.

### **Who is eligible to participate?**

Maine residents who are suffering from an incurable and irreversible disease that would, within reasonable medical judgment, result in death within six months. The patient must be capable of making a voluntary, informed health care decision, and can self-administer the prescribed dose.

[See the text of the law for more detail](#)

### **How does the law work?**

The Act lays out a step-by-step process for a patient and doctor to follow. It begins with a diagnoses and prognosis of a terminal and incurable illness that will, within medical judgment, take place within six months. Once that determination has been made, a patient may make an oral request of his or her physician to be prescribed a dose of medication that, if taken, would hasten death. The process requires, among other things, both oral and written requests, witnesses, and the second opinion of a physician. Every step must be voluntary by both the patient and the physician.

### **What makes someone a Maine resident?**

The Act does not specify what qualifies a person as a resident: it is up to the patient's physician to make that determination. Factors demonstrating residency include but are not limited to 1) Possession of a Maine driver's license; 2) Registration to vote in Maine; 3) Evidence that a person leases/owns property in Maine; or 4) Filing of a Maine tax return for the most recent tax year.

### **Is there a standard form for the written request?**

There is a Patient Request for End-of-Life Care Medication form. You can get that form from your doctor or at the Department of Health and Human Service website below.

<http://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/forms/index.shtml>

### **What does a patient do if he or she chooses not to use the prescribed dose?**

Patients may choose to rescind their request at any time. If the medication has been dispensed and the patient chooses not to use the medication, it should be delivered in person to a facility qualified to dispose of controlled substance. Consult your pharmacist for information about disposal facilities.

### **Are all doctors, nurses and pharmacists required to participate?**

No. Participation by any health care professional is completely voluntary.

### **Are doctors required to tell patients about this medical aid in dying?**

Patients have a right to receive relevant information regarding all treatment options reasonably available for the care of the patient. A doctor may choose not to participate in the Act. If they are unable or unwilling to carry out a qualified patients request, they will transfer any relevant medical records for the patient to a new physician if the patient requests.

### **How do you know if your doctor will participate?**

Make an appointment to talk to your doctor about your end-of-life goals and concerns, including the Death with Dignity option. During your visit the physician will provide you will all the information you need to make an informed decision.

### **Who will be providing accountability and oversight for implementation of Act?**

The legislature did not vest any government Agency with oversight of the Act. The Department of Health and Human Services is charged with collecting forms provided by participating physicians. Alleged abuses under the law would be investigated by the relevant licensing board, and/or the Maine Attorney General's Office.

**How will this impact life insurance policies?**

The Act prohibits a life insurance company from denying benefits to individuals who act in accordance with Act.

**What are the reporting requirements and what will be done with the information?**

The Act requires only that the physician, who prescribes the medication, provides documentation to the Department of Health and Human Services as required by rule. This information is confidential, is not a public record and not open to public inspection. It will be protected under state and federal privacy laws.

**Who can prescribe this medication?**

Any physician who is licensed to practice medicine in Maine, that includes physicians with MD and DO degrees. It does not extend to other prescribers such as advanced-practice registered nurses and physician assistants.