

Senate Bill 579

Sponsored by Senator PROZANSKI, Representative GREENLICK, Senator STEINER HAYWARD (at the request of Paul Kaplan) (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates exception under Death with Dignity Act to 15-day waiting period for patient with less than 15 days to live. Creates exception to two-day waiting period for patient with less than two days to live.

A BILL FOR AN ACT

1
2 Relating to death with dignity; amending ORS 127.815, 127.840, 127.850 and 127.855.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 127.815 is amended to read:

5 127.815. §3.01. Attending physician responsibilities. (1) The attending physician shall:

6 (a) Make the initial determination of whether a patient has a terminal disease, is capable, and
7 has made the request voluntarily;

8 (b) Request that the patient demonstrate Oregon residency pursuant to ORS 127.860;

9 (c) To ensure that the patient is making an informed decision, inform the patient of:

10 (A) His or her medical diagnosis;

11 (B) His or her prognosis;

12 (C) The potential risks associated with taking the medication to be prescribed;

13 (D) The probable result of taking the medication to be prescribed; and

14 (E) The feasible alternatives, including, but not limited to, comfort care, hospice care and pain
15 control;

16 (d) Refer the patient to a consulting physician for medical confirmation of the diagnosis, and for
17 a determination that the patient is capable and acting voluntarily;

18 (e) Refer the patient for counseling if appropriate pursuant to ORS 127.825;

19 (f) Recommend that the patient notify next of kin;

20 (g) Counsel the patient about the importance of having another person present when the patient
21 takes the medication prescribed pursuant to ORS 127.800 to 127.897 and of not taking the medication
22 in a public place;

23 (h) Inform the patient that he or she has an opportunity to rescind the request at any time and
24 in any manner, and offer the patient an opportunity to rescind at the *[end of the 15-day waiting pe-*
25 *riod]* **time the patient makes the patient's second oral request** pursuant to ORS 127.840;

26 (i) Verify, immediately prior to writing the prescription for medication under ORS 127.800 to
27 127.897, that the patient is making an informed decision;

28 (j) Fulfill the medical record documentation requirements of ORS 127.855;

29 (k) Ensure that all appropriate steps are carried out in accordance with ORS 127.800 to 127.897
30 prior to writing a prescription for medication to enable a qualified patient to end his or her life in

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 a humane and dignified manner; and

2 (L)(A) Dispense medications directly, including ancillary medications intended to facilitate the
3 desired effect to minimize the patient's discomfort, provided the attending physician is registered as
4 a dispensing physician with the Oregon Medical Board, has a current Drug Enforcement Adminis-
5 tration certificate and complies with any applicable administrative rule; or

6 (B) With the patient's written consent:

7 (i) Contact a pharmacist and inform the pharmacist of the prescription; and

8 (ii) Deliver the written prescription personally or by mail to the pharmacist, who will dispense
9 the medications to either the patient, the attending physician or an expressly identified agent of the
10 patient.

11 (2) Notwithstanding any other provision of law, the attending physician may sign the patient's
12 report of death.

13 **SECTION 2.** ORS 127.840 is amended to read:

14 127.840. §3.06. Written and oral requests. (1) In order to receive a prescription for medication
15 to end his or her life in a humane and dignified manner, a qualified patient shall have made an oral
16 request and a written request, and reiterate the oral request to his or her attending physician no
17 less than [*fifteen (15)*] **15** days after making the initial oral request.

18 **(2) Notwithstanding subsection (1) of this section, if the qualified patient's attending**
19 **physician has medically confirmed that the qualified patient will, within reasonable medical**
20 **judgment, die within 15 days after making the initial oral request under this section, the**
21 **qualified patient may reiterate the oral request to his or her attending physician at any time**
22 **after making the initial oral request.**

23 (3) At the time the qualified patient makes his or her second oral request, the attending physi-
24 cian shall offer the patient an opportunity to rescind the request.

25 **SECTION 3.** ORS 127.850 is amended to read:

26 127.850. §3.08. Waiting periods. (1) No less than [*fifteen (15)*] **15** days shall elapse between the
27 patient's initial oral request and the writing of a prescription under ORS 127.800 to 127.897. No less
28 than 48 hours shall elapse between the patient's written request and the writing of a prescription
29 under ORS 127.800 to 127.897.

30 **(2) Notwithstanding subsection (1) of this section, if the qualified patient's attending**
31 **physician has medically confirmed that the qualified patient will, within reasonable medical**
32 **judgment, die before the expiration of at least one of the waiting periods described in sub-**
33 **section (1) of this section, the prescription for medication under ORS 127.800 to 127.897 may**
34 **be written at any time following the later of the qualified patient's written request or second**
35 **oral request under ORS 127.840.**

36 **SECTION 4.** ORS 127.855 is amended to read:

37 127.855. §3.09. Medical record documentation requirements. The following shall be documented
38 or filed in the patient's medical record:

39 (1) All oral requests by a patient for medication to end his or her life in a humane and dignified
40 manner;

41 (2) All written requests by a patient for medication to end his or her life in a humane and dig-
42 nified manner;

43 (3) The attending physician's diagnosis and prognosis, determination that the patient is capable,
44 acting voluntarily and has made an informed decision;

45 (4) The consulting physician's diagnosis and prognosis, and verification that the patient is ca-

1 pable, acting voluntarily and has made an informed decision;

2 (5) A report of the outcome and determinations made during counseling, if performed;

3 **(6) Any medically confirmed certification of the imminence of the patient's death;**

4 [(6)] (7) The attending physician's offer to the patient to rescind his or her request at the time
5 of the patient's second oral request pursuant to ORS 127.840; and

6 [(7)] (8) A note by the attending physician indicating that all requirements under ORS 127.800
7 to 127.897 have been met and indicating the steps taken to carry out the request, including a nota-
8 tion of the medication prescribed.

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