

## Checklist for Health Care Providers' Compliance with Maine's Death with Dignity Law

**Attending Physician** – Physician with the primary responsibility for the care of a patient and the treatment of the patient's terminal disease

- Determines the patient has an incurable and irreversible disease that will likely result in death within six months
- Requests that the patient demonstrate residency
- Determines whether the patient is competent
- Meets alone with the patient (with an interpreter if needed who must complete a form substantially similar to the one in the statute) to confirm the patient is making the oral and written requests voluntarily without coercion or undue influence
- Informs the patient of their diagnosis and prognosis, the risks and expected result of taking the medication and the alternatives to taking the medication
- Confirms that the written request is in the proper form with two qualified witnesses and signed at least 15 days after the initial oral request
- At the time of the patient's second oral request at least 15 days following the first oral request, the attending physician must offer the patient an opportunity to rescind the request
- Refers the patient to a consulting physician for confirmation of the attending physician's findings
- If necessary, refers the patient for counseling
- Obtains the patient's informed consent
- Recommends that the patient notify his/her next of kin
- Counsels the patient about the importance of having another person present when taking the medication and to not self-ingest the medication in a public place
- No sooner than 48 hours following the written request, the attending physician ensures that all appropriate steps have been completed before writing a prescription, including verifying that the patient is making an informed decision immediately before writing the prescription
- Dispenses medication that the patient may voluntarily self-ingest directly or delivers the prescription to a pharmacist, and files a copy of the prescription or the dispensing record with the State
- Fulfills medical record documentation requirements: all oral and written patient requests; diagnosis/prognosis; determination that patient is competent, acting voluntarily and with informed consent; counseling report(s), if any; offer to rescind, medication(s) prescribed and a note that all requirements in this law have been met

**Consulting Physician** – Physician who is qualified by specialty or experience to make a professional diagnosis and prognosis regarding a patient's disease

- Examines the patient and reviews the patient's medical records
- Confirms, in writing, the attending physician's medical diagnosis
- Verifies that the patient is competent
- Verifies that the patient is acting voluntarily
- Verifies that the patient is making an informed decision
- If necessary, refers the patient for counseling
- Completes the same medical record documentation requirements as the attending physician **except** the attending physician's offer to rescind, note that all requirements of the Act are met, and the specific medication(s) prescribed

**Psychiatrist, Psychologist, Clinical Social Worker or Clinical Professional Counselor** – State-licensed professional who can conduct one or more counseling consultations if either physician determines a patient may be suffering from a psychiatric or psychological disorder or depression causing impaired judgment

**Pharmacist**

- Dispenses the end-of-life medication to the patient, the attending physician or an expressly identified agent of the patient, provided that the pharmacist/pharmacy has opted to be a participating provider under this Act.