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.