

DC | HEALTH

Death with Dignity

Pharmacist Education Module

3/14/2018

WHAT IS DEATH WITH DIGNITY

- The District of Columbia passed the “Death with Dignity Act of 2016”.
- The Act establishes a process by which competent, terminally ill residents of District of Columbia can legally obtain a physician’s prescription for drugs to end their life in a humane and peaceful manner.
- The District of Columbia Department of Health (DC Health) will regulate and oversee the Death with Dignity process. DC Health’s primary responsibilities include:
 - Providing educational resources on how the Death with Dignity process works;
 - Clarifying the requirements that must be followed by physicians, patients; and pharmacists; and
- Any patient wishing to utilize this process is required to review these modules before any covered medication is prescribed.

WHO CAN PARTICIPATE?

- In order to participate in the Death with Dignity program, a patient must:
 - Be eighteen (18) years of age or older;
 - Reside in the District of Columbia;
 - Be under the care of a physician licensed in the District of Columbia; and
 - Have a terminal disease, which is expected to result in death within six (6) months.

CONFIDENTIALITY

- The identity of physicians, patients, pharmacists, and other healthcare providers participating in the Death with Dignity program is confidential, and will not be made available to the public.
- All forms submitted under the Act are not public records, and cannot be made available to the public, even pursuant to a FOIA request.
- All data collected pursuant to the Death with Dignity Act is for statistical purposes only.

WHO CAN WRITE A PRESCRIPTION

- The attending physician is responsible for dispensing the covered medication, or submitting a prescription for the covered medication to a pharmacy.
- An attending physician is:
 1. A physician selected by or assigned to the patient;
 2. Has primary responsibility for the treatment and care of the patient; and
 3. Must hold current licensure and registration in the District of Columbia necessary to prescribe and/or dispense the covered medication.

OBTAINING THE MEDICATION

- In order to obtain the covered medication from an attending physician, a patient must:
 1. Make two (2) oral requests to the attending physician, separated by a minimum of fifteen (15) calendar days; and
 2. Make a written request **before** the second oral request, and at least forty eight (48) hours before any medication is dispensed or prescribed.
- Once the necessary requests are made, the attending physician can either dispense the medication directly to the patient, or submit a prescription for the covered medication directly to the pharmacy, to be picked up by the patient or their designee.

DISPENSING THE MEDICATION

- The attending physician is responsible for delivering that prescription to the pharmacy personally, or by telephone, facsimile, or electronically. A prescription for a covered medication **shall never** be given to the patient to be filled at a pharmacy.
- Once the prescription is delivered to the pharmacy, the covered medication can be picked up by the patient, the patient's attending physician, or another individual designated by the patient that has been **previously communicated** to the pharmacy orally or in writing.

DEATH WITH DIGNITY PRESCRIPTIONS

- Pharmacists should educate themselves to recognize prescriptions that apply to Death with Dignity and pre-medications. Examples of such prescriptions include:
 - Secobarbital capsules mixed with juice or water;
 - Pentobarbital mixed with juice or water;
 - Phenobarbital, chloral hydrate, and morphine sulfate mixed with juice; and
 - Antiemetic (e.g., metoclopramide) taken one (1) hour before lethal dose.
- Medication should be taken on empty stomach to help with absorption.

REPORTING REQUIREMENTS

- Upon dispensing of the covered medication by the pharmacy, the pharmacist must **immediately** notify DC Health, on the Pharmacy Dispensing Record form and send by email to deathwithdignitydc@dc.gov, that the covered medication has been dispensed. Also, the pharmacist must **immediately** notify the attending physician.
- Within thirty (30) days after a patient takes a covered medication or as soon as reasonable after the health care provider is made aware of a patient's death, the health care provider shall notify DC Health of the patient's death.
- The pharmacy reporting form can be accessed online at <https://dchealth.dc.gov/page/death-dignity-act-2016>.

SAFE DISPOSAL OF MEDICATION

- Safe disposal of any unused medication is required.
- The patient may designate an individual to serve as his or her point of contact for the safe disposal of unused medications.
- Resources for safe disposal of covered medication can be found online at <https://dchealth.dc.gov/page/death-dignity-act-2016>.

ADDITIONAL HELPFUL INFORMATION

- A patient can change his or her mind regarding the use of covered medication anytime.
- A request for covered medication **cannot** be used as a basis for the appointment of a guardian or conservator.
- The patient can take the covered medication in his or her home, or any other location he or she has permission to take the medication, **except** in a public location. The patient's estate or family will be responsible to the District of Columbia for any costs associated with taking the medication in a public place.

ADDITIONAL HELPFUL INFORMATION (CONT.)

- If the patient takes the covered medication, the cause of death listed on the death certificate will identify the underlying medical condition leading to the patient's death, and will not include information about the use of covered medication.
- The Death with Dignity program does not authorize anyone to end a patient's life by lethal injection, mercy killing, active euthanasia, or any other method or medication that is not allowed by the program.
- Actions taken in accordance with the program do not constitute suicide, assisted suicide, mercy killing or homicide.

ADDITIONAL HELPFUL INFORMATION (CONT.)

- Pursuant to District of Columbia law, the use of covered medication will not have an effect on life insurance, health insurance, accident insurance, annuity policies, or employment benefits.
- Any person who willfully alters or forges a request for a covered medication or conceals or destroys rescission of a request for a covered medication with the intent or effect of causing the patient's death, is punishable as a Class A felony.
- Any person who willfully coerces or exerts undue influence on the patient to request or ingest a covered medication with the intent or effect of causing the patient's death, is punishable as a Class A felony.
- No person shall be subject to civil or criminal liability or professional disciplinary action under District of Columbia law, for participating in good faith compliance with the Death with Dignity Act, or refusing to participate in providing the covered medication, or being present when a qualified patient takes the covered medication

QUESTIONS?

DEATH WITH DIGNITY CONTACT INFORMATION

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