Providing voluntary assisted dying in Western Australia

FAQs for health professionals

Summary

This information sheet is for health professionals (such as medical practitioners, nurse practitioners, nurses, pharmacists, allied health professionals and others) who want to know more about the voluntary assisted dying process that will become a legal option for eligible Western Australians from 1 July 2021. This information sheet addresses questions about voluntary assisted dying that are frequently asked by health professionals.

What is voluntary assisted dying?

Voluntary assisted dying allows an eligible person to legally access medication that will cause their death. This medication is called the voluntary assisted dying substance. The person may choose to take the voluntary assisted dying substance themselves or may have the substance administered to them by an eligible medical practitioner or nurse practitioner.

The information sheets Accessing voluntary assisted dying in Western Australia – Who is eligible? and Accessing voluntary assisted dying in Western Australia – Overview of the process provide information on who will be able to access voluntary assisted dying and what the process will involve in Western Australia (WA).

The information sheet Providing voluntary assisted dying in Western Australia – Health professional participation provides an overview of which health professionals will be eligible to participate in voluntary assisted dying and how.

Can I discuss voluntary assisted dying with my patients?

Yes. You can discuss voluntary assisted dying with a patient if you are comfortable doing so but there are restrictions on who can raise the topic.

A patient may initiate a conversation about voluntary assisted dying with anyone involved in their care. However, under the legislation, only a medical practitioner or nurse practitioner can raise the topic of voluntary assisted dying with a person if, at the same time, they also inform the person of their palliative care and treatment options and the likely outcomes of that care and treatment.

If you are comfortable talking about voluntary assisted dying you can answer the person’s questions and provide them with information.

If you are not comfortable discussing voluntary assisted dying you can refer the person to another health professional who is, or you can provide them with the contact details for the Statewide VAD Care Navigator Service (once this becomes fully operational from 1 July 2021).

Even if you are not comfortable discussing voluntary assisted dying specifically, a patient raising the topic with you presents an opportunity to have a meaningful discussion about their care needs, symptom management, palliative care options, support for their family and their priorities as they approach the end of their life.
What is the Statewide VAD Care Navigator Service?

The Statewide VAD Care Navigator Service will be specifically established to support anyone involved with voluntary assisted dying in WA including health professionals, service providers, patients and members of the community.

The Care Navigators will be able to:

- provide general information about voluntary assisted dying
- provide specific information about the voluntary assisted dying process in WA
- help to locate a medical practitioner who is willing and eligible to participate
- assist eligible people to access regional support packages
- link to helpful resources

The Care Navigators can assist patients and members of the community from 1 July 2021.

What should I do if a patient’s carer or family member requests voluntary assisted dying?

The legislation is clear that only the person choosing to access voluntary assisted dying can request it. This means that a person’s carer, family member or friend cannot request voluntary assisted dying on their behalf. This is an important part of making sure the person’s request is voluntary.

If a person’s carer, family member or friend asks you about voluntary assisted dying you can provide them with information or direct them to where they can find further information and, where appropriate, make them aware they cannot make a request on another person’s behalf.

How will I know if I am being asked for access to voluntary assisted dying?

A person who is requesting access to voluntary assisted dying must make it clear that this is what they are doing. While they may not use the exact phrase ‘voluntary assisted dying’, it must be clear that they want assistance to die.

Only medical practitioners can receive a formal request for access to voluntary assisted dying (known as a First Request). If a person makes a First Request to any other health professional, they should be informed that they must make their request to a medical practitioner.

The information sheet Accessing voluntary assisted dying in Western Australia – Making the First Request outlines how a person can initiate the voluntary assisted dying process by making a First Request.

Do I have to participate in voluntary assisted dying?

No. You are not obliged to participate in the voluntary assisted dying process.

However, it is considered a professional obligation that you not unduly delay a person’s access to the voluntary assisted dying process. You may refuse to participate because of a conscientious objection to voluntary assisted dying or for any other reason.

Any health professional may refuse to:

- discuss voluntary assisted dying with a patient
- assist a medical practitioner in the request and assessment process
- be present at the time of administration of the voluntary assisted dying substance

1 Under the Voluntary Assisted Dying Act 2019 the request and assessment process is the making or conducting of a First Request, a First Assessment, a Consulting Assessment, a Written Declaration, a Final Request and a Final Review.
In addition, a medical practitioner or nurse practitioner may refuse to:

- administer the voluntary assisted dying substance

It is important that you consider the level of involvement you are prepared to have with a person who requests information about, or access to, voluntary assisted dying.

For example, you may be comfortable having conversations about end of life choices, including accessing voluntary assisted dying, but not be prepared to take a role designated by the legislation.

**I’m a medical practitioner and a conscientious objector. What should I do if I receive a First Request from a patient?**

Under the legislation, any medical practitioner who receives a First Request for voluntary assisted dying must complete and submit a First Request form to the Voluntary Assisted Dying Board, as well as provide the person with the Approved Information for a Person Making a First Request for Voluntary Assisted Dying information sheet.

If you refuse the First Request for the reason of conscientious objection, you must inform the patient immediately that you are not able to assist them. You must then provide them with the Approved Information for a Person Making a First Request for Voluntary Assisted Dying information sheet and submit a First Request form to the Voluntary Assisted Dying Board.

**What should I do if I can’t accept the First Request?**

A person may make a First Request to a medical practitioner without being aware that the medical practitioner is ineligible or unable to accept it.

You may not meet the eligibility criteria (e.g., you are a junior doctor) or you may not be able to accept the First Request (e.g., you will not be available).

If this is the case, you should let the person know that you are not able to assist them. You may choose to refer the person to an eligible medical practitioner or to the Statewide VAD Care Navigator Service. You are not legally required to do either.

However, you are legally required to provide the patient with the Approved Information for a Person Making a First Request for Voluntary Assisted Dying information sheet and submit a First Request form to the Voluntary Assisted Dying Board.

**What if I’m not sure if I can accept the First Request?**

Some medical practitioners will not have thought about participating in voluntary assisted dying until they are directly asked to by a patient.

If you are uncertain about whether you are eligible or able to accept a First Request, the legislation allows you two (2) business days to respond to the patient (not counting the day the request was made). This provides an opportunity to review the practitioner eligibility criteria and consider your feelings about participating.

You must then either accept or refuse the First Request, provide the patient with the Approved Information for a Person Making a First Request for Voluntary Assisted Dying information sheet and submit a First Request form to the Voluntary Assisted Dying Board.

**What is the ‘approved information’ that medical practitioners are required to provide?**

This is the Approved Information for a Person Making a First Request for Voluntary Assisted Dying information sheet that has been approved by the Director General of the Department of Health (as the CEO). The legislation requires medical practitioners to provide this information to any person who makes a First Request to access voluntary assisted dying.
This is regardless of whether the First Request is accepted or refused by the medical practitioner.

The approved information sheet will be available online to enable ready access for medical practitioners. Details on how to access the approved information sheet will be made available prior to 1 July 2021.

**How do I submit the First Request form to the Voluntary Assisted Dying Board?**

The First Request form can be completed and submitted online via the Voluntary Assisted Dying – Information Management System (VAD-IMS). Detailed instructions for how to submit the First Request form will be made available prior to 1 July 2021.

The VAD-IMS will also be used for the submission of all other forms to the Board as part of the voluntary assisted dying process.

**Are there restrictions on how I can communicate with my patients about voluntary assisted dying?**

Yes. The Commonwealth *Criminal Code Act 1995* influences what can and cannot be discussed over a ‘carriage service’ (in practical terms this usually means phone, fax, email, internet, videoconference etc).

As a general rule, any information that relates specifically to the act of administering a voluntary assisted dying substance or provides details or instructions about the act of administering a voluntary assisted dying substance must not be discussed or shared by phone, fax, email, videoconference, internet and the like.

Informing people about the legislation and associated processes in WA (either generic or in relation to a person's circumstances) may be undertaken via a carriage service and is not considered to infringe the Commonwealth Criminal Code to the extent that the information does not advocate, encourage, incite, promote or teach about how to undertake the act of administration of a voluntary assisted dying substance.

This applies to anyone who discusses voluntary assisted dying, including with a patient, their carers or their family members.

**I’m employed by a health service. How will voluntary assisted dying operate in my workplace?**

That will depend on the service.

If you work within a service (such as a hospital, palliative care service, general practice, residential aged care facility or others) there should be systems and processes in place to manage requests for information about, or access to, voluntary assisted dying. These should be in place even if the service will not be providing voluntary assisted dying.

You should find out who you can direct patient enquiries about voluntary assisted dying to within your service. If there is no designated person to direct patient enquiries to, you can refer a patient to the Statewide VAD Care Navigator Service from 1 July 2021.

**Will there be a Community of Practice for voluntary assisted dying in WA?**

Yes.

To provide additional support to health professionals who choose to be involved in the voluntary assisted dying process in WA, a Community of Practice will be established. The Community of Practice aims to build a peer support network to provide opportunities for practitioners to share their experiences, support each other and learn from one another. Further information about the Community of Practice will be made available in the lead up to 1 July 2021.
What support is available for health professionals?

Employees of the WA public sector, and many private health care provider organisations, will have access through their employer to an Employee Assistance Program (EAP) that provides free short-term counselling. Additional resources are available to assist health professionals to find appropriate services to meet their needs, including:

- The Doctors’ Health Advisory Service WA, which provides a confidential, 24/7 support line and referral system for doctors in WA;
- Nurse & Midwife Support, which is a 24/7 national support service for Australian nurses and midwives providing access to confidential advice and referral;
- The GP Support Program, which is a free service offered by the Royal Australian College of General Practitioners in line with the college’s commitment to foster a culture of self-care among GPs;
- The WA Primary Health Alliance, which has a support program available to all general practice staff.

My patient wants to access voluntary assisted dying now. What should I do?

You should let your patient know that voluntary assisted dying will not become a legal option at end-of-life until 1 July 2021.

Prior to this date, any health professional can answer questions, provide information and explain the legislation to a patient and their family. However, the request and assessment process cannot begin until 1 July 2021.

If you have a patient who raises the topic of voluntary assisted dying, you can still discuss their care needs, symptom management, palliative care options, support for their family, and their priorities as they approach the end of their life.

The information sheet Accessing voluntary assisted dying Western Australia – FAQs may also help to answer some of the questions they have.

I feel like there is a lot to know before 1 July 2021. Where can I get more information?

The Implementation Leadership Team and the Department of Health have developed a range of materials to support health professionals and services with the implementation of the voluntary assisted dying legislation.

- Further information can be found at: ww2.health.wa.gov.au/voluntaryassisteddying

The website will allow you to sign up to implementation updates. Staying linked in with the Implementation Leadership Team will alert you to key events, such as the release dates for the WA Voluntary Assisted Dying Guidelines, the approved online training, the VAD-IMS and the Voluntary Assisted Dying Implementation Conference.

In the meantime, you can familiarise yourself with the legislation and consider how it may impact the way you practice.

Glossary of terms

Refer to Accessing voluntary assisted dying in Western Australia - Glossary of terms for explanations of key terms used within this information sheet.

Acknowledgement

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