Accessing voluntary assisted dying in Western Australia

Overview of the process

Summary

This information sheet is for people 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 explains the key steps and roles involved in the voluntary assisted dying process in Western Australia (WA).

Key points include:

- A person must be assessed as eligible for voluntary assisted dying by a minimum of two medical practitioners (doctors) who themselves must be eligible and trained to do these assessments.
- The person's participation must remain voluntary and they can withdraw from the process at any stage.
- Key roles in the process include the Coordinating Practitioner (eligible medical practitioner), and Consulting Practitioner (eligible medical practitioner).
- The process may also include an Administering Practitioner (eligible medical practitioner or eligible nurse practitioner).
- The pharmacists at the WA voluntary assisted dying Statewide Pharmacy Service (SWPS) are known as Authorised Suppliers and will supply the voluntary assisted dying substance.
- There are ten basic steps in the voluntary assisted dying process. Steps 1 to 6 involve the request and assessment process. Steps 7 to 10 cover the administration process. These are detailed below.

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.

Where can the voluntary assisted dying process take place in WA?

Voluntary assisted dying may take place in different settings. These include at home, in a hospital, at a hospice, or in a residential aged care or supported accommodation facility. Where it takes place will depend on the preference of the person accessing voluntary assisted dying as well as the medical practitioners, nurse practitioners and services that are willing to participate. Most people will choose to die at home.

The law allows medical practitioners, nurse practitioners and other registered health professionals to refuse to participate in voluntary assisted dying. There are some health or related care services that may also choose not to participate in voluntary assisted dying if it does not align to the purpose or values of the service.

Who can be involved in the voluntary assisted dying process in WA?

Voluntary assisted dying will be provided by eligible medical practitioners and nurse practitioners who have
also undergone specific training. The eligibility criteria that medical practitioners and nurse practitioners must meet helps to ensure that they are qualified and experienced to support someone going through the voluntary assisted dying process. The eligibility criteria are outlined in the information sheet Providing voluntary assisted dying in Western Australia – Health professional participation.

It is important to remember that not all medical practitioners or nurse practitioners will meet the eligibility criteria. A medical practitioner or nurse practitioner may want to be involved but may not be available or eligible (for example, if they have not been a practitioner for long enough).

An eligible medical practitioner can take on the role of Coordinating Practitioner, Consulting Practitioner or Administering Practitioner. An eligible nurse practitioner can take on the role of Administering Practitioner. These roles are explained later in this information sheet.

Other health professionals (e.g., nurses or allied health professionals) are not permitted to provide voluntary assisted dying assessment or administration services but they are able to support colleagues who do. They can also support patients and families who are going through the voluntary assisted dying process.

All health professionals can talk to the people they are caring for about their care needs, managing their symptoms, palliative care options, and their priorities at end-of-life, even if they might not want or be able to discuss voluntary assisted dying.

**What does the voluntary assisted dying process in WA involve?**

A person must meet all eligibility criteria required under the law to be able to access voluntary assisted dying. These criteria are outlined in the information sheet Accessing voluntary assisted dying in Western Australia – Who is eligible?

There are 10 basic steps in the voluntary assisted dying process. Steps 1 to 6 involve the request and assessment process. Steps 7 to 10 cover the administration process.

A person cannot begin the voluntary assisted dying process before 1 July 2021.
The Request and Assessment Process

1. First Request

The First Request is a request for voluntary assisted dying that is made to a medical practitioner during a medical consultation. The person must clearly express to the medical practitioner that they want to access voluntary assisted dying.

The medical practitioner will decide to accept or refuse the First Request. They might refuse because they do not agree with voluntary assisted dying (they conscientiously object) or because they aren’t eligible or able to accept the request. Whether they accept or refuse the First Request the medical practitioner must provide the person with information about voluntary assisted dying in WA.

If English is not the person's first language or they have communication difficulties, an interpreter or communication aid can be used to make the First Request. More information is available in the information sheet Accessing voluntary assisted dying in Western Australia – Assistance with communication.

If the medical consultation is happening over telehealth it must occur using a videoconferencing application so that the medical practitioner can both see and hear the person and discuss their request.

Additional information on the First Request process and possible outcomes can be found in the information sheet Accessing voluntary assisted dying in Western Australia – Making the First Request.

2. First Assessment

Once the medical practitioner accepts the First Request, they become the Coordinating Practitioner for the person. In this role they will coordinate the voluntary assisted dying process for the person.

The first step for the Coordinating Practitioner is to formally assess the person's eligibility for voluntary assisted dying to make sure they meet all the criteria required by the law. This assessment is called the First Assessment.

If the person disagrees with the outcome of the First Assessment, they can request a review of some of the assessment decisions by the State Administrative Tribunal (SAT). This also applies to the Consulting Assessment and the Final Review. Further information on who can request a review and under what circumstances is available in the information sheet Accessing voluntary assisted dying in Western Australia – Review of certain decisions.

3. Consulting Assessment

If the outcome of the First Assessment is that the person is eligible for voluntary assisted dying, the Coordinating Practitioner will refer them to another medical practitioner for assessment.

This medical practitioner becomes the Consulting Practitioner for the person and will independently assess their eligibility for voluntary assisted dying. This assessment is called the Consulting Assessment.

4. Written Declaration

If the person has been assessed as eligible for voluntary assisted dying by both the Coordinating Practitioner and the Consulting Practitioner, the person can then make a Written Declaration in the presence of two (2) eligible witnesses.

More information on the requirements for the Written Declaration can be found in the information sheet Accessing voluntary assisted dying in Western Australia – Completing the Written Declaration.

5. Final Request

If the person has made a Written Declaration, they can then make a Final Request for voluntary assisted
dying to the Coordinating Practitioner. The Final Request can usually only be made nine (9) days after the day of the First Request (in some circumstances it can be sooner than this).

The Final Request helps to ensure that the person's decision to access voluntary assisted dying is enduring and hasn't changed. If the person makes a valid Final Request the Coordinating Practitioner will then start the Final Review process.

6. Final Review

The Final Review requires the Coordinating Practitioner to check that the request and assessment process has been completed in accordance with the law.

This means that the Coordinating Practitioner must make sure that the person still has decision-making capacity in relation to voluntary assisted dying, is acting voluntarily and without coercion, and still wants to access voluntary assisted dying.

It is important to remember that the person can stop the voluntary assisted dying process at any point. There is no obligation for the person to continue even after completing the request and assessment process.

The Administration Process

7. Administration Decision

The medication that will cause the person's death is called the voluntary assisted dying substance. The person will need to decide, with the help of their Coordinating Practitioner, if they will self-administer the voluntary assisted dying substance (take it themselves) or if appropriate, have an Administering Practitioner administer it to them.

The Administering Practitioner will usually be the Coordinating Practitioner. In some cases, another eligible medical practitioner or a nurse practitioner may step in to be the Administering Practitioner for the person.

If the person decides to self-administer the voluntary assisted dying substance, they must appoint a Contact Person before the Coordinating Practitioner can write the prescription. More information on the role and responsibilities of the Contact Person can be found in the information sheets Accessing voluntary assisted dying in Western Australia – Choosing the Contact Person and Voluntary assisted dying in Western Australia – Being the Contact Person.

8. Prescription

The Coordinating Practitioner will write the prescription for the voluntary assisted dying substance. They are required to give the person certain information about the substance before completing the prescription.

Unlike most medicines, the prescription won't be given to the person. Instead, the Coordinating Practitioner will give it directly to the Authorised Supplier at the SWPS. The Authorised Supplier is a specially authorised pharmacist who is legally allowed to provide the voluntary assisted dying substance.

9. Supply and use of the voluntary assisted dying substance

The voluntary assisted dying substance can be supplied by the Authorised Supplier after they have received and validated the prescription from the Coordinating Practitioner.

If the person has decided to self-administer, the Authorised Supplier can give the voluntary assisted dying substance directly to the person, their Contact Person or to someone else who can collect the substance on the person's behalf. Written information about the voluntary assisted dying substance (including instructions for storage and use) will be provided by the Authorised Supplier and given to the person.
If the person has decided to have the voluntary assisted dying substance administered to them by a medical practitioner or nurse practitioner (known as the Administering Practitioner), the Authorised Supplier can give the substance directly to the Administering Practitioner. This person will then take responsibility for the substance until it is used.

10. Death certification

The law requires that there be no reference to voluntary assisted dying on the person's death certificate. This is to protect the privacy of the person (and possibly their family too).

The medical practitioner who confirms and certifies the person's death will record their underlying illness, disease or medical condition as the cause of death.

Voluntary assisted dying as a choice at end-of-life

End of life care in WA includes more than voluntary assisted dying.

A person should also consider how advance care planning and palliative care can benefit them. Any or all of these options can play an important role in how a person approaches the end of their life.

More information on end of life choices is available in the information sheet Accessing voluntary assisted dying in Western Australia – Considerations at end-of-life.

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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