



Department of
Health

Approved information for a person making a First Request for voluntary assisted dying

Approved information for a person making a First Request for voluntary assisted dying

This approved information is to be provided to a patient who makes a formal First Request for access to voluntary assisted dying to a medical practitioner during a medical consultation (in accordance with section 20(4)(b) of the *Voluntary Assisted Dying Act 2019*). This information can be provided with other information where appropriate.

Voluntary assisted dying is one of several choices that a patient may have at end of life. A patient should be aware of all their end-of-life options including palliative care.

The Western Australian Voluntary Assisted Dying Statewide Care Navigator Service (SWCNS) is available to support patients and answer questions they may have about voluntary assisted dying. Details about SWCNS and other available support options are included in this information.

SWCNS can be contacted by email and phone during standard business hours (8:30am - 5:00pm).

Email: VADcarenavigator@health.wa.gov.au

Phone: (08) 9431 2755

Information on voluntary assisted dying

What is voluntary assisted dying?

Voluntary assisted dying is a legal process that enables a patient to access medication that will cause their death. This medication is known as the voluntary assisted dying substance. The patient can choose to take the substance themselves or have it administered by a medical practitioner or nurse practitioner at a time and place of their choosing.

The term voluntary assisted dying emphasises the voluntary nature of the patient's choice and their enduring capacity to make the decision. The *Voluntary Assisted Dying Act 2019* (the Act) is the legislation that regulates voluntary assisted dying in Western Australia (WA).

Who is eligible to access voluntary assisted dying?

Age

The person must be an adult (aged 18 years or older).

Residency

The person must be an Australian citizen or permanent resident and have been ordinarily resident in WA for at least 12 months at the time of making the First Request.

Medical requirements

The person must be diagnosed with at least one disease, illness or medical condition that is advanced, progressive and will (on the balance of probabilities) cause death within six months, or 12 months if it is a neurodegenerative condition.

The disease, illness or medical condition must be causing suffering that cannot be relieved in a manner that the person considers tolerable.

Decision-making capacity

The person must have decision-making capacity in relation to voluntary assisted dying.

This means that the person must have the capacity to:

- Understand any information or advice about voluntary assisted dying that is required to be provided to them;
- Understand the matters involved in a voluntary assisted dying decision;
- Understand the effect of a voluntary assisted dying decision;
- Weigh up these factors for the purposes of making a voluntary assisted dying decision; and
- Communicate their decision in some way.

Voluntariness

The person must be acting voluntarily and without coercion (that is, without force, influence or persuasion by another person).

Enduring request

The person's request must be enduring (lasting over a period of time).

If the person does not meet all the eligibility criteria, they cannot access voluntary assisted dying.

Information about the voluntary assisted dying process

The practitioners involved in the voluntary assisted dying process are qualified to support their patients. Medical practitioners must meet certain eligibility requirements and must have completed mandatory training before they can be involved in the voluntary assisted dying process. If a nurse practitioner is involved, they must also meet certain eligibility requirements and have completed the mandatory training.

Discussing voluntary assisted dying with a medical practitioner or nurse practitioner does not begin the voluntary assisted dying process. This requires a patient to make a clear and unambiguous request to access voluntary assisted dying, called a First Request. The First Request begins the process in accordance with the Act.

There are 10 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 patient can stop the process at any point.



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 patient must clearly and unambiguously 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 have a conscientious objection to voluntary assisted dying) 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 patient with information about voluntary assisted dying in WA.

If English is not the patient's first language or they have communication difficulties, an interpreter or communication aid can be used to make the First Request. 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 patient and discuss their request.

2. First Assessment

Once the medical practitioner accepts the First Request, they become the Coordinating Practitioner for the patient. In this role they will coordinate the voluntary assisted dying process for the patient. The first step for the Coordinating Practitioner is to formally assess the patient's eligibility for voluntary assisted dying to make sure they meet all the criteria required by the Act. This assessment is called the First Assessment.

If the patient 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.

3. Consulting Assessment

If the outcome of the First Assessment is that the patient 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 patient and will independently assess their eligibility for voluntary assisted dying. This assessment is called the Consulting Assessment.

4. Written Declaration

If the patient has been assessed as eligible for voluntary assisted dying by both the Coordinating Practitioner and the Consulting Practitioner, the patient may then make a Written Declaration requesting access to voluntary assisted dying in the presence of two witnesses.

5. Final Request

If the patient has made a Written Declaration, they may then make a Final Request to the Coordinating Practitioner for access to voluntary assisted dying. The Final Request cannot be made before the end of the designated period of nine days, which begins on the day of the First Request.

If both the Coordinating Practitioner and the Consulting Practitioner believe the patient will die or lose capacity to make decisions about voluntary assisted dying before the end of the designated period, the patient may be allowed to access the voluntary assisted dying substance sooner.

The Final Request helps to ensure that the patient's decision to access voluntary assisted dying is enduring and hasn't changed. If the patient 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 Act. This means that the Coordinating Practitioner must make sure that the patient 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 patient can stop the voluntary assisted dying process at any point. There is no obligation for the patient to continue even after completing the request and assessment process.

7. Administration Decision

The patient 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 nurse practitioner may step in to be the Administering Practitioner for the patient.

If the patient decides to self-administer the voluntary assisted dying substance, they must appoint a Contact Person before the Coordinating Practitioner can prescribe the voluntary assisted dying substance.

8. Prescription

The Coordinating Practitioner will prescribe the voluntary assisted dying substance. They are required to give the patient certain information about the substance before prescribing the voluntary assisted dying substance.

Unlike most medicines, the prescription won't be given to the patient. Instead, the Coordinating Practitioner will give it directly to the Authorised Supplier at the Western Australian Voluntary Assisted Dying Statewide Pharmacy Service (SWPS).

9. Supply and use of the voluntary assisted dying substance

The voluntary assisted dying substance must not be supplied by the Authorised Supplier at SWPS unless they have received and authenticated the prescription from the Coordinating Practitioner.

If the patient has decided to self-administer, the Authorised Supplier can supply the voluntary assisted dying substance directly to the patient, their

Contact Person or to someone else who can collect the substance on the patient'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 who collects the substance.

If the patient 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 will supply the substance directly to the Administering Practitioner (who will take responsibility for the substance until it is used).

10. Death certification

The Act requires that there be no reference to voluntary assisted dying on the patient's death certificate. This is to respect and protect the privacy of the patient (and possibly their family too). The medical practitioner who confirms and certifies the patient's death will record their underlying illness, disease or medical condition as the cause of death.

Information following a First Request

Medical practitioner decision

As you have made a First Request to a medical practitioner, they must decide whether they will accept your request or not. Whether the medical practitioner accepts or refuses your request they must give you this information booklet.

If the medical practitioner does not agree with voluntary assisted dying (has a conscientious objection), they must **immediately** refuse your First Request and inform you that they will not be able to assist you to access voluntary assisted dying.

If the medical practitioner does not have a conscientious objection to voluntary assisted dying, they must inform you whether they refuse or accept your request within two business days after you make the First Request. Not all medical practitioners will be able to accept a First Request for voluntary assisted dying. They may not meet the practitioner eligibility requirements (e.g. they have not been a medical practitioner for long enough) or they may have another reason for refusal (e.g. they are not available).

What happens next?

If the medical practitioner has accepted your First Request, they become your Coordinating Practitioner. As your Coordinating Practitioner they will begin the assessment process to confirm that you are eligible to access voluntary assisted dying.

If the medical practitioner has refused your First Request, it is your decision as to what happens next. You may choose to make a First Request to another medical practitioner.

What information and supports are available?

The Western Australian Voluntary Assisted Dying Statewide Care Navigator Service (SWCNS) is available to support you, provide you with information and answer questions you might have. The service is nurse-led and staffed by Care Navigators who are experienced health professionals familiar with the legal and practical aspects of voluntary assisted dying in WA.

The Care Navigators can:

- provide general information about voluntary assisted dying
- provide specific information about the voluntary assisted dying process in WA
- help to locate a medical practitioner or nurse practitioner who is willing and eligible to participate
- determine if you are eligible to access regional support packages
- link you to other helpful resources

SWCNS can be contacted by email and phone during standard business hours (8:30am - 5:00pm).

Email: VADcarenavigator@health.wa.gov.au

Phone: (08) 9431 2755

There is further information on voluntary assisted dying available online from the WA Department of Health.

Website: www.health.wa.gov.au/voluntaryassisteddying

Depending on your situation there are other services that may be helpful to you:

Palliative Care WA can provide you with information and support on end of life planning, palliative care, grief and loss and help you to find palliative care service providers near you by searching their online directory or calling their Palliative Care Information and Support Line.

Website: <https://palliativecarewa.asn.au/>

Phone: 1800 573 299 (9:00am - 5:00pm, 7 days a week)

Beyond Blue can provide support for mental health and wellbeing, especially if you are experiencing anxiety or depression.

Website: www.beyondblue.org.au

Phone: 1300 224 636 (at any time day or night)

Lifeline can provide crisis support if you need immediate help to deal with emotional distress.

Website: www.lifeline.org.au

Phone: 13 11 14 (any time day or night)

Complaint Information

If you are concerned about your experience of the voluntary assisted dying process you should first raise this with the relevant person, service provider or agency (which should have a complaints process for you to follow).

You can make a complaint about individuals or organisations that provide health, disability or mental health services to the Health and Disability Services Complaint Office (HaDSCO). Further information can be found on the HaDSCO website (www.hadSCO.wa.gov.au).

You can raise concerns about the conduct or performance of a registered health practitioner with the Australian Health Practitioner Regulation Agency (AHPRA). Further information can be found on the AHPRA website (www.ahpra.gov.au).

You can raise concerns about a health professional not meeting the requirements of the Act with the Voluntary Assisted Dying Board. Further information can be found on the Voluntary Assisted Dying Board website (ww2.health.wa.gov.au/voluntaryassisteddyingboard).

This document can be made available in alternative formats on request for a person with disability.

Produced by Health Networks
© Department of Health 2021

Copyright to this material is vested in the State of Western Australia unless otherwise indicated. Apart from any fair dealing for the purposes of private study, research, criticism or review, as permitted under the provisions of the *Copyright Act 1968*, no part may be reproduced or re-used for any purposes whatsoever without written permission of the State of Western Australia.