



Voluntary assisted dying in Western Australia

What every nurse practitioner needs to know

Summary

This information sheet is for all nurse practitioners.

This information sheet is intended to be a starting point for information for nurse practitioners only. Further details are available in the [WA VAD Guidelines](#) (available on the Department of Health [voluntary assisted dying website](#)).

Section 1 – Participation in voluntary assisted dying

Section 2 – Obligations on **all** nurse practitioners

Section 3 – The legal context for practitioners

Key points include:

- The *Voluntary Assisted Dying Act 2019* (the Act) allows medical practitioners and nurse practitioners who meet the eligibility criteria, and who have completed approved training, to participate in the voluntary assisted dying process.
- Nurse practitioners should familiarise themselves with the requirements of the Act. Contravention of a provision of the Act is capable of constituting professional misconduct or unprofessional conduct.
- Nurse practitioners **must not** initiate discussion with a patient about voluntary assisted dying, or suggest voluntary assisted dying, unless at the same time they also inform the patient about their treatment and palliative care options and the likely outcomes of that care and treatment.
- Nurse practitioners can provide information about voluntary assisted dying to someone who has requested it, or answer questions about voluntary assisted dying that have been asked of them, provided they are comfortable doing so.
- Nurse practitioners may choose to not participate in the voluntary assisted dying process.

Voluntary assisted dying in WA

[The Act](#) is the legislation that regulates voluntary assisted dying in Western Australia (WA). Health professionals should be aware of the Act and its requirements.

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 self-administer (prepare and take the substance themselves) or have it administered by a medical practitioner or nurse practitioner (known as the Administering Practitioner) at a time and place of their choosing.

A person must meet all eligibility criteria to be able to access voluntary assisted dying. The information sheet [Accessing voluntary assisted dying in Western Australia – Who is eligible?](#) sets out these eligibility criteria in detail.

Section 1 – Participation in voluntary assisted dying

Which health professionals can participate in voluntary assisted dying in WA?

Medical practitioners and nurse practitioners who meet the eligibility criteria, and who have completed the Western Australian Voluntary Assisted Dying Approved Training (WA VAD Approved Training), may undertake roles in the voluntary assisted dying process under the Act.

An eligible medical practitioner can participate in the roles of Coordinating Practitioner, Consulting Practitioner and Administering Practitioner.

An eligible nurse practitioner can participate in the role of Administering Practitioner.

These roles are detailed further in the information sheet [Accessing voluntary assisted dying in Western Australia – Overview of the process](#).

I am a nurse practitioner. Can I participate in voluntary assisted dying?

To be eligible to participate in voluntary assisted dying as a nurse practitioner you must:

- hold nursing registration with endorsement as a nurse practitioner, have practised as a nurse practitioner for at least two years and meet the requirements approved by the CEO; and,
- do not know or believe that you are a beneficiary under a will of the patient or may otherwise benefit financially or in any other material way from the death of the patient, other than by receiving reasonable fees for the provision of services; and,
- have successfully completed the WA VAD Approved Training.

Only nurse practitioners who meet the eligibility requirements (outlined in the first point above) will be granted access to the WA VAD Approved Training. More information can be found in the information sheet [Access to WA VAD Approved Training](#) and on the WA Department of Health [website](#).

What are the ‘requirements approved by the Chief Executive Officer (CEO)’ that nurse practitioners need to meet?

These are specific requirements approved by the Director General of the Department of Health (as the CEO) as authorised under the Act and are published on the WA Department of Health [website](#).

Can I choose whether to participate in voluntary assisted dying?

Yes. Participation in the voluntary assisted dying process is a choice.

Whether you participate in the process, or support colleagues who do, will depend on your skills and training as well as your eligibility, availability and willingness to be involved.

You can also choose the level of involvement you have with voluntary assisted dying. For example, you may only be comfortable providing a patient with general information.

Even if you will not be participating in or supporting voluntary assisted dying, the topic may be brought up by someone in your care. You should consider how you will respond to best support your patient. You should also be aware of the resources, systems and processes that are available in your workplace to manage requests for information about, or access to, voluntary assisted dying.

What if I hold a conscientious objection to voluntary assisted dying?

If you have a conscientious objection to voluntary assisted dying you are under no obligation to participate in the process. However, you must not inhibit a person's access to voluntary assisted dying.

I am a nurse practitioner considering participation in the voluntary assisted dying process. What should I do?

First, review the eligibility criteria outlined in the WA VAD Guidelines or the information sheet *Access to WA VAD Approved Training* and consider if you are likely to meet each of the eligibility criteria.

If you are employed by a health service, you can find out what the service's approach to voluntary assisted dying is and how the service might support your participation.

You will need to apply for access to the WA VAD Approved Training, successfully complete the training and then be granted access to VAD-IMS (the online system for submission of the required voluntary assisted dying process forms to the Voluntary Assisted Dying Board). More information can be found in the WA VAD Guidelines, the information sheet *Access to WA VAD Approved Training* and on the WA Department of Health website.

The information sheet *Providing voluntary assisted dying in Western Australia – FAQs for health professionals* may also be helpful.

Section 2 – Obligations on all nurse practitioners

Prohibition on raising voluntary assisted dying with a patient unless certain conditions are met

Nurse practitioners must be aware that they **cannot** initiate discussion about, or suggest, voluntary assisted dying to a patient **unless at the same time** they also inform the person about their treatment and palliative care options and the likely outcomes of that care and treatment.

If, however, a patient requests information or they initiate a discussion about voluntary assisted dying, medical practitioners **can** provide information or answer questions about voluntary assisted dying that have been asked of them, provided they are comfortable doing so.

Section 3 – The legal context for practitioners

The Act is highly detailed. This reflects the importance of ensuring that the operation of voluntary assisted dying in WA is safe and appropriate. The Act provides protections for individuals involved in the voluntary assisted dying process but also clearly articulates offences and circumstances that may be considered professional misconduct or unprofessional conduct. The Voluntary Assisted Dying Board, an independent statutory body created by the Act, can refer matters to various agencies including WA Police, the State Coroner, the Australian Health Practitioner Regulation Agency (AHPRA), and the Director General of Health. The Director General of Health (as the CEO) has powers to investigate suspected breaches of the Act.

Protections

The Act provides protection from criminal liability for a person who:

- assists a person to request access to voluntary assisted dying
- assists a person to access voluntary assisted dying
- is present when the voluntary assisted dying substance is administered.

The Act also provides protection from civil and criminal liability for a person who:

- in good faith, and with reasonable care and skill, does a thing in accordance with the Act or believes the thing is done in accordance with the Act.

This is also not regarded as a breach of professional ethics or standards, nor is it considered professional misconduct or unprofessional conduct.

The Act provides protection from civil and criminal liability for certain persons who do not administer lifesaving treatment in circumstances where the patient does not request it and the person believed, on reasonable grounds, that the patient is dying after self-administering or being administered the voluntary assisted dying substance in accordance with the Act. This includes registered health practitioners, ambulance officers (and volunteers) and other people in roles which usually imply a duty to administer lifesaving treatment.

In addition, in such circumstances non-administration of treatment is not regarded as a breach of professional ethics or standards, nor is it considered professional misconduct or unprofessional conduct.

Additional information can be found in *Voluntary Assisted Dying in Western Australia – Information for first responders*.

Offences

There are several offences that health professionals and others should be aware of before participating in the voluntary assisted dying process to ensure compliance with the Act. These offences cover:

- unauthorised administration of the voluntary assisted dying substance
- inducing another person to request or access voluntary assisted dying
- inducing self-administration of the voluntary assisted dying substance
- providing false or misleading information for any purpose under the Act
- advertising Schedule 4 or 8 poison as a voluntary assisted dying substance
- recording, use or disclosure of information obtained under the Act
- publication of personal information concerning a proceeding before the State Administrative Tribunal under the Act
- failure to give a form to the Voluntary Assisted Dying Board.

Penalties for committing these offences include monetary fines and imprisonment. It is important that health professionals familiarise themselves with this section of the Act.

Professional misconduct or unprofessional conduct

A breach of a provision of the Act by a registered health practitioner may be professional misconduct or unprofessional conduct for the purposes of the *Health Practitioner Regulation National Law (Western Australia) Act 2010*. This is the case even if the breach is not an offence under the Act. The Voluntary Assisted Dying Board can refer matters to both AHPRA and the Health and Disability Complaints Office (HaDSCO).

Where can I find more information on voluntary assisted dying?

For further information please visit the Department of Health WA website ww2.health.wa.gov.au/voluntaryassisteddying

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

Some content in this document is based on the resources of the Victorian Department of Health and Human Services and has been used with permission.

The information presented in this information sheet is provided in good faith by the Department of Health to assist the community and health practitioners understand the framework for voluntary assisted dying in Western Australia. While every reasonable effort has been made to ensure the accuracy of the information contained in this information sheet, no guarantee is given that the information is free from error or omission.

It is the responsibility of the user to make their own enquiries and decisions about relevance, accuracy, currency and applicability of information in this circumstance. The information in this information sheet is not intended to be, nor should it be, relied upon as a substitute for legal, clinical or other professional advice.

Neither the State of Western Australia nor its officers, employees, agents, agencies, instrumentalities, contractors, successors, assigns and others acting under its control shall be responsible for any loss or damage howsoever caused, and whether or not due to negligence, arising from the use or reliance on any information provided in this information sheet.

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.