

WHAT IS DEATH WITH DIGNITY?

What does a “good death” mean? While the answer is different for everyone, for many, it means having an option that provides power, choice, and peace of mind. Oregon made history in 1994 when voters passed the Oregon Death with Dignity Act with these exact principles in mind.

Death with Dignity can refer to:

1. An end-of-life option that allows certain eligible individuals to legally request and obtain medications from their healthcare provider to end their life in a peaceful, humane, and dignified manner;
2. State legislation codifying such an end-of-life option; or,
3. Organizations like ours promoting medical aid in dying as an end-of-life option around the United States.

Terminology

Death with Dignity is a term originating from the title of Oregon’s medical aid-in-dying law, the first passed in the country. Because our organizational founders authored this law, it’s our preferred term for the practice.

Death with Dignity is also referred to as:

- *medical aid in dying (MAID)*
- *physician-assisted death*
- *aid in dying*
- *physician aid in dying*

Our opposition deliberately tries to misrepresent the law and the corresponding medical practice. Other terms have been misused by the media, painting an inaccurate picture of the law and work we do.

Death with Dignity is **NOT**:

- *suicide or assisted suicide*
- *physician-assisted suicide*
- *active euthanasia*
- *mercy killing*

Death with Dignity Eligibility

While each state’s qualification process may vary to a degree, by and large, two healthcare providers must confirm that patients meet the following qualifications:

1. Diagnosed with a terminal illness that will lead to death within six months or less; ¹
2. An adult in a state where such a law is in effect; ²
3. Capable of making and communicating healthcare decisions;
4. Capable of self-administering and ingesting medications without assistance; and,
5. Acts voluntarily without coercion.

Death with Dignity Process Overview ³

1. **Meeting the qualifications.** Two healthcare providers must confirm the patient meets the criteria for Death with Dignity. Patients are required to make 1-2 written and oral requests to the prescribing provider. The written request needs to be witnessed by at least two people, who attest that the patient is mentally capable, acting voluntarily, and is not being coerced to sign the request (see below for more information about witnesses.)
2. **Waiting periods.** Some states require waiting periods between the first and second oral requests and/or before receiving the MAID medications. These waiting periods can range anywhere from 1-15 days. Sometimes these waiting periods can be waived if the patient is unlikely to survive.

- 3. Writing the prescription.** Once the qualifications are confirmed by two healthcare providers, the prescription is written, and the patient can take the medication on the day of their choosing, but may decide not to take it for any reason. Anyone who chooses not to self-ingest the MAID medications, or anyone in possession of any portion of the unused dose must dispose of it legally.
- 4. Location.** Qualified patients are only protected by Death with Dignity laws if they self-ingest their MAID medications in the state where the prescription was written. The law also acts to protect family members or loved ones present when the patient takes the medication. Most people choose to take the medication at home; those who reside in assisted living or nursing home facilities may be able to take it there depending on facility policy.
Note: *Aid-in-dying laws require providers to advise patients not to take the medication in a public place.*
- 5. Day of support.** On the day the patient ingests the MAID medication, they are often surrounded by loved ones at the location and time of their choosing. While the patient must take the medication themselves without any assistance, a medical professional or death doula can also be present on the day to help the process run smoothly.

Protecting Patients and Healthcare Providers: Death with Dignity Safeguards

Death with Dignity statutes contain many safeguards to protect against abuse and coercion. Here are some of the ways the laws protect patients and healthcare providers:

- Death with Dignity can only be requested when the patient is eligible. This means it is impossible to state the request in an advance directive, living will, or any other end-of-life care document.
- Only the patient can make the request(s) for medication.
- The written request must be witnessed by at least two people, who attest that the patient is capable, acting voluntarily, and is not being coerced to sign the request.
- One of the witnesses cannot be:
 - A relative of the patient;
 - Entitled to any portion of the patient's estate;
 - An owner, operator, or employee of a healthcare facility where the eligible patient is receiving medical treatment or is a resident; or,
 - The patient's attending healthcare provider.
- Healthcare providers and/or their employers always have the right to opt out of the MAID process.
- The patient may rescind the request for any reason.
- If either healthcare provider determines the patient may be experiencing a psychiatric disorder causing impaired judgment, they must refer the patient for a mental health assessment. Medication cannot be prescribed until such an assessment determines the patient is mentally capable.
- The request process must be stopped immediately if there is any suspicion or evidence of coercion.

Additional Support

Our social workers are here to answer questions you have about Death with Dignity and other legal end-of-life options. Please note they are not able to give medical advice, but they are here to refer you to where you need to go next. You can reach them at info@deathwithdignity.org

¹ Some states have expanded their definition of "healthcare providers" and have reduced waiting times. Check out our [States Page](#) for more information about amendments to Death with Dignity laws across the U.S..

² As of 2023, Oregon and Vermont have removed their residency requirements. For more information about how to access Oregon and Vermont's MAID laws as an out-of-state resident, visit our [Residency Resource](#).

³ The Death with Dignity process will vary depending on specific state laws. If you'd like to learn more about which states have Death with Dignity laws and the criteria for specific states, you can visit our [State Statute Navigator](#) or contact our social work team at info@deathwithdignity.org.