

## FACTSHEET 18: Oregon Death with Dignity Act

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Oregon was the first state in the USA to achieve legal assisted dying. The ***Death with Dignity Act (1994)*** came into effect in October 1997. Under the Oregon law, a doctor prescribes a drug and the person self administers. The doctor must be satisfied that the person has been assessed as having less than six months to live. Other features of the Oregon Act include

- The medication is for self-administration but the doctor is allowed to be present
- Requires a fully informed, voluntary decision by the patient
- Applies to the terminally ill with a prognosis of less than 6 months to live
- Requires a concurring second medical opinion
- Requires two oral requests with a 15 day waiting period from the first
- Requires a witnessed written request with a 48 hour waiting period from time of signing
- Allows cancellation of the request at any time
- Provides for penalties in the event of coercion of patients
- Provides for counselling as appropriate
- Promotes informing next of kin at patient's discretion
- Requires documentation and reporting to a monitoring authority.

More information on the reporting process, required forms, and annual reports is available at: <http://www.healthoregon.org/dwd>.

Oregon achieved its legal assisted dying law through a Citizen Initiated Referendum which took place in association with the November 1994 general election. The question is known as Ballot 16 and was stated as follows

### **16. ALLOWS TERMINALLY ILL ADULTS TO OBTAIN PRESCRIPTION FOR LETHAL DRUGS**

QUESTION: Shall law allow terminally ill adult patients voluntary informed choice to obtain physician's prescription for drugs to end life?

The ballot was won 51% to 49%, with a total of 1,224,000 people voting. An injunction delayed implementation until October 1997. The following month, Measure 51 sought to repeal the Death with Dignity Act, but was rejected by 60% of voters in November 1997. The George W Bush administration also

sought to have the Act overturned, but the law was upheld by the Supreme Court of the USA in 2006. (*Gonzales v Oregon*)

## Model for the USA

Other states in the USA have followed the Oregon legal model, the two key characteristics being self administration only and an assessment of a terminal illness with less than six months to live. (The criteria for the person to be assessed as having less than six months to live is linked to the funding rules for federally funded hospice care in the USA.) By July 2017, there were a total of seven jurisdictions in the USA with assisted dying legislation: Oregon, Washington, Montana, Vermont, California, Colorado and Washington DC, meaning that 1 in 5 citizens of the USA had access to legal assisted dying.

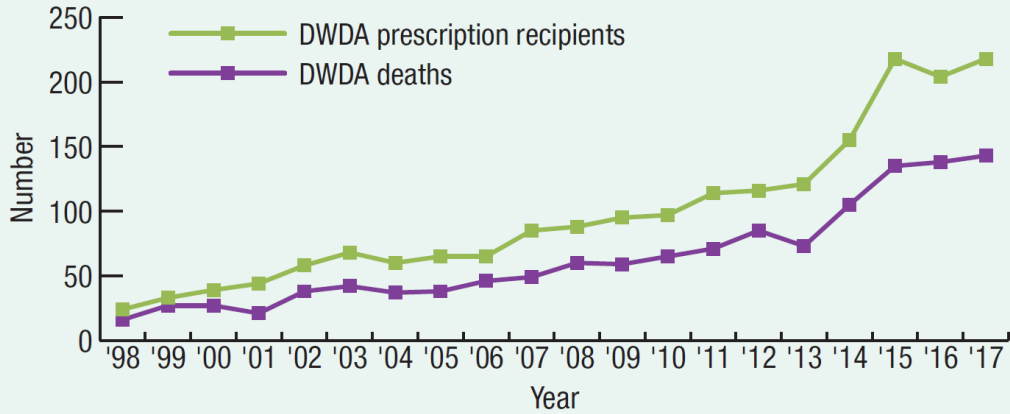
## Participation summary and trends

The Act requires the Oregon Health Authority (OHA), Public Health Division, to collect information about the patients and physicians who participate in the Act and to publish an annual statistical report. In 2017, 218 people received prescriptions under the DWDA. As of January 19, 2018, 143 people had died in 2017 from ingesting the prescribed medications, including 14 who had received the prescriptions in prior years. Of the 143 DWDA deaths during 2017, most patients (80.4%) were aged 65 years or older. The median age at death was 74 years. As in previous years, decedents were commonly white (94.4%) and well educated (48.9% had a least a baccalaureate degree).

Patients' underlying illnesses were similar to those of previous years. Most patients had cancer (76.9%), followed by amyotrophic lateral sclerosis (ALS) (7.0%) and heart/circulatory disease (6.3%). The majority of patients (90.2%) died at home, and most (90.9%) were enrolled in hospice care. Excluding unknown cases, most (99.1%) had some form of health care insurance. The percent of patients who had private (31.3%) and Medicare or Medicaid insurance (67.8%) in 2017 was similar to the previous year. Also similar to previous years, the three most frequently reported end-of-life concerns were decreasing ability to participate in activities that made life enjoyable (88.1%), loss of autonomy (87.4%), and loss of dignity (67.1%).

During 2017, no referrals were made to the Oregon Medical Board for failure to comply with DWDA requirements. Since the law was passed in 1997, a total of 1,967 people have had prescriptions written under the DWDA, and 1,275 patients have died from ingesting the medications. During 2017, the estimated rate of DWDA deaths was 39.9 per 10,000 total deaths.

**Figure 1: DWDA prescription recipients and deaths\*, by year, Oregon, 1998-2017**



\*As of January 19, 2018

**Source: Oregon Death with Dignity Act, Annual Report, February 2018**

More information

<http://www.oregon.gov/oha/PH/ProviderPartnerResources/Evaluationresearch/deathwithdignityact/Pages/index.aspx>