

FACTSHEET 27: Washington State Death with Dignity Act

Initiative Measure 1000, the Death With Dignity Act, was presented to the voters of Washington State at the November 4 2008 election. Initiative 1000 was initiated by former Governor Booth Gardner, and supported by 52% of voters, with 42% against (1,715,219 votes for to 1,251,255 against). Significantly, 30 of the state's 39 counties voted in favour of Initiative 1000. The law came into effect on March 5, 2009. Initiative 1000 was based on Oregon Measure 16, passed in 1994, which, following a Supreme Court challenge, was overwhelmingly reapproved in Oregon in 1997.

The USA political system has provision for citizen initiated ballots, where citizens can petition the government to enact a law. The same approach was used in achieving the Oregon and Colorado assisted dying laws. (Note that Australia does not have similar provision for citizens to petition for a ballot; a state or the federal government can decide to take a policy matter to the people through a plebiscite; or a referendum is required to change the Constitution.)

The Washington Death with Dignity Act includes the following provisions:

- Allows for an attending physician to prescribe medication to competent adults (over 18 years) to end life in a humane and dignified manner under prescribed conditions, with competency assessed by two physicians;
- Allows medication for self, not physician, administration;
- Relies on fully informed patient consent following advice on all other options including hospice and palliative care;
- Applies only to terminally ill patients with a prognosis of less than six months to live, verified by two physicians;
- Includes strict healthcare provider responsibilities;
- Includes a residency requirement;
- Requires a second medical opinion;
- Allows for appropriate counselling;
- Requires a lapse of fifteen days between the initial oral request and the written request;
- Requires a lapse of 48 hours between the written request, signed by two independent witnesses, and writing the prescription;
- Allows for rescinding the decision at any time and in any manner;
- Provides for penalties in event of coercion;

- Includes reporting requirements, including copies of all prescriptions provided to the Department Health, which publishes an annual report reviewing the Act;
- Promotes, but is not reliant upon, the notification of a patient's next of kin;
- Provides immunity to healthcare providers in respect of participation or non-participation in the Act;
- Ensures that any provisions in a will, contract, insurance policy, or any other agreement become ineffective if they influence whether a patient makes a decision under the Act.

The Washington State Department of Health issues annual reports on the operation of the Act. These reports provide wide ranging demographic information. For example, of the 239 patients who died under the Act in 2016:

- the youngest was 33 years of age and the oldest was 98
- 97% were white
- 43% were married t the time of death
- 67% had a college education
- 77% had cancer
- 8% had a neurodegenerative disease, including Motor Neurone Disease (more commonly called Amyotrophic Lateral Sclerosis (ALS) in the USA)
- 16% had other illnesses, including heart and respiratory disease
- 92 % had private, Medicare, Medicaid, other insurance, or a combination of health insurance
- 87 % reported to their health care provider concerns about loss of autonomy
- 66 % reported to their health care provider concerns about loss of dignity
- 84 % reported to their health care provider concerns about loss of the ability to participate in activities that made life enjoyable.

The Washington State demographic profile of people using Measure 1000 strongly resembles that of people availing themselves of the Oregon Death with Dignity Act on which the Washington State Act is modelled.

References:

1. A transcript of the Act is available at:
<http://www.candcofwa.org/docs/Textforl1000.pdf>
2. Washington Dept of Health <http://www.doh.wa.gov/>
3. For annual statistics on the operation of the Act since 2009 see:
<http://www.doh.wa.gov/Portals/1/Documents/Pubs/422-109-DeathWithDignityAct2016.pdf>