



How to Talk to Your Doctor

Don't wait until it's too late to have this important conversation with your physician.

If you think you may want to use Vermont's End of Life Choice Law (Act 39) in the future if you receive a terminal diagnosis, then it is important to know whether or not your physician would support your choice and would assist you through the Act 39 process. Talking to your doctor about Act 39 also helps confirm that your physician shares your values and is committed to making sure you understand all of your options if you have a difficult medical situation. Knowing your options and the implications of various care or treatment helps ensure that you make informed healthcare decisions.

Start the discussion with your doctor while you are in good health. Optimal times to have this conversation are at your next regular visit or when you are changing physicians. Another good time is when you are providing him or her with a copy of your advance directives. If you raise the issue immediately after receiving a terminal diagnosis, your physician may be less receptive.

We suggest that you start by explaining that you believe in being prepared, that you wish to avoid unnecessary suffering at the end of life, and that you would like to make sure that you would be on the same page in an end-of-life situation. Then ask your physician with specific language: "If I were terminally ill and wanted to use Act 39, would you be willing to write a prescription for life-ending medication?"

Most Vermont doctors do know in general about Act 39, but your doctor may not have had actual experience with it. You may get an immediate response (yes or no), or your doctor may need to learn about the process from both a medical and legal point of view before giving you a clear answer. If this is the case, ask if you can call back in a week to finish the discussion.

Ultimately, ***you need a "yes" or "no" answer.*** Otherwise, if and when the time comes, in addition to all the other difficult issues, you may need to find a different doctor.

Common responses from physicians include:

- "I will help you," or "I will be there for you when the time comes." This may mean "I will refer you to hospice and palliative care," or "I will be sure you are kept comfortable, but I may not write a prescription for life-ending medication." In that case, ask specifically if this includes medical aid in dying under Act 39.
- "Let's talk about that when the time comes," "We can talk later," or "For now, let's focus on treatment." Physicians who make these kinds of statements are not providing a clear answer. They may elect not to provide medical aid in dying when the time comes. Ask the question specifically until you get an answer.

- "I don't know anything about Act 39." You might suggest that your doctor look at the Patient Choices Vermont website (www.PatientChoices.org) or the Vermont Department of Health website (www.healthvermont.gov/systems/patient-choice-and-control-end-life), both of which provide details about Act 39 and outline clearly the responsibilities of a participating physician. Set a time for you to call back for an answer.
- "I don't believe in that," "I would never do that," or "I'm against that." It is unlikely that you will change this person's mind.
- "My employer will not allow me to participate." If your doctor tells you this, we suggest that you ask that he or she check the institution's written policy and get back to you. Act 39 states that institutions that employ physicians may not prohibit them from participating in Act 39. However, there are some special situations where doctors cannot assist:
 - Doctors employed by federally funded institutions such as the VA Medical Center are prohibited by federal regulation from prescribing terminal medication, and their doctors cannot assist you. They may, however, be able to refer you to a non-VA doctor.
 - Doctors who are not licensed in Vermont, such as some physicians at the Dartmouth Hitchcock Medical Center in Hanover NH, would not have immunity provided under Act 39 to Vermont doctors. Ask for a referral.
 - Medical facilities (hospitals and nursing homes) may adopt policies preventing patients from ingesting terminal medication on their premises. If you are a patient or resident in such a facility, you may not be able to take advantage of Act 39 unless you make arrangements to be offsite in order to use the medication.

If your doctor would like to talk to another Vermont doctor who has Act 39 experience, have him or her call Patient Choices Vermont and we will have a knowledgeable colleague call directly.

Be aware that doctors are not required to provide medical aid in dying. If your physician declines to participate, we suggest asking for a referral to another physician who will prescribe. We are encouraging patients and doctors to view this referral just like any other referral for medical care that the doctor does not cover.

If you are going to consider changing doctors, we suggest making this move sooner rather than later.

Be aware that in order to receive medical aid in dying, a patient must be of sound mind, able to make his or her own decisions, and able to self-administer the medication. A doctor who has known you for a while will be more able to make this determination.

As more patients ask their doctors about medical aid in dying, more doctors will educate themselves about providing this type of support. Feel free to call or email Patient Choices Vermont if you would like assistance. Although we do not keep a list of doctors to whom we can refer you, we can advise you on how to talk to your doctor.