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S.74

Introduced by Senators McCormack, Clarkson, Lyons and Sirotkin

Referred to Committee on

Date:

Subject: Health; patient choice at end of life; immunity

Statement of purpose of bill as introduced: This bill proposes to eliminate a requirement in Vermont's patient choice at end of life laws that both oral requests required of the patient with a terminal condition for medication to be self-administered to hasten the patient's death must have been made in the physical presence of the physician to whom the patient made the request. It would eliminate a requirement that the prescribing physician have conducted a physical examination of the patient in order to determine that the patient was suffering a terminal condition and a requirement that the physician must have waited at least 48 hours after the occurrence of certain required events before writing the prescription. The bill would also provide immunity for any person who acts in good faith compliance with the provisions of Vermont's patient choice at end of life laws.

An act relating to modifications to Vermont's patient choice at end of life laws

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 18 V.S.A. § 5283 is amended to read:

3 § 5283. REQUIREMENTS FOR PRESCRIPTION AND  
4 DOCUMENTATION; IMMUNITY

5 (a) A physician shall not be subject to any civil or criminal liability or  
6 professional disciplinary action if the physician prescribes to a patient with a  
7 terminal condition medication to be self-administered for the purpose of  
8 hastening the patient's death and the physician affirms by documenting in the  
9 patient's medical record that all of the following occurred:

10 (1) The patient made an oral request to the physician ~~in the physician's~~  
11 ~~physical presence~~ for medication to be self-administered for the purpose of  
12 hastening the patient's death.

13 (2) ~~No~~ Not fewer than 15 days after the first oral request, the patient  
14 made a second oral request to the physician ~~in the physician's physical~~  
15 ~~presence~~ for medication to be self-administered for the purpose of hastening  
16 the patient's death.

17 \* \* \*

18 (5) The physician determined that the patient:

19 (A) was suffering a terminal condition, based on the physician's  
20 ~~physical~~ examination of the patient and review of the patient's relevant  
21 medical records;

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\* \* \*

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(12) The physician wrote the prescription ~~no fewer than 48 hours~~ after

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the last to occur of the following events:

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\* \* \*

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Sec. 2. 18 V.S.A. § 5285 is amended to read:

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§ 5285. LIMITATIONS ON ACTIONS

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\* \* \*

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(c) No person shall be subject to civil or criminal liability or professional

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disciplinary action for acting in good faith compliance with the provisions of

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this chapter.

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(d) Except as otherwise provided in this section and sections 5283, 5289,

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and 5290 of this title, nothing in this chapter shall be construed to limit liability

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for civil damages resulting from negligent conduct or intentional misconduct

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by any person.

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Sec. 3. EFFECTIVE DATE

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This act shall take effect on passage.