

DEPARTMENT OF HUMAN SERVICES, PUBLIC HEALTH

DIVISION 9 REPORTING REQUIREMENTS OF THE OREGON DEATH WITH DIGNITY ACT

1 333-009-0000

2 Definitions

3 For the purpose of OAR 333-009-0000 through 333-009-0030, the following
4 definitions apply.

5 (1) "Act" means the "Oregon Death with Dignity Act" or Measure 16 as adopted
6 by the voters on November 8, 1994.

7 (2) "Adult" means an individual who is 18 years of age or older.

8 (3) "Attending Physician" means the physician who has primary responsibility for
9 the care of the patient and treatment of the patient's terminal disease.

10 (4) "Capable" means that in the opinion of a court or in the opinion of the patient's
11 attending physician or consulting physician, psychiatrist or psychologist, a patient
12 has the ability to make and communicate health care decisions to health care
13 providers, including communication through persons familiar with the patient's
14 manner of communicating, if those persons are available.

15 (5) "Consulting physician" means a physician who is qualified by specialty or
16 experience to make a professional diagnosis and prognosis regarding the patient's
17 disease.

18 (6) "Counseling" means one or more consultations as necessary between a state
19 licensed psychiatrist or psychologist and a patient for the purpose of determining
20 that the patient is capable and not suffering from a psychiatric or psychological
21 disorder or depression causing impaired judgment.

22 (7) "Dispensing Record" means a copy of the pharmacy dispensing record form.

23 (8) "Department" means the Department of Human Services.

24 (9) "Health Care Facility" shall have the meaning given in ORS 442.015.

25 (10) "Health Care Provider" means a person licensed, certified or otherwise
26 authorized or permitted by the law of this state to administer health care or
27 dispense medication in the ordinary course of business or practice of a profession
28 and includes a health care facility.

29 (11) "Patient" means a person who is under the care of a physician.

30 (12) "Physician" means a doctor of medicine or osteopathy licensed to practice
31 medicine by the Board of Medical Examiners for the State of Oregon.

1 (13) "Qualified patient" means a capable adult who is a resident of Oregon and has
2 satisfied the requirements of this Act in order to obtain a prescription for
3 medication to end his or her life in a humane and dignified manner.

4 Stat. Auth.: ORS 127.865

5 Stats. Implemented: ORS 127.800-127.995

6 Hist.: HD 15-1997(Temp), f. & cert. ef. 11-6-97; OHD 4-1998, f. & cert. ef. 5-4-
7 98; OHD 12-1999, f. & cert. ef. 12-28-99

8
9 333-009-0010

10 Reporting

11 (1) To comply with ORS 127.865(2), within seven calendar days of writing a
12 prescription for medication to end the life of a qualified patient the attending
13 physician shall send the following completed, signed and dated documentation by
14 mail to the State Registrar, Center for Health Statistics, 800 NE Oregon Street,
15 Suite 205, Portland OR 97232, or by facsimile to (971) 673-1201:

16 (a) The patient's completed written request for medication to end life, either using
17 the "Written Request for Medication to End My Life in a Humane and Dignified
18 Manner" form prescribed by the Department or in substantially the form described
19 in ORS 127.897;

20 (b) One of the following reports prescribed by the Department:

21 (A) "Attending Physician's Compliance Form"; or

22 (B) "Attending Physician's Compliance Short Form" accompanied by a copy of
23 the relevant portions of the patient's medical record documenting all actions
24 required by the Act;

25 (c) "Consulting Physician's Compliance Form" prescribed by the Department; and

26 (d) "Psychiatric/Psychological Consultant's Compliance Form" prescribed by the
27 Department, if an evaluation was performed.

28 (2) Within 10 calendar days of a patient's ingestion of lethal medication obtained
29 pursuant to the Act, or death from any other cause, whichever comes first, the
30 attending physician shall complete the "Oregon Death with Dignity Act Attending
31 Physician Interview" form prescribed by the Department.

32 (3) To comply with ORS 127.865(1)(b), within 10 calendar days of dispensing
33 medication pursuant to the Death with Dignity Act, the dispensing health care
34 provider shall file a copy of the "Pharmacy Dispensing Record Form" prescribed
35 by the Department with the State Registrar, Center for Health Statistics, 800 NE
36 Oregon St., Suite 205, Portland, OR 97232 or by facsimile to (971) 673-1201.

37 Information to be reported to the Department shall include:

38 (a) Patient's name and date of birth;

39 (b) Prescribing physician's name and phone number;

40 (c) Dispensing health care provider's name, address and phone number;

1 (d) Medication dispensed and quantity;
2 (e) Date the prescription was written; and
3 (f) Date the medication was dispensed.
4 Stat. Auth.: ORS 127.865
5 Stats. Implemented: ORS 127.800 - ORS 127.995
6 Hist.: HD 15-1997(Temp), f. & cert. ef. 11-6-97; OHD 4-1998, f. & cert. ef. 5-4-
7 98; OHD 12-1999, f. & cert. ef. 12-28-99
8 Forms referenced are available from the agency at
9 <http://egov.oregon.gov/DHS/ph/pas/pasforms.shtml>.

10

11 333-009-0020

12 Record Review/Annual Report

13 (1) The Department shall annually review records maintained pursuant to this Act.

14 (2) The Department shall generate and make available to the public an annual
15 statistical report of information collected under this Act.

16 Stat. Auth.: ORS 127.865

17 Stats. Implemented: ORS 127.800 - ORS 127.995 and 432.060

18 Hist.: HD 15-1997(Temp), f. & cert. ef. 11-6-97; OHD 4-1998, f. & cert. ef. 5-4-98

19

20 333-009-0030

21 Confidentiality/Liability

22 (1) All information collected pursuant to ORS 127.800 to 127.897 including, but
23 not limited to, the identity of patients, physicians and other health care providers,
24 and health care facilities shall not be a public record and may not be made
25 available for inspection by the public.

26 (2) All information collected pursuant to ORS 127.800 to 127.897 and the annual
27 statistical report referred to in 333-009-0020(2) shall be considered a special
28 morbidity and mortality study under ORS 432.060. Summary information released
29 in statistical reports shall be aggregated to prevent identification of individuals,
30 physicians, or health care facilities.

31 (3) Pursuant to ORS 432.060, providing morbidity and mortality information to the
32 Department does not subject any physician, hospital, health care facility or other
33 organization or person furnishing such information to an action for damages.

34 (4) Access to death certificate information shall be in accordance with OAR 333-
35 011-0096 pursuant to ORS 432.121.

36 Stat. Auth.: ORS 127.865

37 Stats. Implemented: ORS 127.800 - ORS 127.995, 432.060, and 432.121.

38 Hist.: HD 15-1997(Temp), f. & cert. ef. 11-6-97; OHD 4-1998, f. & cert. ef. 5-4-98