

The Ron Silverio/Heather Block Delaware End of Life Options Act (Rep. P. Baumbach D-Newark)

Bill Summary:

The Ron Silverio/Heather Block Delaware End of Life Options Act would allow a terminally ill adult who has decision-making capacity the right to request and self-administer medication to end their life in a humane and dignified manner if they choose to. The legislation prohibits coercion, or pressure on the terminally ill individual to request or to take medication prescribed to end their life.

- No health provider or pharmacist is required to participate.
- The decision to request and self-administer medical aid-in-dying medication must be made voluntarily by the terminally ill individual and can be withdrawn at any time in any manner.
- Individuals are not eligible for medical aid in dying due to advanced age or disability.

The bill is modeled after the Oregon Death with Dignity Act, which has been in practice for more than 20 years without a single instance of abuse or coercion. It includes over a dozen safeguards.

Core Safeguards in the Legislation:

- The individual must be a mentally capable terminally ill adult with a prognosis of six month or less to live. The terminal illness, six-month prognosis must be confirmed by two licensed healthcare providers in the state of Delaware.
- The attending healthcare provider must inform the requesting individual about all of their end-of-life care options, including hospice and pain or symptom management.
- A terminally ill person can withdraw their request for medication, not take the medication once they have it or otherwise change their mind at any point.
- The individual must be able to self-administer the medication.

The Act also Requires:

- Two separate requests for the medication must be made, with a 15-day waiting period between the first and second request.
- A written request is also required. Two people must witness the written request, one of whom can't be a relative, someone who stands to benefit from the person's estate, or

an owner, operator, or employee of the health care institution where the person is receiving care. The attending healthcare provider also cannot serve as a witness.

- If either health care provider, attending or consulting, has concerns about the individual's mental capability to make an informed healthcare decision, they must make a referral to a mental health professional for an additional assessment. Medication can't be prescribed until mental capability is determined.
- Anyone attempting to pressure or coerce an individual to request or use medical aid in dying will face felony charges and criminal prosecution.
- Individuals, including medical providers, have civil and criminal immunity for participating in the law as long as they comply with all aspects of the law.
- Insurers cannot alter or deny benefits for terminally ill individuals based on the availability of medical aid in dying as an end-of-life care option.
- The underlying illness — not medical aid in dying — will be listed as the cause of death on the death certificate for those who self-administer the medication.
- Estates and wills are not affected and life insurance cannot be denied to the families of those who use the law.
- Life insurance payments can't be denied to the families of those who use the law because they used the law.
- Unused medication must be disposed of according to state and federal guidelines.

For More Information:

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