

Telemedicine and Medical Aid in Dying in Oregon in Light of the Settlement Agreement in *Gideonse v. Brown, et al.*

Compassion & Choices' legal department has received a number of inquiries regarding the relationship between the use of telemedicine and the State of Oregon's agreement not to enforce the Oregon Death With Dignity Act's residency restrictions as a result of the settlement agreement reached in [*Gideonse v. Brown, et al.*](#) This document aims to answer the most commonly asked question regarding telemedicine and residency to the best of our current understanding.

Is it possible to establish a doctor-patient relationship that is conducted entirely through telemedicine, in which the doctor is located in Oregon and the patient is located out-of-state? And, in the event of such a relationship, could the doctor then write a prescription for medical aid in dying to the individual located outside of Oregon?

Under Oregon law, a doctor-patient relationship may be established through telemedicine. However, a doctor must also have the appropriate licensure to practice

medicine in any state where their patient is located during the telemedicine visit. Further, under federal law, an in-person evaluation is required in order for a controlled substance to be prescribed through a telemedicine visit. Note that this requirement has been temporarily suspended due to the ongoing the COVID-19 pandemic and it is unclear when that suspension will end.

In order for a doctor to prescribe medical aid-in-dying medication to a patient located out-of-Oregon, the following must be in place:

- The doctor must also be licensed to practice in the state where the patient is located.
- Medical aid in dying must be authorized in the location in which the patient is physically located during the visit. This is because, under Oregon law, the practice of medicine is considered to be occurring at the location from which the patient is connecting, not the doctor.

As such, any doctor prescribing medical aid in dying drugs over telemedicine to a patient connecting from a state where medical aid in dying is unauthorized invites significant risk of criminal and civil liability for themselves and the family members of their patients.

Therefore, Compassion & Choices strongly urges that any use of telemedicine to facilitate qualification for medical aid in dying be conducted while both parties are physically located in Oregon or while the patient is located in a state where medical aid in dying is authorized and the provider is also licensed in that jurisdiction.

If you have any further questions regarding this issue Compassion & Choices may be able to assist. Please go to this [webpage](#) for instructions on how to request legal assistance.

For any additional questions related to the Oregon process, please see the [Oregon informational packet](#).

Additional Resources

- [Understanding Medical Aid in Dying](#)