

# Medical Aid in Dying in Oregon for persons residing outside of Oregon:

## What patients need to know

Recently, the Oregon Health Authority, Oregon Medical Board, and the District Attorney of Multnomah County have issued directives to not enforce the residency requirement contained in the Oregon Death with Dignity Act. This decision was made as a result of a settlement agreement reached in *Gideonse v. Brown*, a lawsuit which alleged that the residency requirement was unconstitutional. As a result of this settlement, medical practitioners in Oregon may assist non-Oregon residents in obtaining medical aid-in-dying services without fear of repercussions from medical authorities. However, for terminally ill people, their friends and their families, many questions likely remain.

Note: It is important to recognize the difficulties of travel while terminally ill and the challenges of establishing a qualifying physician/patient relationship as a non-resident.

### **I am not a resident of Oregon but would like to access medical aid in dying in Oregon. How should I go about doing this?**

- Even though the residency requirement is not being enforced, you must still meet all of the other Oregon Death with Dignity Act requirements.
- You must:
  - Be an adult (18 years or older);
  - Be mentally capable;
  - Have a terminal illness with a prognosis of six months or less to live; and
  - Be capable of self-ingesting the prescribed medication
- You must find an Oregon doctor willing to accept you as a patient.
  - The doctor must be physically located and currently practicing in Oregon. It is not sufficient for your doctor to maintain a license to practice in Oregon and not be located in or practicing in Oregon. Not all Oregon healthcare providers and healthcare systems support medical aid in dying, and there is no requirement that Oregon providers qualify a patient or practice medical aid-in-dying. It is important that you explicitly ask any potential provider about whether they would support a request for medical aid in dying and assess your eligibility before you

start the process of transferring care to the doctor.

- The Oregon law and current directives offer the most protection from criminal and civil liability for non-Oregon residents who access medical aid in dying within Multnomah County. The legal protections in Multnomah County are the strongest in the state because the District Attorney of Multnomah County has issued a directive explaining that the residency restriction will not be enforced within the county. While we believe it is unlikely that any individual will be prosecuted in Oregon due to the settlement agreement, individuals who are seeking to maintain the full protections granted by the settlement agreement are advised to go through the entire process, including any intake appointments with potential attending physicians and self-ingesting the medication, while physically located in Multnomah County, Oregon. Please note that this process may require that you find lodging, transportation and other accommodations within Multnomah County.
- You may call Compassion & Choices End-of-Life Consultation services to discuss this process in more depth at any time. Knowledgeable staff can be reached at 1-800-247-7421.

### **Medical aid in dying is not authorized in my state of residency. What legal risks may I face from my home state if I travel to Oregon to obtain medical aid in dying in Oregon?**

- The Oregon law offers protection from criminal and civil liability within Oregon's state boundaries. Oregon legal protections

generally do not extend outside Oregon's state boundaries.

- In order to maintain the full protections granted by Oregon law, Compassion & Choices advises that you go through the entire process, including any intake appointments with potential attending physicians and self-ingesting the medication while physically located in Multnomah County, Oregon. While some health care providers outside of Multnomah County may choose to prescribe medical aid-in-dying medication, the legal protections in Multnomah County are the strongest in the state because the District Attorney of Multnomah County has issued a directive explaining that the residency restriction will not be enforced within the county.
- If any part of the medical aid-in-dying process occurs in a jurisdiction outside of Oregon, including doctor visits (in person or telehealth) or any oral or written request, Oregon's protections may not apply. You, the physician and others may face civil or criminal penalties in that jurisdiction.
- If you reside in a jurisdiction where medical aid in dying is not authorized, consult with an attorney to determine whether you or anyone connected to you may be at risk of criminal or civil liability in your state. Compassion & Choices' legal team may also be able to assist. Please contact us [here](#).

## **Medical aid in dying is not authorized in my state of residency. What legal risks do my friends and family face from my home state if they help me travel to Oregon to obtain medical aid in dying in Oregon?**

- State law and the kind of assistance provided determine whether friends, family members, or other persons who travel to Oregon with you or otherwise assist you with medical aid in dying are at risk of civil and criminal liability in your state of residence if you choose to self-ingest in your home state. For example, some states have criminal laws against assisting a suicide and these laws may apply to people who help you travel to Oregon.
- Whether any specific action or inaction may put friends and loved ones at risk for civil or criminal liability will require specific legal analysis by an attorney licensed in your state.
- If you reside in a state where medical aid in dying has not been authorized, consult with an attorney to determine whether you or anyone connected to you may be at risk of criminal or civil liability in your state. C&C's legal team may also be able to assist. Please contact us [here](#).

## **If I die by ingesting aid-in-dying medication, will it impact my will or any of my contracts or insurance policies?**

- Oregon law stipulates that use of medical aid in dying shall have no effect on a person's will, contracts, or insurance policies. Whether this protection applies in

a person's home state may depend on many factors.

- Potential risks in any non-authorized state may be minimized by completing the entire medical aid-in-dying process within Oregon's Multnomah County. While some health care providers outside Multnomah County may choose to practice medical aid-in-dying outside Multnomah County, the legal protections in Multnomah County are the strongest in the state because the District Attorney of Multnomah County has issued a directive explaining that the residency restriction will not be enforced within the county.
- If you reside in a state where medical aid in dying is not authorized, we urge you to consult with an attorney to determine the effect that death by aid-in-dying medication might have on your will or any other contract.
- If you reside in a state where medical aid in dying is not authorized, we urge you to speak to your individual insurance provider to determine whether death by aid-in-dying medication might impact your insurance policy.

## **Medical aid in dying is authorized in my state of residence, but I still wish to travel to Oregon to access Oregon's law. What legal risks do I face if I travel to Oregon to obtain medical aid in dying?**

- Oregon law offers protection from criminal and civil liability within Oregon's state boundaries. Oregon protections do not generally extend outside Oregon's state boundaries.

- If you reside in a state where medical aid in dying is authorized and still wish to travel to Oregon to access medical aid in dying, there is likely very little risk of civil and criminal liability, but your risk increases if you travel through one or more states where medical aid in dying is not authorized to reach Oregon.
- We recommend that you consult with an attorney to determine whether you or anyone connected to you is at risk of criminal or civil liability in your state. Compassion & Choices' legal team may also be able to assist. Please contact us [here](#).

### **Where can I ingest medical aid-in-dying medication?**

- Oregon law offers protection from criminal and civil liability within Oregon's state boundaries. Oregon protections do not generally extend outside Oregon's state boundaries.
- Oregon's authorization of medical aid in dying applies only within Oregon's state boundaries. If you obtain aid-in-dying medication and then travel outside of Oregon, it is possible that you may be prevented from ingesting the aid-in-dying medication and/or you or a family member may face civil or criminal charges related to obtaining the aid-in-dying medication. Further, leaving the state may also interrupt the continuum of care between you and your medical provider. Oregon medical providers may be unwilling to qualify and prescribe medication to you if you plan on self-ingesting in a non-authorized state.
- In order to maintain the full protections granted by Oregon law, Compassion & Choices strongly advises that you go through the entire process, including

self-ingesting the medication, while physically located in Oregon.

- Oregon law advises patients against ingesting aid-in-dying medication in a public place. The term "public place" generally covers all spaces open to the public, and includes recreational parks. It does not include healthcare facilities where end-of-life care services are provided.
- If you have questions about what is and is not a "public place" under Oregon law please contact us at 1-800-247-7421.

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

### **Additional Resources**

- [Understanding Medical Aid in Dying](#)