

## Providing voluntary assisted dying in Western Australia

# Health professional participation

### Summary

This information sheet is for health professionals (such as medical practitioners, nurse practitioners, nurses, pharmacists, allied health professionals and others) who want to know more about participating in the voluntary assisted dying process.

### Key points include:

- Healthcare workers **must not** initiate discussion about voluntary assisted dying with, or suggest voluntary assisted dying to, a person to whom they are providing professional care services.
- **Only** medical practitioners and nurse practitioners can initiate a discussion about voluntary assisted dying with a person, if at the same time they also inform the person about their treatment and palliative care options and the likely outcomes of that care and treatment.
- All healthcare workers **can** provide information about voluntary assisted dying to someone who has requested it, or answer questions about voluntary assisted dying that have been asked of them, provided they are comfortable doing so.
- Health professionals may choose to not participate in the voluntary assisted dying process but should be aware of the *Voluntary Assisted Dying Act 2019* (the Act) and its requirements.
- The Act allows medical practitioners and nurse practitioners who meet the eligibility criteria, and who have completed approved training, to participate in the voluntary assisted dying process.
- Other health professionals can support patients seeking voluntary assisted dying, and colleagues providing voluntary assisted dying, but cannot provide assessment or administration services.
- Health practitioners and healthcare workers should familiarise themselves with the requirements of the Act. Contravention of a provision of the Act is capable of constituting professional misconduct or unprofessional conduct.

**All medical practitioners** have specific obligations under the Act in relation to:

- actions to be taken on receiving a First Request for access to voluntary assisted dying from a patient during a medical consultation
- not making any reference to voluntary assisted dying on the Medical Certificate Cause of Death for a patient who has died through voluntary assisted dying (in accordance with the Act)
- notifying the Voluntary Assisted Dying Board if they have completed a Medical Certificate Cause of Death for a patient who they know or reasonably believe died through voluntary assisted dying (in accordance with the Act).

## Voluntary assisted dying in WA

[The Act](#) is the legislation that regulates voluntary assisted dying in Western Australia (WA). Health professionals should be aware of the Act and its requirements.

Voluntary assisted dying is a legal process that enables a patient to access medication that will cause their death. This medication is known as the voluntary assisted dying substance. The patient can choose to self-administer (prepare and take the substance themselves) or have it administered by a medical practitioner or nurse practitioner (known as the Administering Practitioner) at a time and place of their choosing.

A person must meet **all** eligibility criteria to be able to access voluntary assisted dying. The information sheet [Accessing voluntary assisted dying in Western Australia – Who is eligible?](#) sets out these eligibility criteria in detail.

### Which health professionals can participate in voluntary assisted dying in WA?

Medical practitioners and nurse practitioners who meet the eligibility criteria, and who have completed the Western Australian Voluntary Assisted Dying Approved Training (WA VAD Approved Training), may undertake roles in the voluntary assisted dying process under the Act.

An eligible medical practitioner can participate in the roles of Coordinating Practitioner, Consulting Practitioner and Administering Practitioner.

An eligible nurse practitioner can participate in the role of Administering Practitioner.

These roles are detailed further in the information sheet [Accessing voluntary assisted dying in Western Australia – Overview of the process](#).

### I am a medical practitioner. Can I participate in voluntary assisted dying?

To be eligible to participate in voluntary assisted dying as a medical practitioner you must:

- hold a specialist registration, have practised for at least one year as the holder of specialist registration and meet the requirements approved by the CEO; or
- hold a general registration, have practised for at least 10 years as the holder of general registration and meet the requirements approved by the CEO; or
- be an overseas-trained specialist who holds limited or provisional registration and meets the requirements approved by the CEO.

As a medical practitioner you must also ensure you are eligible to act as the Coordinating Practitioner, Consulting Practitioner or Administering Practitioner for a particular patient i.e. you:

- are not a family member of the patient; and
- do not know or believe that you are a beneficiary under the will of the patient or may otherwise benefit financially or in any other material way from the death of the patient, other than by receiving reasonable fees for the provision of services related to your role in the process.

### I am a nurse practitioner. Can I participate in voluntary assisted dying?

To be eligible to participate in voluntary assisted dying as a nurse practitioner you must:

- have practised for at least two years as a nurse practitioner; and
- meet the requirements approved by the CEO (see below); and
- have completed the WA VAD Approved Training.

As a nurse practitioner you must also ensure you are eligible to act as the Administering Practitioner for a particular patient i.e. you:

- are not a family member of the patient; and
- do not know or believe that you are a beneficiary under a will of the patient or may otherwise financially or in any other material way from the death of the patient, other than by receiving reasonable fees for the provision of services as the Administering Practitioner for the patient.

### **What are the 'requirements approved by the Chief Executive Officer (CEO)' that medical practitioners and nurse practitioners need to meet?**

These are specific requirements approved by the Director General of the Department of Health (as the CEO) as authorised under the Act and are published on the WA [Department of Health](#) website.

### **I am not a medical practitioner or a nurse practitioner. What roles do other health professionals have in voluntary assisted dying?**

Some health professionals, in addition to medical practitioners and nurse practitioners, will have specific roles. For example, a limited number of specified registered health practitioners (pharmacists) will be authorised to supply the voluntary assisted dying substance. These pharmacists are part of the Western Australian Voluntary Assisted Dying Statewide Pharmacy Service (SWPS)

Other health professionals cannot participate in the voluntary assisted dying process but may support medical practitioner and nurse practitioner colleagues who do.

All health professionals can provide care to patients who have requested access to voluntary assisted dying, or who are considering requesting access to voluntary assisted dying, and provide support to their families.

### **Does the health service I work for participate in voluntary assisted dying?**

That depends on the health service.

Whether a health service participates in voluntary assisted dying will depend on whether it has staff with appropriate skills and expertise; whether it has the capacity to provide voluntary assisted dying; and whether participation aligns with the values of the health service.

You should familiarise yourself with the local policies and processes associated with voluntary assisted dying at your health service.

### **Can I choose whether to participate in voluntary assisted dying?**

Yes. Participation in the voluntary assisted dying process is a choice.

Whether you participate in the process, or support colleagues who do, will depend on your skills and training as well as your eligibility, availability and willingness to be involved.

You can also choose the level of involvement you have with voluntary assisted dying. For example, you may only be comfortable providing a patient with general information.

Even if you will not be participating in or supporting voluntary assisted dying, the topic may be brought up by someone in your care. You should consider how you will respond to best support your patient. You should also be aware of the resources, systems and processes that are available in your workplace to manage requests for information about, or access to, voluntary assisted dying.

### **What if I hold a conscientious objection to voluntary assisted dying?**

If you have a conscientious objection to voluntary assisted dying you are under no obligation to participate in the process. However, you must not inhibit a person's access to voluntary assisted dying.

If you are a medical practitioner, you should be aware of your obligations under the Act if a patient asks you for access to voluntary assisted dying (makes a First Request). These obligations are outlined in further detail below.

### **What obligations do all medical practitioners have regarding a request for access to voluntary assisted dying?**

**Only medical practitioners** can receive a request for access to voluntary assisted dying (a First Request). If a person makes a First Request to any other health professional, the person should be informed that they must make their request to a medical practitioner.

To constitute a First Request, the request from the patient must be:

- clear and unambiguous
  - made to a medical practitioner during a medical consultation
  - made in person (or, if that is not practical, via audiovisual communication\*)
- \*technology where people can see and hear each other simultaneously.

**Any** medical practitioner who receives a First Request for access to voluntary assisted dying during a medical consultation must:

1. **give\*** the patient the *Approved Information for a Person Making a First Request for Voluntary Assisted Dying* booklet
2. **decide** if they are going to accept or refuse the First Request
  - **accepting** the First Request means that this practitioner will undertake the voluntary assisted dying process with the patient (become the Coordinating Practitioner)
  - if the practitioner does not want to be the doctor responsible for voluntary assisted dying, or is not eligible to do so, then they should **Refuse** the First Request. The patient can still seek to access voluntary assisted dying but they will need to find another practitioner e.g. by contacting the WA VAD Statewide Care Navigator Service.
3. **inform\*** the patient of their decision
4. **complete\*** and submit the First Request Form to the Voluntary Assisted Dying Board
5. **document** the following in the patient's medical record: the First Request
  - the medical practitioner's decision to accept or refuse the First Request
  - if refusal, the reason for refusal
  - whether the medical practitioner has given the patient the Approved Information booklet.

**\*NB:** Certain actions must be done within specified timeframes as per below: If the medical practitioner refuses the First Request by reason of conscientious objection, they must **immediately** inform the patient of the refusal and give the patient the Approved Information booklet. In all other circumstances (for both accept or refuse) the medical practitioner must inform the patient and give them the Approved Information booklet within **2 business days of the request**.

The First Request Form must be completed and given to the Voluntary Assisted Dying Board within **2 business days of the medical practitioner's decision** to accept or refuse the First Request.

Refer to the Department of Health voluntary assisted dying website or the WA VAD Guidelines for more detailed information regarding medical practitioner obligations upon receiving a First Request.

Next steps will depend on the medical practitioner's eligibility, availability and willingness to provide voluntary assisted dying.

## What other obligations do all medical practitioners have?

Medical practitioners must be aware that they **cannot** initiate discussion about, or suggest, voluntary assisted dying to a patient **unless at the same time** they also inform the person about their treatment and palliative care options and the likely outcomes of that care and treatment.

A contravention of the above by a registered medical practitioner is unprofessional conduct for the purposes of the *Health Practitioner Regulation National Law Act (WA) 2010*.

If, however, a patient requests information or they initiate a discussion about voluntary assisted dying, medical practitioners **can** provide information or answer questions about voluntary assisted dying that have been asked of them, provided they are comfortable doing so.

There are also obligations associated with death certification that all medical practitioners must comply with:

1. A medical practitioner completing a Medical Certificate Cause of Death for a patient who has died through voluntary assisted dying (in accordance with the Act) **must not** include any reference to voluntary assisted dying.
2. A medical practitioner who completes a Medical Certificate Cause of Death for a patient who they know or reasonably believe died through voluntary assisted dying (in accordance with the Act) must notify the Voluntary Assisted Dying Board by completing and submitting the *Notification of Death – Other Medical Practitioner Form* (available through the VAD-IMS, accessed via the [Voluntary Assisted Dying Board](#)).

## What do all health care workers need to be aware of in relation to voluntary assisted dying?

The Act prohibits healthcare workers from initiating discussion about, or otherwise suggesting, voluntary assisted dying to a person to whom they are providing professional care services.

A contravention of the above by a registered health practitioner is unprofessional conduct for the purposes of the *Health Practitioner Regulation National Law Act (WA) 2010*. A contravention may be unreasonable conduct as described in the *Health and Disability Services (Complaints) Act 1995*.

The only exception to this is for medical practitioners and nurse practitioners if, at the same time, they also inform the person about their treatment and palliative care options and the likely outcomes of that care and treatment.

If, however, a patient requests information or they initiate a discussion about voluntary assisted dying, healthcare workers **can** provide information or answer questions about voluntary assisted dying that have been asked of them, provided they are comfortable doing so.

The Act protects the rights of health practitioners to choose to not to participate in the voluntary assisted dying process. Sometimes this is referred to as a conscientious objection, but refusal can be for any reason.

The Act contains a number of specific protections but also offences in relation to voluntary assisted dying. More information can be found in the WA VAD Guidelines. Health practitioners should be aware that failure to comply with the provisions of the Act is capable of constituting professional misconduct or unprofessional conduct for the purposes of the *Health Practitioner Regulation National Law (WA) 2010*.

## I am a medical practitioner or a nurse practitioner considering participation in the voluntary assisted dying process what should I do?

First, review the eligibility criteria outlined in this document and consider if you are likely to meet each of the eligibility criteria.

If you are employed by a health service, you can find out what the service's approach to voluntary assisted dying is and how the service might support your participation.

You will need to apply for access to the WA VAD Approved Training, successfully complete the training and then be granted access to VAD-IMS (the online system for submission of the required voluntary assisted dying process forms to the Voluntary Assisted Dying Board). More information can be found in the WA VAD Guidelines, the information sheet [Access to WA VAD Approved Training](#) and on the WA [Department of Health](#) website.

The information sheet [Providing voluntary assisted dying in Western Australia – FAQs for health professionals](#) may also be helpful.

### Where can I find more information on voluntary assisted dying?

For further information please visit the Department of Health WA website [ww2.health.wa.gov.au/voluntaryassisteddying](http://ww2.health.wa.gov.au/voluntaryassisteddying)

### Glossary of terms

Refer to [Accessing voluntary assisted dying in Western Australia – Glossary of terms](#) for explanations of key terms used within this information sheet.

#### Acknowledgement

Some content in this document is based on the resources of the Victorian Department of Health and Human Services and has been used with permission.

The information presented in this information sheet is provided in good faith by the Department of Health to assist the community and health practitioners understand the framework for voluntary assisted dying in Western Australia. While every reasonable effort has been made to ensure the accuracy of the information contained in this information sheet, no guarantee is given that the information is free from error or omission.

It is the responsibility of the user to make their own enquiries and decisions about relevance, accuracy, currency and applicability of information in this circumstance. The information in this information sheet is not intended to be, nor should it be, relied upon as a substitute for legal, clinical or other professional advice.

Neither the State of Western Australia nor its officers, employees, agents, agencies, instrumentalities, contractors, successors, assigns and others acting under its control shall be responsible for any loss or damage howsoever caused, and whether or not due to negligence, arising from the use or reliance on any information provided in this information sheet.

This document can be made available in alternative formats on request for a person with disability.

Produced by Health Networks  
© Department of Health 2022

Copyright to this material is vested in the State of Western Australia unless otherwise indicated. Apart from any fair dealing for the purposes of private study, research, criticism or review, as permitted under the provisions of the *Copyright Act 1968*, no part may be reproduced or re-used for any purposes whatsoever without written permission of the State of Western Australia.