

**CONFIDENTIAL**  
**LEGISLATIVE BILL REVIEW FORM 2015**



Bill Number: s.108 Name of Bill Patient choice at end of life

Agency/Dept: AHS/VDH Author of Bill Review: David Englander

Date of Bill Review: 4/3/15 Related Bills and Key Players \_\_\_\_\_

Status of Bill: (check one): ☐ Upon Introduction ☒ As passed by 1<sup>st</sup> body ☐ As passed by both

**Recommended Position:**

☒ Support ☐ Oppose ☐ Remain Neutral ☐ Support with modifications identified in #8 below

**Analysis of Bill**

1. **Summary of bill and issue it addresses.** This bill proposes to repeal the July 1, 2016 sunset and continue providing immunity for physicians who follow a specific process to prescribe medication to a patient with a terminal condition for the purpose of hastening the patient's death.
2. **Is there a need for this bill?** Yes. The current law provides guidance to both patients and physicians. If the sunset takes effect that guidance will be repealed and leave doctors and patients with significant uncertainty.
3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?** None.
4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?** None.
5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** *(for example, public, municipalities, organizations, business, regulated entities, etc)* None.

**6. Other Stakeholders:**

**6.1 Who else is likely to support the proposal and why?**

Vermont Ethics Network: The guidance provides assistance to doctors and patients.

Compassionate Choices: Supported the original legislation/

**6.2 Who else is likely to oppose the proposal and why?**

The original opponents of Act 39 such as Vermont Center for Independent Living and Vermonters for Ethical Healthcare assert that the Act should be repealed because the law will be abused by unethical persons to prematurely end the lives of patients.

**7. Rationale for recommendation:**

*Please return this bill review as a Microsoft Word document to [laura.gray@state.vt.us](mailto:laura.gray@state.vt.us) and [jessica.mishaan@state.vt.us](mailto:jessica.mishaan@state.vt.us)*

The original intention of the section proposed to be repealed was to provide guidance for those involved in end of life choices until such time as a standard of care had been achieved. Since it has only been two years, and only seven patients' paperwork has been filed, there has been insufficient time for a standard of care to arise. Having ongoing, step-wise, obligations for physicians to follow is a prudent way for the Act to proceed.

In addition, if the section were to be repealed there would be no way to determine how many patients were utilizing this option and would, therefore, prevent the legislature, the Department of Health or others to understand how well it was working or not.

**8. Specific modifications that would be needed to recommend support of this bill:**

**9. Gubernatorial appointments to board or commission?**

*Secretary/Commissioner has reviewed this document:* \_\_\_\_\_ *Date:* \_\_\_\_\_