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| What process do my doctor and I need to follow? |
| Information for people considering voluntary assisted dying |

This factsheet provides a guide to the process for asking for voluntary assisted dying and accessing the medication. The information in this factsheet is also available as part of the comprehensive guide [*Voluntary assisted dying – Information for people considering voluntary assisted dying*](https://www2.health.vic.gov.au/hospitals-and-health-services/patient-care/end-of-life-care/voluntary-assisted-dying/community-consumer-information)<https://www2.health.vic.gov.au/hospitals-and-health-services/patient-care/end-of-life-care/voluntary-assisted-dying/community-consumer-information>.

# Summary

The process to ask for voluntary assisted dying and access the medication is set out in law. To complete the process, you must:

* Make two verbal requests (if you have difficulty speaking, you can make the requests using any means of communication available to you).
* Sign a written request (if you have difficulty writing, another person can sign this request for you in your presence).
* Be assessed as eligible for voluntary assisted dying by two different doctors (one of the doctors must be a specialist in the field of your disease).
	+ Choose a contact person who agrees to return any unused voluntary assisted dying medication after your death or if you decide not to take the medication.
* It is important to be aware that accessing voluntary assisted dying requires considerable preparation and planning.

There is no maximum time limit for completing the voluntary assisted dying process. However, the process cannot be completed in less than 10 days (unless both doctors agree that you are likely to die within this time).

You can use a qualified interpreter or accredited speech pathologist during the process if needed.

# Step 1: Make the first request

If you decide to seek voluntary assisted dying, you will need to make the first request to your doctor (GP or specialist doctor). Only a doctor can accept your first request.

Ask for a sufficient amount of time with your doctor to discuss voluntary assisted dying.

You can choose to have a family member or friend with you when you talk to the doctor.

Your first request needs to be made to the doctor in person. You will need to start the discussion with your doctor when you make your request. The law says that your doctor cannot talk to you about voluntary assisted dying, unless you raise it first.

Your request should be clear, so the doctor knows exactly what you are asking. If you use the words ‘voluntary assisted dying’, it will help the doctor understand that you are making your first request. A suggested way of making your first request is to ask: ‘Will you help me to access the voluntary assisted dying medication?’

However, you do not have to use the term ‘voluntary assisted dying’ or any particular words in the request. The most important thing is to make clear that you are asking the doctor for help to end your life. You may find that the doctor asks you questions to clarify that you are asking for voluntary assisted dying.

If you have difficulty speaking, you can make the request using other means of communication, such as gesture or a communication aid. You can also use a qualified interpreter or speech pathologist if needed. See Use of an interpreterand Use of a speech pathologistfor more information about requirements for interpreters and speech pathologists.

## After the first request

Within **seven** days of making your first request, your doctor must either:

* accept your request
* refuse your request.

## Doctor accepts your request

If the doctor accepts your request, they will become your coordinating doctor for the voluntary assisted dying process.

## Doctor refuses your request

The doctor may refuse your request if they:

* do not agree with voluntary assisted dying
* will not be available to help you through the process
	+ are not qualified to help you through the process.

If the doctor refuses your request, they may suggest another doctor who can help you. If they do not, you can contact a voluntary assisted dying care navigator to help you find a doctor who would be willing to assist you.

See [Voluntary assisted dying care navigators](https://www2.health.vic.gov.au/hospitals-and-health-services/patient-care/end-of-life-care/voluntary-assisted-dying/community-consumer-information/getting-support)<https://www2.health.vic.gov.au/hospitals-and-health-services/patient-care/end-of-life-care/voluntary-assisted-dying/community-consumer-information/getting-support> for more information, email the voluntary assisted dying care navigator at Peter Mac <vadcarenavigator@petermac.org> or call **(03) 8559 5823** or **0436 848 344**.

## If you do not hear from your doctor within seven days

If you do not hear from your doctor within seven days of making the first request, you should contact your doctor to follow up. If you do not receive a response, contact a voluntary assisted dying care navigator for advice.

# Step 2: Complete the first assessment with your doctor

Complete the first assessment for voluntary assisted dying with your coordinating doctor.

Your coordinating doctor must have completed training before they can assess you for voluntary assisted dying. If your doctor has not already completed the training when you make your first request, they must do so before you have the first assessment. The training can be done in one day.

During the first assessment (and the consulting assessment – see Step 3), the doctor must be satisfied you meet the conditions for voluntary assisted dying. See [Do I meet the conditions for voluntary assisted dying?](https://www2.health.vic.gov.au/hospitals-and-health-services/patient-care/end-of-life-care/voluntary-assisted-dying/community-consumer-information/voluntary-assisted-dying-process/conditions)<https://www2.health.vic.gov.au/hospitals-and-health-services/patient-care/end-of-life-care/voluntary-assisted-dying/community-consumer-information/voluntary-assisted-dying-process/conditions> for more information about meeting the conditions.

## Meeting the decision-making ability condition

Your doctor will have a conversation with you to make sure you fully understand your disease and any treatment options you may still have. Under the law, they have a responsibility to talk to you about your prognosis – how the disease is likely to progress from here. They also need to talk to you about your treatment and [palliative care](https://www.betterhealth.vic.gov.au/servicesandsupport/end-of-life-and-palliative-care-services) <https://www.betterhealth.vic.gov.au/servicesandsupport/end-of-life-and-palliative-care-services> options.

Your doctor will also explain the voluntary assisted dying process to you. They will talk about the medication, and what will happen if you decide to take it. They will assess whether you have the ability to understand this information, and can make a decision for yourself about voluntary assisted dying. They must be sure that no-one is putting any pressure on you to make this decision.

It will be easier if you come to the assessment as informed about your disease, treatment and palliative care options as possible. Your doctor may be able to give you additional information about the disease and its effects. They may have further advice about some ways you can manage the suffering you are experiencing. If you are not already receiving support from palliative care, they are likely to encourage you to do so.

## Meeting the ‘late stages of advanced disease’ condition

The doctor must be satisfied that you have an advanced disease that cannot be cured, is getting worse and will cause your death. They must assess that the disease is expected to cause your death in weeks or months, but not more than six months (or within 12 months for neurodegenerative diseases, such as motor neurone disease).

## Meeting the citizenship and residency conditions

You will need to show the doctor evidence that you meet the citizenship and residency conditions to receive voluntary assisted dying. These conditions are:

* that you are an Australian citizen or permanent resident
	+ that you have lived in Victoria for at least 12 months (at the time you made the first request).

There are a range of ways you can show you are an Australian citizen or permanent resident and a Victorian resident for the last 12 months.

## Your doctor may need a specialist opinion

In some cases, your doctor will need a specialist opinion before they can complete the first assessment. This will happen if:

* Your doctor is unsure whether you are able to make your own decision about voluntary assisted dying. For example, when your doctor is concerned a mental illness or cognitive impairment may be affecting your decision-making ability, they must ask you to see a specialist, such as a psychiatrist or neurologist, for advice.
* Your doctor is unsure whether your disease is incurable, progressive (getting worse) and will cause death within weeks or months, but not more than six months (or within 12 months for neurodegenerative diseases, such as motor neurone disease).
* You have a neurodegenerative disease (such as motor neurone disease) that is expected to cause your death in the next six to 12 months.

## After the first assessment

The coordinating doctor will usually, but not always, be able to complete the first assessment in one appointment. If they have referred you for a specialist opinion, their assessment will not be finished until you have seen the specialist and your doctor has received their report.

Once the coordinating doctor has all of the information they need for the assessment, they will assess that you are either:

* eligible for voluntary assisted dying
* not eligible for voluntary assisted dying.

## Eligible for voluntary assisted dying

If the doctor assesses you are eligible for voluntary assisted dying, and you want to go ahead, you will need to complete the next step in the process – Step 3: Consulting assessment. For the next step, the doctor will refer you to another doctor (the ‘consulting doctor’) to complete the consulting assessment. Either the coordinating doctor or the consulting doctor must be a specialist in the field of your disease.

## Not eligible for voluntary assisted dying

If the doctor determines you are not eligible for voluntary assisted dying, the process ordinarily ends. Your doctor can discuss other options available to you.

If you choose to, you can start the process again (starting at Step 1: First request) with another doctor. You can also ask to start the process again in the future, if things change.
If the doctor determines you are not eligible because they assess that you do not have decision-making capacity or that you are not a Victorian resident, you can apply to the Victorian Civil and Administrative Tribunal (VCAT) for a review of that assessment.

# Step 3: Complete the consulting assessment with the consulting doctor

The consulting assessment will be the same as the first assessment, except with the consulting doctor. The consulting doctor may also refer you for a specialist opinion if needed.
You can choose to bring a family member or friend to the assessment. You will also need to bring the same documents you took to the first assessment that prove you are an Australian citizen or permanent resident and have lived in Victoria for at least the last 12 months.

## After the consulting assessment

The consulting doctor will usually, but not always, be able to complete the consulting assessment in one meeting. If they have referred you for a specialist opinion, their assessment will not be finished until you have seen the specialist and the consulting doctor has received their report.

Once the consulting doctor has all of the information they need for the assessment, they will assess whether you are either:

* eligible for voluntary assisted dying
* not eligible for voluntary assisted dying.

## Eligible for voluntary assisted dying

If the consulting doctor assesses you are eligible for voluntary assisted dying, and you want to go ahead, you can move to Step 4: Consider who you may want to choose as a contact person.

## Not eligible for voluntary assisted dying

If the consulting doctor assesses you are not eligible for voluntary assisted dying, you and your coordinating doctor may agree to refer you to another ‘consulting doctor’ for another assessment. But if your coordinating doctor does not think it is appropriate to refer you, the process ends. You may want to talk to your doctor about other options available to you, including palliative care. If you choose to, you can start the process again with another doctor (starting at Step 1: First request).

# Step 4: Consider who you may want to choose as a contact person

At this point in the process, you should start thinking about who you will ask to be your ‘contact person’ for voluntary assisted dying.

## What does the contact person do?

Your contact person will be the person responsible for returning any unused voluntary assisted dying medication to the Voluntary Assisted Dying Statewide Pharmacy Service (the service that dispenses the medication – see Step 9: Receive access to the medication).

This will happen if you get a prescription for medication you administer yourself, and you fill the prescription, but:

* later decide not to take the medication
* you deteriorate and the doctor agrees to administer the medication to you instead
	+ you die without taking the medication.

Your contact person will be contacted by the Voluntary Assisted Dying Review Board in the days following your death. They will be asked about their experience of the process. If there is unused medication at this point, the board will also monitor that your contact person returns the medication to the Voluntary Assisted Dying Statewide Pharmacy Service.

## Who should I choose?

Your contact person does not have to be your spouse or partner. In fact, those closest to you may find it too hard to have an extra responsibility in the days after your death. Ideally, you should choose someone you think could manage this role, without being too weighed down by it. You should also consider how they would have access to any unused or remaining medication after your death. The contact person must be 18 years of age or older. They must also agree to take on this role.

You and your contact person will both need to fill in the Contact Person Appointment Form later in the process (see Step 7: Complete the Contact Person Appointment Form).

# Step 5: Complete the Written Declaration Form

**Please note: You can complete steps 5 to 7 within the same doctor’s appointment if the appointment is at least nine days after the day of your first request, and at least one day after the consulting doctor’s assessment.**

Once you have been assessed as eligible for voluntary assisted dying by your coordinating and consulting doctors, you can complete the Written Declaration Form.

The Written Declaration Form must be signed by you in front of your coordinating doctor and two witnesses. Only one witness can be a family member. Family members are defined as your spouse or domestic partner, parent, sibling, child or grandchild. The family member as well as any other witnesses cannot:

* know or believe they will benefit from your will, or gain from your death
* be an owner or manager of a facility where you are living or getting treatment
	+ be directly involved in providing you with health or professional care services.

If you cannot write, you can ask another person to sign the form for you. They must do so in your presence. You can also use a qualified interpreter if needed.

# Step 6: Make the final request

Ask for enough time with your doctor to make the final request for voluntary assisted dying. You cannot make your final request on the same day as the consulting assessment. The final request must also be at least nine days (including weekends) after you made the first request. The nine-day period can only be shortened if the two doctors agree your death is likely to happen within that time.

You can have a family member or friend with you when you meet with the doctor.

During the meeting, you should tell your doctor you want to make your final request for voluntary assisted dying.

Your request should be clear, so the doctor knows exactly what you are asking. If you use the words ‘voluntary assisted dying’, it will help the doctor understand you are making your final request. A suggested way of making your final request is to say: ‘This is my final request for voluntary assisted dying. I would like to ask for voluntary assisted dying.’
However, you do not have to use the term ‘voluntary assisted dying’ or any particular words in the request. The most important thing is to make clear that you are asking the doctor for help to end your life. So, for example, saying ‘This is my final request. Will you help me to end my life?’ should be enough for the doctor to know you are making your final request.

If you cannot communicate verbally, you can make the request using your preferred means of communication (such as gestures or a communication aid). You can also use a qualified interpreter or speech pathologist to help you make the request if needed.

# Step 7: Complete the Contact Person Appointment Form with your contact person

**Important note: If you are completing steps 5 to 7 in one appointment, the contact person will either need to come with you to the doctor’s appointment or you can bring the completed Contact Person Appointment Form with you to the appointment.**

Both you and your contact person will need to fill in the Contact Person Appointment Form.

The form must be signed by you, and your contact person, in front of a witness who is 18 years old or over. If you cannot write, you can ask another person to sign for you in your presence. A person who signs for you cannot be a witness or the person that you are appointing as your contact person. Once the form has been completed, you should give it to your coordinating doctor.

# Step 8: The doctor will apply for a permit to prescribe the medication

Once the assessments and paperwork from steps 1 to 7 are completed, the coordinating doctor may apply for a permit to prescribe you the medication.

There are two types of permits:

* **Self-administration permit:** the doctor must apply for this type of permit when you are able to administer and digest the medication yourself.
	+ **Practitioner administration permit:** the doctor may apply for this type of permit when you are not physically able to take the medication yourself or digest the medication. In this case, the permit means the doctor can help by administering the medication to you.

## If you deteriorate after receiving a self-administration permit and can no longer physically take the medication yourself

If your doctor asks for a self-administration permit, but your disease gets worse and you cannot physically take or digest the medication yourself anymore, you can ask them to apply for a practitioner-administration permit. To do this, follow these steps:

1. If you have not filled your prescription for the self-administered medication, tell your coordinating doctor who will cancel the prescription.
2. If you have already received the medication, you or your contact person should return the medication to the Voluntary Assisted Dying Statewide Pharmacy Service or arrange for the medication to be collected.
3. In person, verbally ask the doctor to apply for a practitioner administration permit for you. You do not need to use the term ‘practitioner-administered’ in your request. You only need to make it clear that you are physically unable to take the medication yourself now, and want the doctor to give you the medication instead. If you have difficulty speaking, you can use whatever means of communication you prefer (for example, gesture or a communication aid).
4. If the doctor agrees, they will apply for the practitioner-administration permit. They will then get the prescription filled, and store the medication for you.

# Step 9: Receive access to the voluntary assisted dying medication

## Step 9(a) If you are self-administering

Your coordinating doctor will arrange a prescription for the voluntary assisted dying medication. You do not have to fill this prescription if you do not want to. Knowing that you can get the medication at a later point in time, if you need it, may be sufficient.

If you do decide to fill the prescription, you can only get the medication from the Voluntary Assisted Dying Statewide Pharmacy Service. This service is based at the Pharmacy Department in the Alfred Hospital, Melbourne, and will deliver the medication to you. There is no charge for the medication or its delivery.

There are strict rules for storing the voluntary assisted dying medication. The pharmacist will give you the medication in a locked box. You must keep it in this box until (and if) you decide to take the medication.

If you change your mind after you have received the medication, you or your contact person should return the medication to the Voluntary Assisted Dying Statewide Pharmacy Service or arrange to have it collected.

## Step 9(b) If your coordinating doctor is administering the medication to you (practitioner administration)

Your coordinating doctor will get the prescription filled for you. They will keep the medication until you decide if and when you want to use it. You or your contact person will not be required to return the medication if you do not end up using it.

# Use of an interpreter

A suitably qualified interpreter can be used throughout the voluntary assisted dying process if you need one. The interpreter must not:

* be a family member
* know or believe they will benefit from your will, or gain from your death
* be an owner or manager of a facility where you are living or having treatment
	+ be directly involved in providing you with health or professional care services.

The interpreter must be accredited by the [National Accreditation Authority for Translators and Interpreters](https://www.naati.com.au/) <https://www.naati.com.au/>.

# Use of a speech pathologist

If you have difficulty speaking, a speech pathologist may be able to assist you to communicate with doctors during the voluntary assisted dying process. Only speech pathologists who are certified practising members of [Speech Pathology Australia](https://www.speechpathologyaustralia.org.au/) <https://www.speechpathologyaustralia.org.au/> can be used during the process. The speech pathologist must not:

* be a family member
* know or believe they will benefit from your will, or gain from your death
* be an owner or manager of a facility where you are living or having treatment
* be directly involved in providing you with health or professional care services.

# Time limits for the assessment and prescription process

It is important to be aware that accessing voluntary assisted dying requires considerable preparation and planning.

There is no time limit for completing the assessment and prescription process. This means if you start the process, but get delayed for some reason (for example, you are unsure whether to move to the next step) you can pick up where you left off at any time. You can also withdraw from the voluntary assisted dying process at any time.

You should be aware that if you lose your ability to make a decision about voluntary assisted dying during the assessment and prescription process, the process will end.

The law says that the shortest time you can complete the process is 10 days. However, there is an exception so that if you are very sick and the two doctors agree you are not expected to live for 10 days, the process can happen more quickly.

The availability of the two medical practitioners required to assess your eligibility may impact on the total length of time the process takes. If you have concerns about the length of time the process will take, talk to your coordinating medical practitioner about your concerns.

# Voluntary Assisted Dying Review Board

The Voluntary Assisted Dying Review Board has been appointed by the Health Minister to review voluntary assisted dying in Victoria. Doctors (and pharmacists) must provide forms to the Voluntary Assisted Dying Review Board at each stage of the voluntary assisted dying process. This allows the Review Board to make sure that the law is followed. Your coordinating and consulting doctors will also collect and provide to the Voluntary Assisted Dying Review Board other personal and heath information about you as required by the law.

# Costs

As with other healthcare, there may be some costs associated with the process. For example, you may need to pay for the doctors’ appointments, and any specialists you need to see. You should discuss any costs you may need to cover with your doctor at the start of the process. There are no costs for the medication or its delivery.

# Taking the medication

See [[Taking the medication](https://www2.health.vic.gov.au/hospitals-and-health-services/patient-care/end-of-life-care/voluntary-assisted-dying/community-consumer-information/voluntary-assisted-dying-process/preparing-to-take-medications)](https://www2.health.vic.gov.au/hospitals-and-health-services/patient-care/end-of-life-care/voluntary-assisted-dying/community-consumer-information/voluntary-assisted-dying-process/preparing-to-take-medications) <https://www2.health.vic.gov.au/hospitals-and-health-services/patient-care/end-of-life-care/voluntary-assisted-dying/community-consumer-information/voluntary-assisted-dying-process/preparing-to-take-medications> for information about deciding whether you want to take the voluntary assisted dying medication and if so, how to prepare.

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