

## Death with Dignity Act Becomes Law in Maine

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This June, the Death with Dignity Act was signed into law in Maine. Maine is the ninth state to have enacted such a law. There is a lot of confusion about what this law allows and doesn't allow. Although the law has been controversial, it is interesting to note that over 70 percent of Maine residents polled support it.

The Death with Dignity Act allows Maine residents with a terminal illness the option of being prescribed medication to hasten death. The purpose of the act is to allow patients who are suffering from a terminal illness a means of hastening the inevitable. There are several hoops, however, through which a person wishing to pursue this option must go.

First, a doctor must certify that the person does not likely have more than six months to live. The person, must in the opinion of the physician, be capable not only of making this decision for himself but also of administering the medication himself. Thus, contrary to worries often expressed, the law does not allow another person to direct the death of a third party.

In order for a request to be considered, the person desiring the medication must first make an oral request of his physician followed by a written request. The written request must be witnessed by two persons, not including the physician, a relative or a person who would stand to inherit from the person signing the request. The physician must also counsel the patient on alternatives, such as hospice, palliative care and pain treatment options.

The opinion of a second physician must be obtained prior to the administration of the medication after which another verbal request must be made by the patient to his attending physician. When the medication is administered, The physician must certify not only that the patient likely has only six months to live, but also that the patient is not being coerced by another person and that the patient is not suffering from a psychiatric disorder or depression which might be impairing judgment. The physician has the option of first referring the patient to receive counseling if there are concerns about impaired judgment. The patient must also be informed by the physician that he has the right to rescind the request at any point. Following administration of the medication, there are stringent reporting requirements required of the attending physician.

In summary, there are multiple and stringent layers of protection to ensure that the person requesting the medication has made an informed decision and that all protocols have been followed by the physician and medical establishments involved in the process.

***Kathleen Kienitz is a certified elder law attorney who practices elder law in Lewiston, Maine. Article last updated Nov., 2019. Laws and regulations are subject to change. The information presented here is for general use and does not constitute legal advice. If you have legal issues, you are encouraged to consult an attorney to obtain legal advice that is relevant to your specific situation. Call us at 207-783-8500 or visit: <http://www.elderlawmaine.com>***