Voluntary assisted dying

Information for nurses

The Voluntary Assisted Dying Act 2017 commences in Victoria on 19 June 2019. From this date, people in Victoria may lawfully request access to voluntary assisted dying.

What is voluntary assisted dying?

• Voluntary assisted dying means the administration of medications to cause death in accordance with the processes set out in the Voluntary Assisted Dying Act 2017.
• Voluntary assisted dying allows a person to have choice and control about the manner and timing of their death.

Who is eligible for voluntary assisted dying?

• To be eligible for voluntary assisted dying a person must meet all the following criteria:
  – be aged 18 years or more
  – be an Australian citizen or permanent resident
  – be ordinarily resident in Victoria for at least 12 months at the time of making their first request for voluntary assisted dying
  – have decision-making capacity in relation to voluntary assisted dying
  – be diagnosed with a disease, illness or medical condition that:
    – is incurable
    – is advanced, progressive and will cause death
    – is expected to cause death within weeks or months not exceeding 6 months (or 12 months for a neurodegenerative disease, illness or medical condition)
    – is causing suffering to the person that cannot be relieved in a manner the person considers tolerable.
• People who meet all the criteria and who have a disability or mental illness are not prevented from accessing voluntary assisted dying. However, disability and mental illness alone are not grounds for access to voluntary assisted dying.
• A person’s eligibility must be assessed by at least two medical practitioners who meet specific qualification requirements and who have undertaken voluntary assisted dying training.

How will nurses be involved in voluntary assisted dying?

• The Voluntary Assisted Dying Act 2017 allows only specialist medical practitioners (including general practitioners) to provide voluntary assisted dying. It does not allow nurses to administer voluntary assisted dying medications.
• Nurses may receive requests for information about or access to voluntary assisted dying from patients and provide care to patients accessing voluntary assisted dying.
• Nurses should continue to provide care to these patients in the same manner as patients receiving other types of services.
• Nurses may also assist medical practitioners who are providing voluntary assisted dying to patients, in the same way they assist medical practitioners to provide other treatments. This may include: participating in conversations with patients, their carers and other treating health practitioners about end of life care; discussing appointments related to an assessment for voluntary assisted dying with patients; being present and providing comfort care to patients during the administration of voluntary assisted dying medications.
What should a nurse do if a patient asks them about voluntary assisted dying?

- The Voluntary Assisted Dying Act 2017 prohibits all health practitioners, including nurses, from raising or suggesting voluntary assisted dying with or to patients.

- If a patient raises voluntary assisted dying with a nurse they may provide them with information. General community and consumer information about voluntary assisted dying (including translated and Easy English material) is available at: https://www2.health.vic.gov.au/hospitals-and-health-services/patient-care/end-of-life-care/voluntary-assisted-dying/community-and-consumers.

- Only specialist medical practitioners can receive formal requests to access voluntary assisted dying from patients. If a patient makes a request to a nurse, they should inform the patient that they must make their request to a specialist medical practitioner (including general practitioner).

- Health services should have systems and processes in place to manage requests information about or access to voluntary assisted dying, even if they will not be providing this service. Nurses should be aware of who they should direct patient enquiries about voluntary assisted dying to within their health service. If there is no designated person to direct patient enquiries nurses can refer the patient to the end of life care advisory line (once established) and/or a voluntary assisted dying care navigator (once the Act commences).

What should a nurse do if a patient’s carer or family member asks them about voluntary assisted dying?

- The Voluntary Assisted Dying Act 2017 is clear that only a person choosing to access voluntary assisted dying can request it. This means that a person’s carer, family member or friend cannot request voluntary assisted dying on their behalf. This is an important part of making sure a person’s request is voluntary.

- If a patient’s carer, family member or friend asks a nurse about voluntary assisted dying they may direct them to further information and, where appropriate, make them aware they cannot make a request on another person’s behalf.

- A person who has requested voluntary assisted dying may ask their carer, family or friends to attend appointments with them; however, a medical practitioner may want to talk with the person on their own first.

Do nurses have to participate in voluntary assisted dying?

- Nurses are not obliged to participate in voluntary assisted dying; however in alignment with professional standards they should not inhibit a person’s access to voluntary assisted dying as a lawful medical treatment.

- A nurse may conscientiously object to:
  - providing information about voluntary assisted dying
  - assisting a medical practitioner in the request and assessment process
  - being present at the time of administration of voluntary assisted dying medications.

- It is important for nurses to consider the level of involvement they are prepared to have with patients who request voluntary assisted dying. For example, a nurse may be comfortable having conversations with patients about their end of life care, which includes accessing voluntary assisted dying, but not be prepared to be present during the administration of voluntary assisted dying medications.

- Nurses who would like to support patients accessing voluntary assisted dying should inform their health service and colleagues where appropriate.

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1 Under the Voluntary Assisted Dying Act 2017 the request and assessment process is the making or conducting of a first request, a first assessment, a consulting assessment, a written declaration, a final request, a contact person appointment, a final review.