

# An Introduction to Medical Aid in Dying

## VERMONT



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*Updated April 2026*

# Vermont's Patient Choice and Control at End of Life Act

Medical aid in dying is the practice in which a terminally ill, mentally capable adult patient voluntarily requests and receives a prescription medication from a physician that they can self-administer to die peacefully. This allows patients to end their lives on their own terms. Medical aid in dying is authorized in 14 jurisdictions with regulations varying by jurisdiction to ensure that the process is carried out ethically and safely.

Vermont's Patient Choice and Control at End of Life Act authorizes the practice of medical aid in dying, allowing a terminally ill, mentally capable adult with six months or less to live to request from their doctor a prescription for medication that the patient can decide to self-ingest to die peacefully.

It was put into effect in May, 2013 by legislative action. In April, 2023 an amendment was added to remove the residency requirement for utilizing the law.

## Eligibility

To be eligible to use the law, the individual must be:

- > An adult (aged 18 or older)
- > Terminally ill with a prognosis of six months or less to live
- > Mentally capable of making their own healthcare decisions
- > Able to self-administer the medication through an affirmative, conscious, voluntary act to ingest it. Self-administration does not include injection or infusion via a vein or any other parenteral route by any person, including the healthcare provider, family member, or patient themselves

The patient must also be:

- > Capable of self-ingesting the aid-in-dying medication
- > Capable of making an informed decision and voluntary request

***A person is not eligible for medical aid in dying solely because of age or disability.***

## Summary of process to obtain medical aid in dying

Two Vermont physicians must confirm the patient's eligibility to use the Vermont Patient Choice at the End of Life Act, as well as confirm that the patient is making an informed decision and voluntarily requesting the aid-in-dying medication. The attending physician prescribes the medication, and the consulting physician confirms eligibility, informed consent, and voluntariness. If either physician questions the patient's mental capacity in making the request, a mental health professional (psychiatrist, psychologist, or clinical social worker licensed in Vermont) must evaluate the patient to ensure that they are capable of making their own healthcare decisions before a prescription can be written.

**The patient may change their mind at any time and withdraw their request, or choose not to take the medication.**

## Making a request

The patient must make three requests to their attending/prescribing physician to use the Vermont Patient Choice at the End of Life Act: two verbal requests and one written one. The written request is the "Request for Medication" form, which is included at the back of this packet.

Only the patient can make these requests; they cannot be made through an advance directive or by a family member or friend. The requests must be made to a physician, not office staff. Please see the "Steps" section of this document for details.

## Medication

The type and dosage of aid-in-dying medication doctors prescribe, including medications to prevent nausea and vomiting, varies with each individual. The medication cannot be injected. The patient must be able to ingest the medication without assistance, usually by swallowing or through a feeding tube. **The prescribing physician must send the prescription directly to the pharmacy. The pharmacy will NOT accept a prescription directly from a patient.** The physician or healthcare system will give the patient the name of suitable pharmacies. A designated family member or friend may pick up the medications, or it can be mailed to the patient.

If anyone, whether a patient, family member, or healthcare provider, has questions, they can contact Compassion & Choices' free and confidential Call Compassion line at 800.247.7421 for information and support.

The patient may ask their provider or pharmacy about the cost of these medications. Some insurance policies cover the cost of the medication and/or the physician visits. Please contact the insurance provider to find out what the policy covers.

## Unused medication

There is no obligation to take the medication, even after the prescription has been filled. If the person who was prescribed the medication does not use it, the medication should be disposed of in accordance with state and federal law. **Please note it is illegal to use another person's medication.**

To safely discard unused medication:

- > Do NOT flush down the toilet, sink or other drain
- > Remove all personal information on bottle labels and medicine packaging
- > Use the following website to search for other authorized drug collection/disposal locations near you:  
<https://www.fda.gov/drugs/disposal-unused-medicines-what-you-should-know/drug-disposal-drug-take-back-locations>
- > Contact the pharmacist who filled the prescription for more assistance.

## Death certificates

Death certificates for medical aid in dying comply with guidelines provided by the Centers for Disease Control and Prevention (CDC). When a terminally ill person dies using medical aid in dying, the underlying terminal disease is listed as the cause of death on the death certificate, (for example, cancer, ALS). In addition, the law states life insurance policies and other post-death benefits are not affected by utilizing the Vermont Patient Choice at the End of Life Act. The sale, procurement, or issuance of a life, health, or accident insurance or annuity policy, or the rate charged for such a policy, may not be conditioned upon or affected by an individual's act of making or rescinding a request for medical aid in dying

## For non-residents

In 2023, Vermont removed the residency requirement associated with its medical aid in dying law. The following information is intended for out-of-state individuals seeking medical aid in

dying in Vermont. The information is not intended for anyone seeking medical aid in dying in any other authorized jurisdiction. For more information on residency restrictions, please visit:

[CompassionAndChoices.org/legal-advocacy/residency-restrictions](https://CompassionAndChoices.org/legal-advocacy/residency-restrictions)

It is important to recognize the difficulties of travel while terminally ill and the challenges of establishing a qualifying physician/patient relationship as a non-resident. Even though residency is no longer a requirement, the individual must still meet all of the other statutory requirements in the jurisdiction in which they are seeking care.

Non-residents must still:

- > Be an adult (18 years or older);
- > Be mentally capable;
- > Have a terminal illness with a prognosis of six months or less to live; and
- > Be able to self-ingest the prescribed medication

An individual traveling to Vermont for medical aid in dying must find a doctor licensed in the state of Vermont, willing to accept them as a patient, and prescribe the medication. The doctor must be physically located and currently practicing in the state; it is not sufficient for a doctor to maintain a license to practice in the state but not be located in or practicing there.

In order to maintain the full protections granted by the state's law, Compassion & Choices advises that you go through the entire process, including any intake appointments with potential attending physicians and self ingesting the medication **while physically located in Vermont**. The state's medical aid-in-dying law only offers protection from criminal and civil liability within state boundaries. The state's legal protections generally do not extend outside state boundaries.

# Steps for accessing medical aid in dying in Vermont

The first step is to speak with your physician to discuss your interest in medical aid in dying. Be sure to be explicit in your discussion, and ask **if they will support this option by writing a prescription**. Review the “*Talking With Your Provider*” section of this packet for prompts you can use to begin your discussion.

If you are considering medical aid in dying, it is also a good time to think about any additional planning that you may need to begin, including consideration of hospice enrollment.

Note: Hospice is a specialized service (covered by insurance and Medicare), providing wonderful individualized support to people at the end of their lives. Those eligible for medical aid in dying are also eligible to receive hospice services. **Many hospice organizations have a policy regarding medical aid in dying, so it is important to review and discuss that policy if enrolled in hospice and pursuing this option.** Visit [candc.org/hospice-care](https://candc.org/hospice-care) for more information.

## If your healthcare provider says “no” to supporting this option:

If your provider decides not to participate, or is unable to, you should ask for a referral to another clinician who has chosen to participate. If additional assistance is needed, some health systems offer the support of a care navigator or social worker to assist with resources and referrals. If your provider does not provide a referral, or your health system does not allow medical aid in dying, you may consider establishing care with a system or facility that will support you in medical aid in dying.

Don't be afraid to advocate for the end-of-life experience you want. For more information and resources, visit [candc.link/personal-advocacy](https://candc.link/personal-advocacy)

Compassion & Choices' Call Compassion team is available to offer personalized support, resources, and general information at no cost. You can contact Call Compassion at 800.247.7421, messages are typically returned within 1–2 business days. Language interpreter services are available.

## If your healthcare provider says “yes” to supporting this option:

1. Ask your doctor to write down your first verbal request in your medical record (this was you asking your Doctor to write the prescription).
2. **You are required by law to ask your doctor at least two times for medical aid in dying.** The second time you ask has to be a minimum of 15 days after the first time you ask. So, make an appointment for a second consultation with your doctor so you can ask a second time.
3. Give your doctor a written request for medical aid in dying that is signed by you and two witnesses.
4. At least two people must witness the written request. Neither witness can be a relative or someone who stands to benefit from your estate, be your attending healthcare provider, or be an owner, operator or employee of a healthcare facility in which the person is a resident or receiving medical care.
5. Your Doctor may prescribe you aid in dying medication after you turn in the written request. It usually takes several days to fill a prescription.
6. Pick up your prescription OR have it mailed to you OR have a designated person pick it up for you. The pharmacist will go over the medication details with you and let you know what to do with it if you do not end up taking it.
7. **Planning for the day of ingestion is also important to do during this time, and allows your healthcare team and loved ones to support you as you wish.** This could include discussing who you want to present, what kind of sounds or smells you would like to experience, managing symptoms prior to ingestion, and what you would like the day to feel like. This is also a good time to review or discuss final arrangements.
8. When the time has come, you can take the medication if you still feel it is necessary. You may always decline to take the medication, at any time.

## Talking with your physician

The process to access medical aid in dying can take weeks and sometimes months. We encourage people to start the discussion early. You don't have to wait until you're sick to ask your healthcare provider if they would support you in accessing medical aid in dying if you should become eligible for it. Your provider may not be familiar with the Vermont Patient Choice at End of Life Act itself, and may have some questions; see information about our Call Compassion line at the end of this section for a resource you can share.

Some people feel anxious about discussing end-of-life issues with their provider, but doing so will enable you to have an end-of-life care experience consistent with your values. If you are uncomfortable with talking to your clinician about this, you can bring a friend to help you or start the conversation in writing. It is important to make sure you are able to access the end of life option you want.

Providers and health systems are allowed to opt out of providing medical aid in dying, so it's important to make sure that you are able to access it.

**No one but you can make this request.** It is important to speak directly with your healthcare provider; do not ask the office staff, or leave a request on voicemail. Below are some examples of ways to ask your clinician about their ability to support you in a way that aligns with your values.

### Language for someone who DOES NOT have a terminal illness:

- > *Though I am not currently facing a terminal illness, access to the option of medical aid in dying, if I were to qualify, is important to me. I would like to know if you/this hospital system would support that decision to access the Vermont Patient Choice at End of Life Act.*
- > *I want to live with as much quality as possible for as long as I can, and I've thought long and hard about what I want my end-of-life experience to look like. If I ever meet the legal requirements, I would like to have the option of using the Vermont Patient Choice at End of Life Act. Is that something you would be able to support me in seeking?*
- > *I hope you will honor my decisions and respect my values, as I respect yours. Will you write a prescription for aid-in-dying medication in accordance with the Vermont Patient Choice at End*

of Life Act when I am eligible? If you are not able to honor that request, I would like to find out now.

### Language for someone who DOES have a terminal illness:

- > *I have thought about this for quite some time, and am interested in accessing the Vermont Patient Choice at End of Life Act. Is this a decision that you would support me in?*
- > *I want to die the way I've lived: on my own terms. That's why I'm interested in the Vermont Patient Choice at End of Life Act. It's my understanding that in order to initiate the process, I need to first make a verbal request. Could you please document my verbal request today and place a referral to hospice?*

Whether your provider elects to participate in your medical aid in dying process or not, it is important to ask that your request be recorded in your medical record.

Compassion & Choices' Call Compassion team is available to offer personalized support, resources, and general information at no cost. You can contact Call Compassion at 800.247.7421 , messages are typically returned within 1-2 business days. Language interpreter services are available.

# End-of-life care planning checklist

Please visit the Compassion & Choices website for more resources at [CompassionAndChoices.org/plan](https://CompassionAndChoices.org/plan).

Many people postpone making arrangements for healthcare at the end of life. Planning ahead allows individuals to spend their final days with friends and family while focusing on the present. Informing loved ones of wishes ahead of time relieves them of the possible burden of making decisions about your final arrangements.

## Please consider whether any of the following are appropriate for your situation:

- Discuss your wishes with family and loved ones
- Discuss your wishes with your provider(s) and healthcare team
- Provide a copy of your current Advance Directive to
  - Healthcare Provider(s)
  - Healthcare entity (such as your local hospital system)
  - Agent named as surrogate decision maker
  - Hospice team (if applicable)
- Create and/or locate important documents
  - Advance Directive or Living Will
  - Durable Power of Attorney for Healthcare
  - Durable Power of Attorney for Finances
  - Last Will and Testament
    - > Compassion & Choices has partnered with Free Will to offer this documentation at no cost, available at: [CandC.org/ways-to-give/free-will](https://CandC.org/ways-to-give/free-will)
  - Living Trust
  - Life Insurance policies (with beneficiary information)
  - Information for financial accounts, assets property
  - Information for final arrangements, funeral plans, prepaid services
- Ensure important documents are up to date and reflect your current wishes
- Name a guardian for children, pets

# Glossary

## Advance care planning

A continuous process of conversation and documentation to clarify and communicate a person's preferences for future medical care, values, and goals. Ideally, these conversations happen before a health crisis and are revisited as circumstances and needs change over time. Advance care planning can include completing documents such as a living will, health care proxy (or medical durable power of attorney), do not resuscitate order (DNR), portable medical orders, or a dementia directive, which vary by state. But the conversations themselves have value regardless of whether any forms are filled out.

## [Advance directive](#)

A general term for any document that contains instructions pertaining to a person's wishes related to medical treatment if they cannot make care decisions on their own. An advance directive can include a living will, a health care proxy (or medical durable power of attorney), and other documents that vary by state. Note: in some states and among some professionals, "advance directive" and "living will" are used interchangeably. See also "living will" below.

Find state specific advance directives on Compassion & Choices' website at:

[CompassionAndChoices.org/our-issues/advance-care-planning](https://www.compassionandchoices.org/our-issues/advance-care-planning)

## Attending healthcare provider

A healthcare provider — typically a physician, advanced practice registered nurse, or physicians' associate — who has primary responsibility for a person's care and treatment. In the context of medical aid in dying, the attending healthcare provider is the clinician who writes the prescription for aid-in-dying medication. Some medical aid in dying laws use different terms, such as "prescribing provider" or "treating provider," and eligibility to serve in this role varies by state. Note that "attending" carries different meanings in other care settings, such as hospitals and hospice.

## [Decision-making capacity](#)

The ability to make informed choices about one's own medical care. To have decision-making capacity, a person must be able to understand the information their medical team provides,

reason through their options, and communicate their choice. If a person loses decision-making capacity, their healthcare proxy can make decisions on their behalf based on what they would have wanted or documented in their advance care plan.

## DNR

Stands for "do not resuscitate," a medical order instructing healthcare providers not to perform cardiopulmonary resuscitation (CPR) if a person stops breathing or their heart stops beating. A DNR is specific to CPR and does not limit other treatments, such as medication, surgery, or nutrition. Ideally, a DNR order is created before an emergency occurs, while the individual is mentally capable, or by their healthcare proxy if they are not.

## Health care proxy

A person authorized to make health care decisions on another person's behalf if that person is unable to make their own. Also known as a representative, surrogate, agent, or medical durable power of attorney for health care, a health care proxy works closely with the health care team to ensure the patient's care and treatment preferences are followed. Choosing a health care proxy – and preparing them to advocate confidently for those wishes – is an important part of advance care planning. This role should be reviewed periodically as circumstances and relationships change.

## Hospice

A program in which an interdisciplinary team of healthcare professionals provides comfort and support to people with a terminal illness who have chosen to focus on quality of life rather than curative treatment. Hospice can be provided wherever the person resides, most often at home, and is voluntary. It also involves and supports the individual's family and/or loved ones.

## Life-sustaining treatment

Medical treatment intended to keep a person alive. Depending on the illness and the patient, life-sustaining treatment may include medication, surgically inserted assistive devices, respiratory support, and/or artificial nutrition and hydration.

## [Living will](#)

A document that expresses a person's healthcare preferences if they become unable to speak for themselves. Note: in some states and among some professionals, "advance directive" and "living will" are used interchangeably. A living will can be one component of advance care planning (see "advance care planning" above).

## Medical aid in dying

A safe, time tested, and trusted medical practice in which a terminally ill, mentally capable adult with a prognosis of six months or less to live may request from their healthcare provider a prescription for medication that they can choose to self-ingest to bring about a peaceful death. Where medical aid in dying is currently authorized, providers are required to confirm that a patient is fully informed and provide the patient with information about additional end-of-life options, including comfort care, hospice and pain control, before providing a prescription.

## [POLST/MOLST](#)

Stands for Physician (or Medical) Orders for Life Sustaining Treatment. A medical order completed with a healthcare provider that provides detailed guidance about the wishes of a person with a serious illness for end-of-life care. Because it is a medical order (not simply a planning document) it carries immediate legal weight and is intended to guide care in an emergency. POLST is part of advance care planning. In many states, the form is printed on brightly colored paper so first responders can easily identify it in an emergency.

## [Palliative care](#)

A form of medical support available to patients at any stage of illness or age, focused on comfort and quality of life. It can be provided alongside curative treatments or as the primary focus at end of life when a patient chooses to prioritize comfort over treatment. Rather than replacing other care, palliative care functions as an additional layer of support that helps patients and their families navigate complex medical situations.

## [Palliative sedation](#)

Palliative sedation — also referred to as terminal sedation — is the continuous administration of intravenous or subcutaneous medication to relieve severe, intractable symptoms that

cannot be otherwise controlled with less invasive interventions. Must be managed carefully by a medical team, often within a hospital setting.

## Paramedic

An emergency responder who provides advanced medical care in the field. The specific procedures a paramedic can perform depend on local and state protocols.

## Prognosis

Prognosis refers to the likely path of a disease and may include an estimated time an individual has left to live. Medical aid-in-dying laws and hospice eligibility require a prognosis of six months or less.

## Terminally ill

When a disease or illness cannot be cured and is likely to lead to death, it is considered a terminal illness.

## Voluntarily stop eating and drinking (VSED)

A legal option for any seriously ill individual with decision-making capacity, who wishes to shorten their dying process, by abstaining from foods and fluids of any kind, including artificial nutrition and/or hydration.

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# Tracking of end-of-life plans & documents

Individual Name: \_\_\_\_\_ Individual Birthdate: \_\_\_\_\_

Choosing medical aid in dying is a process that requires conversation, planning and coordination. This document is designed to help organize essential information related to the process and share with others if you choose to do so.

## Advance directive:

- > Location of advance directive documents: \_\_\_\_\_
- > Durable power of attorney for health care (name/relationship/phone):  
\_\_\_\_\_

## Hospice (if enrolled):

- > Name of organization: \_\_\_\_\_
- > Contact Person: \_\_\_\_\_
- > Contact Email or Phone: \_\_\_\_\_
- > Is Hospice aware of and able to support end of life plans?    Yes \_\_\_\_    No \_\_\_\_
- > If no, what is the plan for making sure end of life plans are honored?  
\_\_\_\_\_  
\_\_\_\_\_
- > Any special arrangements need to be made with Hospice to make sure end of life plans are supported?    Yes \_\_\_\_    No \_\_\_\_
  - If so, what are they and who is in charge of getting those in place?  
\_\_\_\_\_

> Will you be requesting someone from the Hospice present? Yes \_\_\_\_ No \_\_\_\_

• If so, who?: \_\_\_\_\_

### Final arrangements:

> Have these arrangements been made? Yes \_\_\_\_ No \_\_\_\_

• If yes, name of Mortuary/Funeral Home: \_\_\_\_\_

• If yes, what information/details should be shared: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Medical aid in dying:

> Attending physician: \_\_\_\_\_

• Phone: \_\_\_\_\_

> Consulting physician: \_\_\_\_\_

• Phone: \_\_\_\_\_

> Date of oral request: \_\_\_\_\_

Healthcare provider Name: \_\_\_\_\_

> Date video request submitted: \_\_\_\_\_

> Date of mental capacity evaluation: \_\_\_\_\_

Evaluator's Name: \_\_\_\_\_

> Date written request submitted: \_\_\_\_\_

- > Date aid-in-dying medications prescribed: \_\_\_\_\_
- > Date aid-in-dying medications picked up/received: \_\_\_\_\_
  - Medications: \_\_\_\_\_
- > Name of pharmacy: \_\_\_\_\_
- > Location or contact person for instructions on disposing of unused medication:  
\_\_\_\_\_

### Plans for ingestion:

- > Date of planned ingestion: \_\_\_\_\_
- > Who knows about your plan: \_\_\_\_\_
- > Who will be present during ingestion: \_\_\_\_\_
- > Describe how you you want the day to go (environment, smells, sounds, activities):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- > Plan for unexpected events (such as prolonged dying process, vomiting, waking up, etc.)
  - Date(s) discussed: \_\_\_\_\_
  - Plan details: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# Request for Medication Form

From the Vermont Department of Health



## Request for Medication For The Purpose of Hastening My Death

I, \_\_\_\_\_, am suffering from \_\_\_\_\_, which my attending/prescribing physician has determined is a terminal disease and which has been medically confirmed by a consulting physician.

I have been fully informed of my diagnosis; prognosis; the range of treatment options; all feasible end-of-life services, including palliative care, comfort care, hospice care, and pain control; the range of possible results, including potential risks associated with taking the medication to be prescribed; and the probable result of taking the medication to be prescribed.

I request that my attending/prescribing physician prescribe medication to be self-administered for the purpose of hastening my death.

I understand that I have the right to rescind this request at any time.

Signature	Date
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### Declaration of Witnesses By *signing* below, I attest that:

**Witness 1**

1. I am not an interested person\*;
2. I am at least 18 years of age;
3. The above-named person appears to understand the nature of this document and to be free from duress or undue influence at the time this requested was signed.

Print Name Witness 1	Signature	Date
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**Witness 2**

1. I am not an interested person\*;
2. I am at least 18 years of age;
3. The above-named person appears to understand the nature of this document and to be free from duress or undue influence at the time this requested was signed.

Print Name Witness 2	Signature	Date
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\* An "Interested person" means: the patient's physician; a person who knows that he or she is a relative of the patient by blood, civil marriage, civil union, or adoption; a person who knows that he or she would be entitled upon the patient's death to any portion of the estate or assets of the patient under any will or trust, by operation of law, or by contract; or an owner, operator, or employee of a health care facility, nursing home, or residential care facility where the patient is receiving medical treatment or is a resident. See 18 V.S.A. § 5281(a)(6).

Please make a copy of this form to keep in your home