



MONTANA

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**Introduction to  
Medical Aid in Dying**



800 247 7421 phone

503 943 6504 direct

503 360 9643 fax

[CompassionAndChoices.org/end-of-life-planning](https://CompassionAndChoices.org/end-of-life-planning)

[eolc@CompassionAndChoices.org](mailto:eolc@CompassionAndChoices.org)

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Letter to Your Physician

# Montana's Aid-in-Dying Judgment

Montana's Aid-in-Dying judgment 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 if their suffering becomes unbearable.

## **To be eligible to use the judgment, the applying must:**

- » Be 18 years or older
- » Have been diagnosed with a terminal illness
- » Have a prognosis of six months or less to live
- » Be mentally capable of making their own healthcare decisions

## **The patient also must also be:**

- » A resident of Montana
- » Capable of self-ingesting the aid-in-dying medication
- » Making an informed decision and voluntary request

Eligibility to use the judgment is not the same as eligibility for hospice.

**The patient may change their mind at any time and withdraw their request or choose not to take the 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 by using a feeding tube.

If the prescribing doctor has any questions about medications or participating pharmacies, the doctor can call Compassion & Choices' free and confidential Doc2Doc consultation line at 800.247.7421.

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. If the person who was prescribed the medication does not use it, it should be destroyed. Please note it is illegal to use another person's medication. Below are instructions about what to do with unused medication:

- » Use the following website to search for a controlled substance public disposal location nearby: <https://www.deadiversion.usdoj.gov/pubdispsearch/spring/main?execution=e1s1>
- » Contact the pharmacist who filled the prescription for more information.

**If pharmacists have any questions, they may call Compassion & Choices' free and confidential Pharmacist2Pharmacist consultation line at 503.943.6517 for more information.**

# Talking With Your Physician

Some people feel anxious about discussing medical aid in dying with their physicians. By explaining your preferences early in your illness, you are more likely to have an end-of-life care experience consistent with your values.

**No one but you can make this request to your physician(s).** It is important to ask only your doctor; do not ask your physician's office staff, nurse or physician's assistant, or leave a request on voicemail.

## SUGGESTIONS ON HOW TO DISCUSS AID IN DYING WITH YOUR PHYSICIANS

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

*I want to live with as much quality as I can for as long as I can. If I am no longer able to find dignity in my life and I meet the requirements, I would like to have the option of using the Montana Aid-in-Dying judgment.*

*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 Montana Aid-in-Dying judgment when I am eligible? If you will not honor my request, please tell me now.*

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

*I want the option to advance the time of my death if my suffering becomes unbearable. Am I eligible? If yes, will you write a prescription for aid-in-dying medication in accordance with the Montana Aid-in-Dying judgment? If you will not write the prescription, will you record in my chart that I am eligible to use the law and refer me to a physician who is able and willing to honor my request?*

*If I am not eligible, what will my condition look like when I am eligible?*

**Regardless of your physician's response, consider asking that your request be recorded in your medical record.**

You may mention that Compassion & Choices provides free and confidential consultation to physicians who have questions about end-of-life options, including medical aid in dying through our Doc2Doc consultation program at 800.247.7421. Also feel free to give them the "Letter to Your Physician" included in this packet.

# End-of-Life Care Planning Checklist

Please see Compassion & Choices' Plan Your Care Resource Center for more resources at [CompassionAndChoices.org/end-of-life-planning](https://CompassionAndChoices.org/end-of-life-planning).

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:

- Advance directive or living will
- Identifying and assigning a healthcare proxy (also called agent, durable power of attorney, healthcare representative)
- Last will and testament or living trust
- Life insurance policies
- POLST (Physician Orders for Life-Sustaining Treatment) and/or DNR (Do Not Resuscitate order)
- Memorial service and/or funeral arrangements
- Detailed instructions regarding finances (bank accounts, pensions, investments, property, etc.)

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*Compassion & Choices' End-of-Life Consultation program (EOLC) provides information on the full range of options at the end of life. EOLC, and representatives of EOLC, do not provide medical or legal advice. We simply inform individuals of the available options.*

## Letter to Your Physician

800 247 7421 [phone](tel:8002477421)  
[CompassionAndChoices.org](http://CompassionAndChoices.org)

Dear Dr. \_\_\_\_\_:

Medical aid in dying became available in Montana when the state Supreme Court ruled in 2009 that “[The] Rights of the Terminally Ill Act clearly provides that terminally ill patients are entitled to autonomous end-of-life decisions.” You may receive patient inquiries about this option and thus might wish to discuss it alongside other end-of-life choices with your patients. Compassion & Choices has over 40 years of combined experience in this evolving field and is here to help you keep your practice safe, effective, patient-centered and legally compliant.

We provide a wide range of free resources to support you and your patients, including:

- » One-on-one consultations with physicians who have years of end-of-life and medical aid-in-dying experience through our free and confidential **Doc2Doc program: 800.247.7421**.
- » Clinical Criteria for Physician Aid in Dying and supplemental clinical information published in the Journal of Palliative Medicine (2015).
- » Information on our website:
  - » [CompassionAndChoices.org/Montana](http://CompassionAndChoices.org/Montana) – includes eligibility requirements, information for medical providers and forms needed to comply with the law.
  - » [CompassionAndChoices.org/in-your-state/montana/montana-resources](http://CompassionAndChoices.org/in-your-state/montana/montana-resources) – provides free informative videos that can help you in your practice.
  - » [CompassionAndChoices.org/end-of-life-planning](http://CompassionAndChoices.org/end-of-life-planning) – features tips, toolkits and forms on end-of-life care and choice for individuals seeking information on the full range of end-of-life options, including a video for terminally ill patients wanting to learn more about medical aid in dying.
  - » [CompassionAndChoices.org/resources](http://CompassionAndChoices.org/resources) – includes fact sheets on medical aid in dying.

**If you have a patient requesting medical aid in dying, please contact our Doc2Doc line at 800.247.7421 so we can provide you with up-to-date information on medication protocols. These protocols are updated and reviewed regularly, and provided free of charge.**

Along with the guidance of a team of local doctors, Compassion & Choices Montana is committed to providing stewardship of this option. The aggregate of more than 40 years of leadership in the medical aid-in-dying movement, we have established a record of authority, integrity and accessibility in this evolving field of medicine and law. Compassion & Choices is committed to providing clinical information in a way that helps in your practice, including through one-on-one consultations, presentations and videos that will help you meet your CME requirements.

Please feel free to contact us at any time with questions or concerns. We look forward to hearing from you.

With kind regards,

A handwritten signature in black ink that reads 'David Grube'.

Dr. David Grube  
National Medical Director, Compassion & Choices