



## Voluntary Assisted Dying Legislation: Comparative models from Netherlands, USA, Canada, Australia and New Zealand

### Similarities:

1. Person has an illness or disease which is incurable or will cause death
2. Assessment by two doctors or healthcare providers
3. Meet residency requirements making the person eligible for publicly funded health care
4. Request by person only – no relative or friend

### Major differences:

1. Administration of VAD substance: does legislation allow only self administration or both self and practitioner administration
2. Prognosis: does legislation require that the person is expected to die within a specified period – six or 12 months
3. Advance requests: can a person request VAD (while they retain capacity) in case they later lose decision making capacity
4. Disability and mental illness: some jurisdictions include disability or mental illness as an eligibility criteria for VAD (most do not)
5. Participating doctor or nurse practitioner must be VAD trained in Australia

VAD Provision	Netherlands	USA	Canada	Australia, New Zealand
<b>Commencement</b>	2002	1997-2025	2016	2019-2025
		11 states and DC		6 states and the ACT
<b>Eligibility Criteria</b>				
<b>Medical</b>	<ul style="list-style-type: none"> <li>• Doctor to follow all six due care criteria – ensure person is informed of possible treatments, request is considered and suffering is unbearable</li> </ul>	<ul style="list-style-type: none"> <li>• Diagnosed with a terminal illness which will cause death within six months</li> </ul>	<ul style="list-style-type: none"> <li>• Diagnosed with a serious and incurable illness, disease or disability</li> <li>• be in an advanced state of irreversible decline in capability</li> <li>• Track 1: death is reasonably foreseeable</li> <li>• Track 2: death is not reasonably foreseeable</li> </ul>	<ul style="list-style-type: none"> <li>• Diagnosed with a disease, illness or medical condition that is advanced, progressive and will cause death</li> <li>• Some states include ‘incurable’</li> </ul>
<b>Suffering</b>	<ul style="list-style-type: none"> <li>• Doctor to be satisfied that person’s suffering is</li> </ul>	<ul style="list-style-type: none"> <li>• Silent</li> </ul>	<ul style="list-style-type: none"> <li>• have ‘enduring and intolerable physical or psychological</li> </ul>	<ul style="list-style-type: none"> <li>• person is suffering intolerably which ‘cannot be relieved in a</li> </ul>





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	‘unbearable with no prospect of improvement’		suffering that cannot be alleviated under conditions the person considers acceptable’ • Additional safeguards for Track 2	manner acceptable to the person’
<b>Decision Making Capacity</b>	<ul style="list-style-type: none"> <li>• Must have decision making capacity</li> <li>• advance care directive possible if all due care criteria apply</li> </ul>	<ul style="list-style-type: none"> <li>• Must have decision making capacity at every stage</li> </ul>	<ul style="list-style-type: none"> <li>• ‘waiver of final consent’ allows Track 1 person assessed as eligible for VAD (while still having capacity) to set a date for MAiD if they lose capacity</li> </ul>	<ul style="list-style-type: none"> <li>• Must have decision making capacity at every stage</li> </ul>
<b>Prognosis</b>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• 6 months</li> </ul>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• 6 or 12 months</li> <li>• ACT has no prognosis</li> </ul>
<b>Mental illness</b>	<ul style="list-style-type: none"> <li>• Yes</li> </ul>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• No</li> </ul>
<b>Disability</b>	<ul style="list-style-type: none"> <li>• Yes</li> </ul>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> </ul>	<ul style="list-style-type: none"> <li>• No</li> </ul>
<b>Adult or child</b>	<ul style="list-style-type: none"> <li>• Over 18</li> <li>• Child 12-17 (with parental involvement)</li> </ul>	<ul style="list-style-type: none"> <li>• Over 18</li> <li>• No-one under 18</li> </ul>	<ul style="list-style-type: none"> <li>• Over 18</li> <li>• No-one under 18</li> </ul>	<ul style="list-style-type: none"> <li>• Over 18</li> <li>• No-one under 18</li> </ul>
<b>Residency</b>	<ul style="list-style-type: none"> <li>• Not legislated, however doctors do not accept foreign patients for VAD</li> </ul>	<ul style="list-style-type: none"> <li>• 12 months in most states (Not in Oregon; removed in 2023)</li> </ul>	<ul style="list-style-type: none"> <li>• Citizen or permanent resident (citizenship takes 3 years; permanent residency has narrow criteria)</li> </ul>	<ul style="list-style-type: none"> <li>• Citizen or permanent resident</li> <li>• 12 months resident in the state</li> </ul>
<b>Self administration or physician administration</b>	<ul style="list-style-type: none"> <li>• Both</li> <li>• 99% physician administration</li> </ul>	<ul style="list-style-type: none"> <li>• Self administration only</li> </ul>	<ul style="list-style-type: none"> <li>• Both</li> <li>• 99% physician administration</li> </ul>	<ul style="list-style-type: none"> <li>• Both</li> <li>• majority self administration</li> </ul>
<b>Assessment process</b>	<ul style="list-style-type: none"> <li>• Assessed by two doctors (in separate consultations)</li> <li>• No mandated VAD training for doctors</li> </ul>	<ul style="list-style-type: none"> <li>• Assessed by two doctors (in separate consultations)</li> <li>• Two formal oral requests</li> </ul>	<ul style="list-style-type: none"> <li>• A written request, signed by an independent witness</li> <li>• Assessed by two doctors or nurse practitioners (in separate consultations)</li> </ul>	<ul style="list-style-type: none"> <li>• Assessed by two VAD trained doctors (in separate consultations)</li> <li>• Two formal oral requests,</li> </ul>





VAD Provision	Netherlands	USA	Canada	Australia, New Zealand
		<ul style="list-style-type: none"> <li>One written request, witnessed by two witnesses</li> <li>No mandated VAD training for doctors</li> </ul>	<ul style="list-style-type: none"> <li>No mandated VAD training for doctors; national training guidelines published Sept 2023</li> </ul>	<ul style="list-style-type: none"> <li>One written request, witnessed by two witnesses</li> <li>Note: NZ does not require specific VAD training of doctor</li> </ul>
<b>Doctor or nurse assessment and administration</b>	<ul style="list-style-type: none"> <li>Doctors only</li> </ul>	<ul style="list-style-type: none"> <li>Doctors only</li> </ul>	<ul style="list-style-type: none"> <li>Doctors and nurse practitioners</li> <li>Some provinces do not allow nurse practitioners to assess or administer</li> </ul>	<ul style="list-style-type: none"> <li>Majority doctors, some states allow nurses</li> </ul>
<b>Approval process</b>	<ul style="list-style-type: none"> <li>Doctor reports VAD death to municipal coroner</li> <li>Reviewed by VAD Board after death</li> </ul>	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>No</li> <li>Some provinces review after death (these reviews cover 91% of VAD deaths)</li> </ul>	<ul style="list-style-type: none"> <li>After assessment by doctors, paperwork submitted to administrator</li> <li>Formal approval from administrator required before prescription written</li> <li>Review by VAD Board after death</li> </ul>
<b>Conscientious objection</b>	<ul style="list-style-type: none"> <li>Doctors, nurses and health care providers can conscientiously object</li> </ul>	<ul style="list-style-type: none"> <li>Doctors, nurses and health care providers can conscientiously object</li> </ul>	<ul style="list-style-type: none"> <li>Doctors, nurses and health care providers can conscientiously object</li> </ul>	<ul style="list-style-type: none"> <li>Doctors, nurses and health care providers can conscientiously object</li> <li>Health institutions can conscientiously object (in some states)</li> </ul>
<b>Compulsory waiting period</b>	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> <li>15 days in Oregon</li> </ul>	<ul style="list-style-type: none"> <li>No for Track 1</li> <li>Min 90 day assessment period for Track 2 (unless at risk of losing capacity)</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> <li>between 5 and 9 days from first request to administration</li> </ul>
<b>VAD pathway support system</b>	<ul style="list-style-type: none"> <li>NGO support</li> </ul>	<ul style="list-style-type: none"> <li>NGO support</li> </ul>	<ul style="list-style-type: none"> <li>Provincial care coordination services</li> </ul>	<ul style="list-style-type: none"> <li>VAD Care Navigators employed by state health agency</li> </ul>





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			<ul style="list-style-type: none"> <li>• NGO support</li> </ul>	
<b>Patient or doctor control</b>	<ul style="list-style-type: none"> <li>• Doctor determines suffering status</li> </ul>	<ul style="list-style-type: none"> <li>• Patient control</li> </ul>	<ul style="list-style-type: none"> <li>• Doctor or nurse practitioner to be satisfied suffering is intolerable</li> </ul>	<ul style="list-style-type: none"> <li>• Patient control</li> </ul>
<b>VAD is not suicide clause</b>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> </ul>
<b>Death Certificate</b>	<ul style="list-style-type: none"> <li>• Reported as a non natural death</li> </ul>	<ul style="list-style-type: none"> <li>• Underlying illness</li> </ul>	<ul style="list-style-type: none"> <li>• Underlying illness</li> </ul>	<ul style="list-style-type: none"> <li>• Underlying illness</li> </ul>
<b>VAD allowed in Advance Request</b>	<ul style="list-style-type: none"> <li>• Yes</li> </ul>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• Quebec allows VAD in Advance Request made while person has capacity and when diagnosed with capacity ending condition eg dementia</li> </ul>	<ul style="list-style-type: none"> <li>• No</li> </ul>
<b>Process for achieving legislation</b>	<ul style="list-style-type: none"> <li>• Medical support</li> <li>• Government Inquiry</li> <li>• Legislation</li> </ul>	<ul style="list-style-type: none"> <li>• Different process in different states – referendum, legislation, court order</li> </ul>	<ul style="list-style-type: none"> <li>• Court order followed by national legislation</li> <li>• Quebec legislated VAD prior to Supreme Court decision</li> </ul>	<ul style="list-style-type: none"> <li>• Parliamentary Inquiry</li> <li>• Legislation</li> </ul>
<b>National or state/province legislation</b>	<ul style="list-style-type: none"> <li>• national</li> </ul>	<ul style="list-style-type: none"> <li>• state</li> </ul>	<ul style="list-style-type: none"> <li>• national legislation (aside from Quebec) with provincial administration</li> </ul>	<ul style="list-style-type: none"> <li>• state</li> <li>• national in NZ</li> </ul>
<b>Public reports</b>	<ul style="list-style-type: none"> <li>• annual</li> </ul>	<ul style="list-style-type: none"> <li>• annual eg Oregon</li> </ul>	<ul style="list-style-type: none"> <li>• annual, national</li> <li>• some provinces report more frequently</li> </ul>	<ul style="list-style-type: none"> <li>• Annual by each state and Territory (7 reports)</li> <li>• some report quarterly eg SA</li> </ul>