

OFFICIAL

SA Health

# Policy

## Voluntary Assisted Dying

Version 2.0

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Government  
of South Australia

SA Health

## 1. Name of Policy

Voluntary Assisted Dying

## 2. Policy statement

The purpose of the Voluntary Assisted Dying Policy is to provide the mandatory requirements for SA Health to comply with the *Voluntary Assisted Dying Act 2021* (the Act) appropriately, safely and effectively.

## 3. Applicability

This policy applies to all employees, volunteers, and contracted staff of SA Health; that is all employees and contracted staff of the Department for Health and Wellbeing (DHW), Local Health Networks (LHNs) including state-wide services aligned with those networks and SA Ambulance Service (SAAS). All public hospitals in South Australia will provide safe access to voluntary assisted dying.

## 4. Policy principles

SA Health's approach to voluntary assisted dying is underpinned by the following principles:

- > We will uphold the principles of the Act.
- > We will support staff with appropriate education regarding their obligations, roles and responsibilities under the Act.
- > We will provide the necessary resources and infrastructure to facilitate access to voluntary assisted dying and compliance with the Act.
- > We will ensure transparency and accountability in facilitating access to and reporting on voluntary assisted dying across South Australia.
- > We will work with all health sectors to safely and effectively facilitate access to voluntary assisted dying.

## 5. Policy requirements

Voluntary assisted dying is a process that enables an eligible person to access and self-administer, or in some circumstances have a medical practitioner administer, a substance that will cause their death. An eligible person may choose to access voluntary assisted dying in the community or seek to access voluntary assisted dying whilst residing in a facility, such as a hospital or residential aged care facility.

LHNs must establish local procedures to ensure:

- > Access to voluntary assisted dying is facilitated within SA Health facilities and access is managed in accordance with the Act.
- > Medical practitioners who act as coordinating or consulting medical practitioners are aware of and comply with their obligations under the Act.
- > Registered health practitioners comply with legislative requirements which prohibit them from initiating a discussion about voluntary assisted dying while providing health services to a person, unless the person is on the voluntary assisted dying pathway.
- > All other employees, volunteers and contracted staff of SA Health comply with the mandatory instruction (Appendix 1) which prohibits them from initiating a discussion about voluntary assisted dying and restricts them from performing specific roles under the Act.

- > Information about voluntary assisted dying is accessible within SA Health facilities when requested by a person, and information is provided in accordance with the Act.
- > Registered health practitioners who have a conscientious objection to voluntary assisted dying are supported in their choice to refuse to participate in voluntary assisted dying.
- > All other employees and contracted staff of SA Health who have a conscientious objection to voluntary assisted dying are supported in their choice to refuse to participate in voluntary assisted dying.

### **Voluntary assisted dying substance**

LHNs must ensure:

- > Access to the voluntary assisted dying substance and resupply only occurs through the dispensing of a prescription by the South Australian Voluntary Assisted Dying Pharmacy Service.
- > Adherence to protocols detailed in the South Australian Voluntary Assisted Dying Prescription and Administration Handbook.
- > Local procedures are developed and must ensure:
  - patients who are the subject of a self-administration permit can maintain physical custody and control of their voluntary assisted dying substance throughout their hospital admission. Staff may request a patient voluntarily provides their voluntary assisted dying substance for storage within the hospital as a Schedule 8 medication but must ensure that local procedures do not withhold or delay their access to the voluntary assisted dying substance should the patient ask that it be returned to their possession.
  - if a patient, who is the subject of a self-administration permit, dies while in a SA Health facility, with the substance in their custody, then the voluntary assisted dying substance is stored securely until the patient's Contact Person, or the South Australian Voluntary Assisted Dying Pharmacy Service can collect.

### **South Australian Voluntary Assisted Dying Pharmacy Service**

The South Australian Voluntary Assisted Dying Pharmacy Service must ensure:

- > Pharmacy service staff are appropriately authorised, qualified, and trained to dispense and dispose of the voluntary assisted dying substance in accordance with the Act.
- > Procedures are established to ensure safe management, dispensing and disposal of the voluntary assisted dying substance in accordance with the Act.
- > Access to the voluntary assisted dying substance is provided to persons subject to a voluntary assisted dying permit, regardless of where they reside in South Australia.

### **South Australian Voluntary Assisted Dying Care Navigator Service**

The South Australian Voluntary Assisted Dying Care Navigator Service must ensure:

- > Information provided by Care Navigators regarding the voluntary assisted dying pathway and end of life care services is accurate, up to date and accessible.
- > Pathways are established to connect patients with medical practitioners who are eligible to act as coordinating or consulting medical practitioners.
- > Procedures are established to support transfer of patients accessing voluntary assisted dying between LHNs if required to support access to voluntary assisted dying.
- > Access to the Regional Patient Support Scheme is provided for patients living in regional and remote South Australia in accordance with the relevant procedures.

## Local Health Network Voluntary Assisted Dying Liaison

The LHN Voluntary Assisted Dying Liaison staff must ensure:

- > Information provided by Liaison staff regarding the voluntary assisted dying pathway and end of life care services is accurate, up to date and accessible.
- > Pathways are established to connect patients with medical practitioners who are eligible to act as coordinating or consulting medical practitioners.
- > Procedures are established to support transfer of patients accessing voluntary assisted dying between LHNs if required to support access to voluntary assisted dying.
- > Access to the Regional Patient Support Scheme is provided for patients living in regional and remote South Australia in accordance with the relevant procedures, in consultation with the Care Navigator Service.

### Participating medical practitioners.

LHNs must ensure that medical practitioners who wish to participate in voluntary assisted dying:

- > Are supported to provide voluntary assisted dying to patients.
- > Are eligible to act as either a coordinating medical practitioner or consulting medical practitioner for each person for whom they are facilitating access to voluntary assisted dying, in accordance with the Act.
- > Register as a coordinating or consulting medical practitioner through the Voluntary Assisted Dying Clinical Portal.
- > Complete the Mandatory Voluntary Assisted Dying Training for Medical Practitioners.
- > Are credentialed to facilitate access to voluntary assisted dying within their LHN sites and voluntary assisted dying is within their defined scope of clinical practice at that site.
- > Are supported to provide a specialist opinion to either coordinating medical practitioner or consulting medical practitioner in accordance with the Act.

## 6. Mandatory related documents

The following documents must be complied with under this Policy:

- > [Consent to Medical Treatment and Health Care Policy](#)
- > [Consent to Medical Treatment and Palliative Care Act 1995](#)
- > [Coronial Process and Coroners Act 2003 Policy](#)
- > [Equity of Access, Interpreting and Translating Policy](#)
- > [Privacy Policy](#)
- > South Australian Voluntary Assisted Dying Prescription and Administration Handbook available for trained medical practitioners from the [South Australian Voluntary Assisted Dying Pharmacy Service](#).
- > [Voluntary Assisted Dying Act 2021](#)
- > [Voluntary Assisted Dying Clinical Guideline for Health Practitioners](#)
- > [Voluntary Assisted Dying Regulations 2022](#)

## 7. Supporting information

- > [SA Health Topic Guide on Information Sharing Guidelines](#)

## 8. Definitions

- > **Conscientious objection:** When a person or health service declines to participate in a treatment or process due to religious, moral or ethical beliefs.
- > **Consulting medical practitioner:** An eligible registered medical practitioner who accepts a referral to conduct a consulting assessment of a patient seeking access to voluntary assisted dying.
- > **Coordinating medical practitioner:** An eligible registered medical practitioner who accepts a patient's First Request for voluntary assisted dying, or a consulting medical practitioner who accepts a transfer of the role of a coordinating medical practitioner for a patient seeking access to voluntary assisted dying.
- > **Eligible person:** A person who meets all eligibility criteria set out in section 26 of the Act; specifically, a person who is:
  - aged 18 years or more; and
  - an Australian citizen or permanent resident; and
  - ordinarily resident in South Australia; and
  - at the time of making a first request, have been ordinarily resident in South Australia for at least 12 months; and
  - has decision making capacity in relation to voluntary assisted dying; and
  - diagnosed with a disease, illness or medical condition that
    - is incurable; and
    - is advanced, progressive and will cause death; and
    - is expected to cause death within weeks or months, not exceeding 6 months (or 12 months for neurodegenerative condition); and
    - is causing suffering to the person that cannot be relieved in a manner that the person considers tolerable; and
    - acting freely and without coercion.
- > **Health practitioner (registered):** A person who is registered under the Health Practitioner Regulation National Law to practice a health profession, including medical practitioners, nurses, allied health practitioners, pharmacists and paramedics.
- > **Mandatory instruction:** A document which outlines prescriptive information regarding how a policy must be implemented to support compliance.
- > **Medical practitioner:** A person who is registered with the Medical Board of Australia through the Australian Health Practitioner Regulation Agency (AHPRA).
- > **State-wide services:** which includes BreastScreenSA, SA Dental, SA Medical Imaging, SA Pathology and SA Pharmacy.

Further definitions can be found under section 3 of the *Voluntary Assisted Dying Act 2021*.

## 9. Compliance

This policy is binding on those to whom it applies or relates. Implementation at a local level may be subject to audit/assessment. The Domain Custodian must work towards the establishment of systems which demonstrate compliance with this policy, in accordance with the requirements of the [Risk Management, Integrated Compliance, and Internal Audit Policy](#).

Any instance of non-compliance with this policy must be reported within the Local Health Network, and to the Domain Custodian for the Clinical Governance Safety and Quality Policy Domain and the Domain Custodian for the Risk, Compliance and Audit Policy Domain.

## 10. Document ownership

Policy owner: Domain Custodian for Clinical Governance Safety and Quality Policy Domain

Title: Voluntary Assisted Dying Policy

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## 11. Document history

Version	Date approved	Approved by	Amendment notes
1.0	10/01/2023	Deputy Chief Executive, Commissioning and Performance	New policy approved for publishing and distribution
2.0	20/06/2024	Chief Executive, DHW	Scheduled review

## 12. Appendices

Appendix 1: Voluntary Assisted Dying Mandatory Instruction

## Appendix 1: Voluntary Assisted Dying Mandatory Instruction

The following Instruction must be complied with to meet the requirements of the Voluntary Assisted Dying Policy.

### 1. Initiating discussions about voluntary assisted dying

All employees, volunteers and contracted staff of SA Health who are providing services to a person must not, in the course of providing those services to the person:

- a) initiate discussion with that person that is in substance about voluntary assisted dying; or
- b) in substance, suggest voluntary assisted dying to that person.

If a person requests information about voluntary assisted dying, employees, volunteers and contracted staff of SA Health should acknowledge that the patient has raised this and acknowledge their distress and must either:

- provide information about voluntary assisted dying to the person at their request; or
- refer the person to the SA VAD Care Navigator Service or LHN Voluntary Assisted Dying Liaison staff.

### 2. Restrictions on performing specific roles under the Act

A person must not, in their capacity as an employee, volunteer or contracted staff of SA Health, undertake any of the below roles under the Act:

- a) act as a witness to the signing of a written declaration, the appointment of a contact person or the request for a practitioner to administer the voluntary assisted dying substance; or
- b) sign a written declaration form or a contact person appointment form person declaration on behalf of a person who is physically unable to sign the document themselves; or
- c) act as the contact person in respect of a person; or
- d) prepare the substance on behalf of a person or their family; or
- e) administer the substance on behalf of a person unless they are the persons coordinating medical practitioner and the person has been issued a practitioner administration permit; or
- f) possess, store, carry or transport the substance on behalf of a contact person, unless a there is a clinical decision that patient or community safety is at risk.

The Chief Executive of the Department for Health and Wellbeing or their delegate, the Executive Director, Health Services Programs can exempt an employee, volunteer or contracted staff member from this policy requirement in rare circumstances only for a specific episode of care if both the below apply:

- there are genuine exceptional circumstances that mean the patient could not otherwise access voluntary assisted dying without an SA Health staff member performing the relevant role; and
- the SA VAD Care Navigator or LHN Voluntary Assisted Dying Liaison staff or medical practitioner applies to the Chief Executive or their delegate the Executive Director, Health Services Programs by emailing [Health.VADOperations@sa.gov.au](mailto:Health.VADOperations@sa.gov.au) for an exemption and sets out the grounds for seeking an exemption.