

Chapter 2 – Hospital & Medication Rules
Subchapter 7 –

Rule Governing Compliance with Patient Choice at the End of Life

1.0 Authority

This rule is adopted pursuant to 18 V.S.A § 5293 and implements the provisions of 18 V.S.A. Chapter 113.

2.0 Purpose

This rule provides the process for the facilitation of collection of information concerning compliance with 18 V.S.A. Chapter 113, Patient Choice At End Of Life.

3.0 Scope

This rule applies to patients and health care providers involved in the decisions pursuant to Patient Choice At End Of Life Act. The rule also provides the process by which the Commissioner of Health will receive information concerning Chapter 113 in order to monitor compliance and make a report available to the public.

4.0 Definitions

Whenever used in these Regulations, the following terms shall be construed as follows:

- 4.1 “Commissioner” means the Commissioner of Health.
- 4.2 “Vermont Prescription Monitoring System” (VPMS) means the statewide electronic database that collects data on Schedule II, III, or IV controlled substances dispensed in Vermont.
- 4.3 “Department” means the Vermont Department of Health.
- 4.4 “Prescribing physician” means any physician writing a prescription pursuant to 18 V.S.A. § 5283(a)(15).
- 4.5 “Prescription” means the drug prescribed by the prescribing physician for sole use by the patient for the purposes described in 18 V.S.A. Chapter 113.

5.0 Collection of Information for the Purposes of the Compliance

The Department shall collect the following information in order to monitor compliance with 18 V.S.A. Chapter 113 and fulfill reporting requirements:

- The number of patients who have had prescribing physicians file the necessary forms with the Department in order to comply with 18 V.S.A. Chapter 113
- The number of prescriptions filled by pharmacists
- The number of patients who are known to have died as a direct result of ingesting the prescription
- The number of patients who died as a result of causes other than ingesting the prescription
- The age of the patient at time of death
- The sex of the patient
- The patient's underlying terminal disease
- The date of the patient's death

6.0 Department of Health Compliance Monitoring

6.1 The Commissioner or the Commissioner's designee shall maintain the data points listed in Section 5 of this rule by means of a secure electronic system. The process for collection and entering the data points into the electronic system shall include:

- 6.1.1 Reviewing forms filed pursuant to 18 V.S.A. § 5283
- 6.1.2 Linking the forms to create a complete patient and physician record of the event
- 6.1.3 Tracking all required documents and ensuring compliance with the statute and rule

7.0 Physician Reporting

7.1 A prescribing physician overseeing the care of patient utilizing 18 V.S.A. Chapter 113 shall fill out and submit a Prescribing Physician Follow-up Form published by the Department that includes:

- 7.1.1 The name of the prescribing physician
- 7.1.2 The legal name and date of birth of the patient
- 7.1.3 The date the prescription was written
- 7.1.4 Whether the patient died as a result of the ingestion of the prescribed dose; as a result of the underlying disease; or whether the cause is unknown to the physician.