

Information for people assessed as ineligible

Voluntary assisted dying

You have received this information because you have been assessed as ineligible to access voluntary assisted dying.

Being assessed as ineligible for voluntary assisted dying may be upsetting or come as a shock. It is important to consider how this impacts what you can do now, and what you may need in the future.

If this news has raised distressing feelings for you, you can talk to your coordinating doctor about:

- whether your eligibility may change in the future
- other care and support available to you
- how your treating healthcare team may help ease any physical symptoms, psychosocial or spiritual distress you may be experiencing
- whether your care plan can be updated
- if there are other healthcare workers who can be involved in your care
- if you can organise additional support from a specialist palliative care team
- talking about your ineligibility for voluntary assisted dying with other members of your healthcare team and family.

What you can do

What you can do if you are assessed as ineligible changes at different points in the voluntary assisted dying process. Figure 1 gives a high-level overview of this.

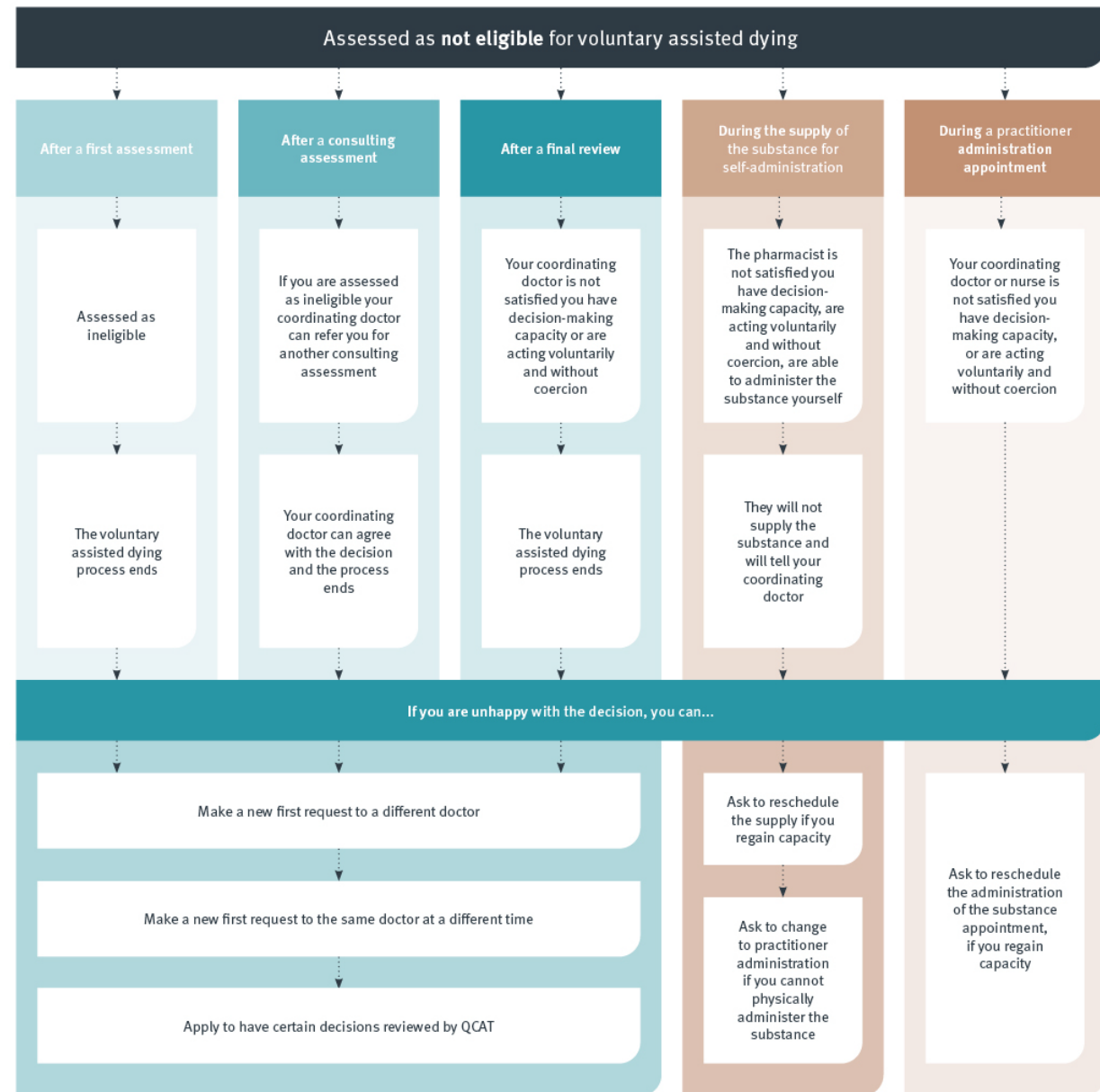


Figure 1 Assessed as ineligible steps

During a first assessment

Your coordinating doctor can assess you as ineligible for voluntary assisted dying if they are not satisfied you:

- meet all the eligibility criteria
- understand the information given to you about voluntary assisted dying.

If your coordinating doctor assesses you as ineligible, the voluntary assisted dying process ends.

If you are assessed as ineligible

If your coordinating doctor decides that you are ineligible, they will:

- explain why you are not eligible
- if relevant, they may explain that your eligibility might change, if your circumstances change in the future. They may also explain that if your eligibility changes in the future, you may start the process again by making a new first request with them or a different doctor. For example, if your prognosis changes, you may become eligible for voluntary assisted dying at a later date
- if the decision is reviewable by the Queensland Civil and Administrative Tribunal (QCAT), give you information about the decision, the reasons for the decision and your right to have the decision reviewed by QCAT
- give you a written copy of their decision.

Your coordinating doctor may also talk to you about other care and support available to you. This could include:

- discussing how your treating healthcare team may help ease any physical symptoms, psychological, social or spiritual distress you may be experiencing
- updating your care plan

- providing you with alternate referrals to relevant healthcare workers
- organising additional support from a specialist palliative care team (if one is not already involved in your care)
- discussing your ineligibility for voluntary assisted dying with other members of your healthcare team and family, if you do not want this to happen though they will respect your privacy.

What can you do

If your coordinating doctor assesses you as ineligible you can:

- make a new first request to a different doctor
- make a new first request to the same doctor at a different time
- ask if you can start the process again in the future if things change.

If you do this the voluntary assisted dying process will start from the beginning.

- You can also apply to have certain decisions reviewed by QCAT.

During a consulting assessment

Your consulting doctor can assess you as ineligible for voluntary assisted dying if they are not satisfied you:

- meet all the eligibility criteria
- understand the information given to you about voluntary assisted dying.

If your consulting doctor assesses you as ineligible, your coordinating doctor may refer you to another doctor for another consulting assessment. There is no limit on the number of times this can happen. However, if your coordinating doctor does not think it is appropriate to refer you, the process ends.

If you are assessed as ineligible

If your consulting doctor decides that you are ineligible, they will:

- explain why you are not eligible
- if relevant, they may explain that your eligibility might change, if your circumstances change in the future. They may also explain that if your eligibility changes in the future, you may start the process again by making a new first request with them or a different doctor. For example, if your prognosis changes, you may become eligible for voluntary assisted dying at a later date
- if the decision is reviewable by the Queensland Civil and Administrative Tribunal (QCAT), give you information about the decision, the reasons for the decision and your right to have the decision reviewed by QCAT
- give you a written copy of their decision.

Your consulting doctor may also talk to you about other care and support available to you. This could include:

- discussing how your treating healthcare team may help ease any physical symptoms, psychosocial or spiritual distress you may be experiencing
- updating your care plan
- providing you with alternate referrals to relevant healthcare workers
- organising additional support from a specialist palliative care team (if one is not already involved in your care)
- discussing your ineligibility for voluntary assisted dying with other members of your healthcare team and family—however, if you do not want this to happen, they will respect your privacy.

What can you do

If your coordinating doctor decides not to refer you for another consulting assessment you can:

- make a new first request to a different doctor
- make a new first request to the same doctor at a different time
- ask if you can start the process again in the future if things change.

If you do this the voluntary assisted dying process will start from the beginning.

- You can also apply to have the decision reviewed by the QCAT.
- organising additional support from a specialist palliative care team (if one is not already involved in your care)
- discussing your ineligibility for voluntary assisted dying with other members of your healthcare team and family—however, if you do not want this to happen, they will respect your privacy.

After the assessments

Once you have been assessed as eligible in the request and assessment stage of the process you are eligible for voluntary assisted dying. Decisions are not reviewable by QCAT after the request and assessment stage. During the final review and practitioner administration stage of process your coordinating doctor, a pharmacist employed by the Queensland Voluntary Assisted Dying Pharmacy Service (QVAD-Pharmacy), and administering doctor or nurse will check you still:

- have decision-making capacity;
- and are acting voluntarily and without coercion.

During a final review

Your coordinating doctor will check you still:

- have decision-making capacity
- are acting voluntarily and without coercion.
- If your coordinating doctor is not satisfied, they will not move you onto the next stage.

Your coordinating doctor will:

- explain their decision
- if relevant, they may explain that your eligibility might change, if your circumstances change in the future and you may start the process again by making a new first request with them or a different doctor. For example, if your decision-making capacity changes, you may become eligible for voluntary assisted dying at a later date
- if the decision is reviewable by QCAT, give you information about the decision, the reasons for the decision and your right to have the decision reviewed by QCAT.
- give you a written copy of the final review form.

Your coordinating doctor will also talk to you about other care and support available to you. This could include:

- discussing how your treating healthcare team may help ease any physical symptoms, psychosocial or spiritual distress you may be experiencing
- updating your care plan
- providing you with alternate referrals to relevant healthcare workers

What can you do

If your coordinating doctor is not satisfied that you still have decision-making capacity and are acting voluntarily, you can:

- make a new first request to a different doctor
- if your situation changes, make a new first request to the same doctor at a different time.

If you do this the voluntary assisted dying process will start from the beginning.

You can also apply to have the decision reviewed by the Queensland Civil and Administrative Tribunal.

During supply of the substance for a self-administration decision

The pharmacist employed by the Queensland Voluntary Assisted Dying Pharmacy Service (QVAD-Pharmacy) will check during the supply of the voluntary assisted dying substance for self-administration if you:

- have decision-making capacity
- are acting freely and voluntarily
- are able to administer the substance yourself.

If the pharmacist employed by QVAD-Pharmacy believes you do not meet one of these criteria, they will not supply you with the voluntary assisted dying substance. The pharmacist will tell your coordinating doctor that they have not supplied you with the substance.

What you can do

If a pharmacist employed by QVAD-Pharmacy does not supply you with the substance for a self-administration decision, you can:

- ask to reschedule the supply of the substance, if you regain capacity
- ask your coordinating doctor if you can revoke your self-administration decision and make a new practitioner administration decision, if you cannot physically administer the substance.

During a practitioner administration appointment

Your administering doctor or nurse will check if you:

- have decision-making capacity
- are acting voluntarily and without coercion.

If your administering doctor or nurse is not satisfied you have these they will not administer you the substance.

Your coordinating doctor, or administering doctor or nurse may talk to you about other care and support available to you, this could include:

- discussing how your treating healthcare team may help ease any physical symptoms, psychosocial or spiritual distress you may be experiencing
- updating your care plan
- providing you with alternate referrals to relevant healthcare workers
- organising additional support from a specialist palliative care team (if one is not already involved in your care)
- discussing their decision with other members of your healthcare team and family—however, if you do not want this to happen, they will respect your privacy

What you can do

If your administering doctor or nurse does not administer you the substance because you don't have capacity, if you regain capacity you can ask to reschedule the administration of the substance for another time.

Decisions that can be reviewed

Queensland Civil and Administrative Tribunal

The Queensland Civil and Administrative Tribunal (QCAT) is an independent body that makes and reviews a range of administrative, commercial, and personal matters in Queensland.

QCAT can review decisions made by a coordinating doctor or consulting doctor about some of the eligibility criteria for voluntary assisted dying, see Table 1. These are reviewable decisions. QCAT cannot review decisions about disease-related eligibility criteria (i.e., diagnosis and prognosis), as they are clinical judgement matters best decided by a doctor.

| Decision-maker | Step in the process | Reviewable decision |
|---------------------|-----------------------|---|
| Coordinating doctor | First assessment | Residency in Australia for at least three years immediately before the person makes the first request |
| | | Residency in Queensland for at least 12 months immediately before the person makes the first request |
| Consulting doctor | Consulting assessment | Decision-making capacity in relation to voluntary assisted dying Acting voluntarily and without coercion |
| Coordinating doctor | Final review | Decision-making capacity in relation to voluntary assisted dying Acting voluntarily and without coercion |

Applying for a review by QCAT

An application to review a decision may be made by:

- yourself, as the person seeking to access voluntary assisted dying
- your agent (someone acting on your behalf)
- any other person who has a sufficient interest in your rights and interests in relation to voluntary assisted dying. For example, another member of your healthcare team, a spouse or other close family member, or carer.

It is up to QCAT to decide if the person making the application for review is eligible to do so. Being your family member does not mean they are automatically considered to have a sufficient and genuine interest.

During QCAT review

Once an application has been made to QCAT to review a decision, the voluntary assisted dying request and assessment process is put on hold. No further steps may be taken until the matter is resolved, including:

- conducting further assessments
- prescribing or supplying a voluntary assisted dying substance, or
- administering a voluntary assisted dying substance.

Timing and process

To review an eligibility decision, an application must be promptly made to QCAT.

The Act requires an application for review to be made within five business days of the 'relevant day'. This means five business days after the day the coordinating doctor or consulting doctor gives you a copy of the relevant form with their decision, or the day any other person

making the application becomes aware of the decision—whichever is later.

Within two business days after receiving the application, QCAT must provide a copy of the application to you and any other parties to the application.

QCAT hearings regarding voluntary assisted dying must be held in private. QCAT has the power to keep your details anonymous in QCAT's publicly reported decisions.

There is no prescribed period within which QCAT must make its decision. If you die prior to completion of the review, the QCAT application is withdrawn.

Effect of a decision

QCAT may decide to support or overturn the decision made by the coordinating or consulting doctor.

If the QCAT decision differs to the decision of a coordinating or consulting doctor, the decision is overturned, and the QCAT decision is taken its place.

If the decision by the coordinating doctor meant you were ineligible and the QCAT decision means that you are now eligible for voluntary assisted dying, your coordinating doctor may refuse to continue in the role. In this situation your coordinating doctor must transfer their role to another doctor so you can continue the voluntary assisted dying process.

QVAD-Support

QVAD-Support provides care and support to all Queenslanders about voluntary assisted dying.

QVAD-Support is run by care coordinators who are medical, nursing, and allied healthcare workers.

You can talk to a care coordinator Monday to Friday, 8.30am-4pm.

Phone: 1800 431 371

Email: QVADSupport@health.qld.gov.au

Support services

Different people may need and want different levels of support. Some people may become upset when reading about voluntary assisted dying. If this has raised distressing issues for you or someone you know, you can call one of the helplines below:

24/7 crisis services

- Mental Health Access Line call 1300 64 22 55 (24/7)
- Lifeline call 13 11 14 (24/7 – phone, text, online)
- Suicide Call Back Service call 1300 659 467 (24/7 – phone and online)

Support services

- Beyond Blue call 1300 22 4636 (24/7 – phone, online)
- Griefline call 1300 845 745 (6am to midnight AEST, 7 days a week)
- Queensland Transcultural Mental Health Centre call 3317 1234 or 1800 188 189 (outside Brisbane) or 1300 64 22 55 (24/7)
- World Wellness Group (multicultural support) call 1300 079 020
- 13YARN (13 92 76) for Aboriginal and Torres Strait Islander people

For more information and support

visit <https://www.qld.gov.au/health/mental-health/help-lines>.



Help in your language

If you need an interpreter, ask your doctor for one. It is free.

For help reading this information call:

- Multicultural Connect Line free hotline number: 1300 079 020
- Interpreter Service (Help with English): 13 QGOV (13 74 68) and ask for an interpreter
- Translating and Interpreting Service: 13 14 50