



Policy: End of Life Option Act Participation

Effective: 06/06/23

Identifier: S-FW-RI-0026

Acute Care: ENC GR LJ MER Ambulatory

SHAS

PURPOSE: To establish Scripps Health’s participation in the California End of Life Option Act.

I. POLICY

- A. Hospitals: Scripps Health will not participate in the hospital setting including hospital outpatient departments.
 - 1. Health Care Providers will not be allowed to perform the duties of an attending or consulting physician, prescribe aid-in-dying medication, or fill prescriptions for aid-in dying medications while in the hospitals.
 - 2. Patients will not be permitted to self-administer the aid-in-dying medications while in the hospitals.
- B. No patient will be denied other medical care or treatment because of the patient’s participation activities authorized by the Act. Health Care Providers will still provide all other requested end-of-life and palliative care and other services to patients and families. This does not prohibit discussions by a patient with his/her Health Care Provider about options available under the Act during hospitalization or while receiving services in a hospital outpatient department.
- C. Medical Office Buildings owned by Scripps Health:
 - 1. Scripps Mercy Hospital Campus. Health Care Providers with offices located in Medical Office Buildings on the Scripps Mercy Hospital Campus will not be permitted to participate in the Act, as explained in Section 1 above.
 - 2. All other Medical Office Buildings. Health care providers with offices located anywhere other than the Scripps Mercy Hospital Campus may choose to participate in activities authorized by the Act. By permitting participation, Scripps Health is neither encouraging nor discouraging participation by a Health Care Provider. The decision to participate is strictly the Health Care Provider’s.
- D. Pharmacies: No Scripps Health pharmacy will fill a prescription for aid-in-dying medication.
- E. Participation is Voluntary: No Health Care Provider will be required to participate in any activities directly related to the Act. Giving patients general information about their available options under the Act is to be distinguished from direct participation in activities authorized by the Act.
- F. Providing Information on the Act: If a patient requests information on the Act, staff may provide an education handout (ATTACHMENT) and advise the patient to speak with their physician.

II. ATTACHMENT

California End of Life Option Act Information for State Residents

III. REFERENCES

- A. California Health & Safety Code section 443 End of Life Option Act
- B. California Probate Code Section 4609

IV. RELATED PRACTICE DOCUMENTS

- A. Physician Orders for Life Sustaining Treatment (POLST); [S-FW-RI-0021](#)
- B. Advance Health Care Directives; [S-FW-RI-0001](#)

V. SUPERSEDED

End of Life Option Act Participation; S-FW-RI-0026, 10/20

California End of Life Option Act Information for State Residents

Who is eligible for medical aid in dying?

To be eligible for medical aid in dying under California's law, an individual must be:

- > An adult
- > Terminally ill
- > Given a prognosis of six months or less to live
- > Mentally capable of making their own healthcare decisions

An individual must also be:

- > A resident of California
- > Acting voluntarily
- > Making an informed decision which includes being given information about all other end-of-life options
- > Informed that s/he may choose to obtain the aid-in-dying drug, but not take it
- > Capable of self-administering and ingesting the aid-in-dying drug

Two California physicians must agree that you are eligible to use the California End of Life Option Act. One physician prescribes the medication, and the other physician gives a consulting opinion. If either physician is unable to determine your mental capacity in making the request, a mental health professional (psychiatrist or psychologist) must evaluate you and ensure that you are capable of making your own healthcare decisions.

What is the California End of Life Option Act?

The California End of Life Option Act¹ authorizes medical aid in dying. The law allows a mentally capable, terminally ill adult with six months or less to live to request aid-in-dying medication from their doctor for self-administration, if their suffering becomes unbearable, to bring about a peaceful death. The law, which was signed by Governor Jerry Brown on October 5, 2015, will go into effect on June 9, 2016.

Steps for Using the California Law to Access Medical Aid in Dying

In addition to the requirements listed above, a process must be followed in order for an individual to qualify for a prescription for aid-in-dying medication.

- > Make a total of three (3) voluntary requests — two oral requests at least 15 days apart and one written request - using the statutory form, signed by two witnesses (see next section for who may and may not serve as a witness), directly to the doctor. No specific order is required. Note: The requests cannot be made by a designee or third party (including relatives or anyone with power of attorney), and the request cannot be made via an advance healthcare directive.
- > Have the physical and mental ability to self-administer the aid-in-dying medication by ingesting it.

- > Prove residency in the state of California by one of the following means:
 - > Possession of a driver license or other identification issued by the state of California
 - > Registration to vote in California
 - > Evidence of ownership or leasing of property in California, or
 - > Filing of a California tax return for the most recent tax year
- > Give fully informed consent.
- > Complete the statutory Final Attestation form within 48 hours prior to ingesting the aid-in-dying medication, reiterating the intent to take the medication and awareness of the consequences.

Note: An individual may at any time withdraw the request for the aid-in-dying drug or decide not to ingest the drug.

Rules Regarding Witnesses to Medical Aid-in-Dying Requests

To access medical aid in dying, a person must have two witnesses sign the statutory request form in the presence of the individual requesting aid-in-dying medication. This form will be available on the State Department of Health's website, or you can do an internet search for "California End of Life Option Act forms."

Specifically, the California End of Life Option Act requires that:

- > The two adult witnesses attest that, to the best of their knowledge and belief, the person requesting the medication:
 - > Is known to them or have provided proof of identity
 - > Voluntarily signed the request in their presence
 - > Appears to be of sound mind and not under duress, fraud or undue influence
- > Only one of the two witnesses may be related by blood, marriage or adoption; or be a person entitled to a portion of the person's estate upon death.

- > Only one of the two witnesses may own, operate or be employed at a healthcare facility where the qualified individual is receiving medical treatment or resides.
- > The attending physician, consulting physician or mental health specialist may NOT be one of the witnesses.

Requirements for Family Members / Caregivers

After the individual's death, the law requires that a completed Final Attestation Form must be delivered by the individual's healthcare provider, family member or other representative to the attending physician to be included in the person's medical record.

Additional Provisions of the California End of Life Option Act

- > **Persons with Disabilities or Elderly Persons:** The law specifically states that no person can qualify for aid-in-dying medication based solely on their disability or age.
- > **Guardians and Conservators:** May not be appointed solely because a person makes a request for aid-in-dying medication under the law.

Please call our California Information Hotline at 1-800-893-4548 or visit <http://www.EndOfLifeOption.org> for more information and resources.

Resources

¹California End of Life Option Act. ABX2-15 End of life. Enacted October 2015. Available from: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520162AB15