

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