

A New California Law & End of Life Decisions

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August 2016

On October 5, 2015 California passed the End of Life Option Act, which allows physicians to prescribe terminally ill patients medication to end their lives. The law went into effect on June 9, 2016 and will remain in effect until 2026 unless extended by the legislature.

The patient must be 18 years of age or older, able to prove CA residency and diagnosed with a terminal illness. He/she must have the capacity to make medical decisions and have voluntarily initiated, twice orally and once in writing, the request for an aid-in-dying drug from the primary physician who is treating the terminal illness. The patient must have the physical and mental ability to self-administer the drug. The written request must be made in accordance with distinct legal specifications and the physician must jump through documentation hoops to make sure the letter of the law is followed. You can read all the details at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB128 or see the CA Medical Association's digest of the law at www.cmanet.org/endoflife (CMA On-Call document #3459, "California End of Life Option Act.")

This law addresses only life termination and does not replace talking to loved ones about end of life preferences concerning aggressiveness of care and life-sustaining procedures. I wrote about those issues in the DrG'sMediSense December 2009 issue, and strongly urge people to discuss it with their doctor. Too often someone says, "I want everything done" without realizing what 'everything' is. Talking about it with your doctor and considering hypothetical medical situations is important to formulating your preferences.

An Advance Directive is the legally-recognized format for a 'living will.' It puts the preferences you have discussed with loved ones and your doctor in writing. The document allows you to designate your health care agent who can make your health care decisions for you. That authority may be in force only when you are incapacitated or starting tomorrow, if you so choose.

The POLST form (Physician Orders for Life-Sustaining Treatment) is another legal document that specifies your generally preferred plan of care and has the force of a doctor's order. This is most appropriate for people with a serious illness and less than a year of life expectancy.

Forms are available from the State of CA website:

www.ag.ca.gov/consumers/pdf/ProbateCodeAdvancedHealthCareDirectiveForm.pdf

www.cdph.ca.gov/programs/LnC/Documents/MDS30-ApprovedPOLSTForm.pdf

The CA Medical Association offers Advance Health Care Directive and POLST Kits, with explanations that enable you to complete the forms, at www.cmanet.org/resource-library (for purchase).