



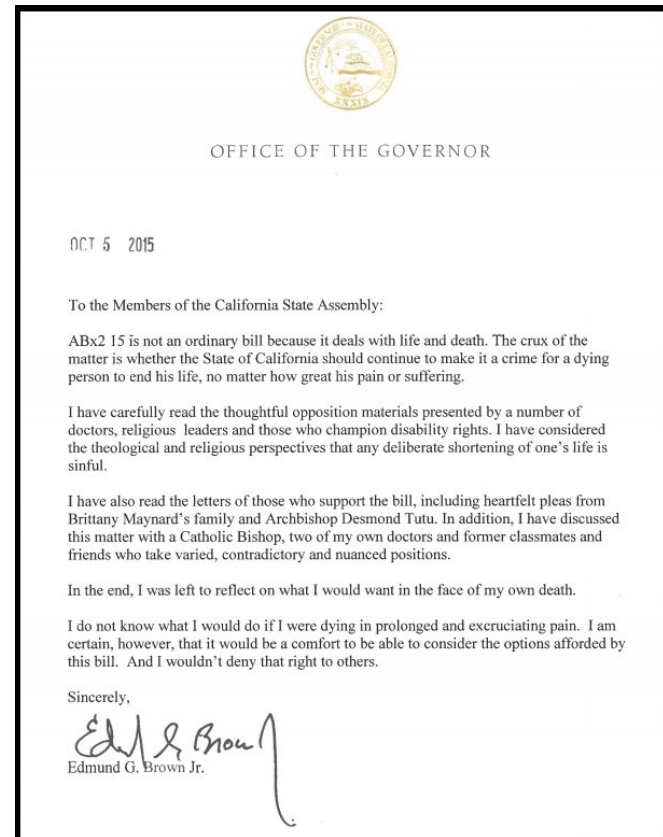
The California End of Life Option Act: Reflections on Preparing for and Responding to Legalization

Barbara A. Koenig

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History

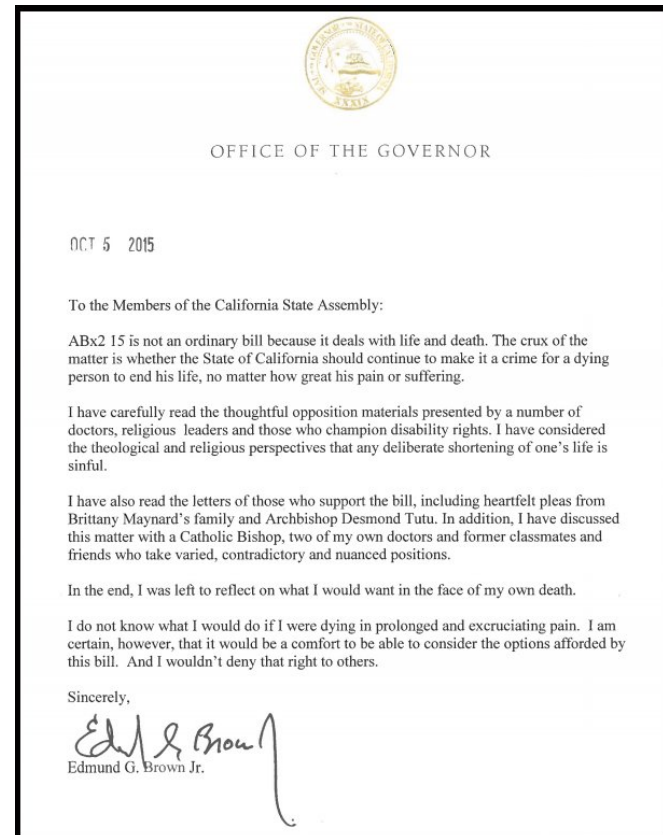
- Governor Jerry Brown signed the End of Life Option Act on October 5th, 2015
- It went into effect on June 9th, 2016



“A Bioethics Emergency” (?)

Background of Convening Efforts

- December 2015
- September 2017



EOLOA Project Website

www.eoloptionacttaskforce.org

END OF LIFE OPTION ACT TASK FORCE

[HOME](#) [2017 CONFERENCE](#) [2015 CONFERENCE](#) [RESOURCES](#) [INTERVIEW STUDY](#) [CONTACT](#)



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To promote thoughtful deliberation on topics that will be relevant to healthcare systems as they create patient-centered policies to respond to the End of Life Option Act in California.

Thank you to the California HealthCare Foundation and Stupski Foundation for making this work possible.

End of Life Option Act - One Year Later Convening

Hosted by UCSF Bioethics, UCLA Health, and the Coalition for the Compassionate Care of California
Marriott Courtyard-Midtown, Sacramento
Monday, September 25, 2017 & Tuesday, September 26, 2017



Welcome & Opening Keynote

Framing the EoLOA within the Larger End of Life Context

UCSF Bioethics

December, 2015 Convening

AJPH, June 2017, Vol 107

AJPH LAW & ETHICS

How California Prepared for Implementation of Physician-Assisted Death: A Primer

Physician-assisted death is now legal in California, and similar laws are being considered in

Laura A. Petrillo, MD, Elizabeth Dzeng, MD, PhD, MPH, Krista L. Harrison, PhD, Lindsay Forbes, Benjamin Scribner, RN, and Barbara A. Koenig, PhD

Activities

- Convening and follow up resource sharing
(Barbara Koenig and Judy Thomas)
- Survey of California Health Care Systems
(Cindy Cain and Neil Wenger)
- Collection of In-depth Patient Narratives
(Helene Starks)

Moral Ambivalence

- Simple implementation?
 - Some had difficulty being present for discussions
- Moral concerns will not simply disappear
- Concern about being the “go to” physician or institution

Responses to the EOLOA

- Choices and Variability in Practice
 - On premises?
 - Mental health evaluation?
 - Palliative care involvement?
 - Ethics referral?
 - Who will participate?
 - How to honor conscientious objections by providers while respecting patient choice?

Responses to the EOLOA

- Implementation has been tough, uneven
- Requires significant resources, including clearly identified patient navigators
- Only easily practicable when built on a good hospice/palliative care program
- Physician willingness to prescribe is not a simple yes/no

Implementation Issue: Sunset Clause

- Sunsets January 1, 2026

This bill, until January 1, 2026, would enact the End of Life Option Act authorizing an adult who meets certain qualifications, and who has been determined by his or her attending physician to be suffering from a terminal disease, as defined, to make a request for a drug prescribed pursuant to these provisions for the purpose of ending his or her life.

- Creates a duty to evaluate “implementation”

Implementation Issue: Final Attestation Form

- Not routinely collected, reported

Implementation Issue: Role of Interpreters

- Concern about being asked to assure compliance with the law

Role of California Department of Public Health

- Did not release all data
- Need for additional data elements
- How to capture race/ethnicity data and other “categories of difference” including social and economic status

“Best Practices”

- Data Collection
 - Impact on diverse populations
 - Research thus far suggests that a significant degree of social/cultural capital is needed to initiate and carry through a request

Barriers?

- Waiting periods
 - What constitutes a request?
- Is lack of access a justice concern?
- Development of specialty referral practices offering PAD?
- Funding for research? (Too controversial?)

Next Steps in Research

- Symbolic impact of the EOLOA
 - On EOL & palliative care generally
- Consequences for the role of healer
- Impact of “routinization”
 - Mandated disclosure of EOL options
 - Advance care planning
- Consumer-driven health care (trust)
- How can we implement genuine democratic public engagement about PAD?

Our Team

- Barbara Koenig, PhD
- Lindsay Forbes
- Cristina Nigro, MS

- Judy Thomas, JD

- Neil Wenger, MD
- Cindy Cain, PhD

- Helene Starks, PhD, MPH

 UCSF Bioethics



 UCLA

 UNIVERSITY of WASHINGTON

Funders



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A graphic element consisting of ten small, colored dots arranged in a circular pattern to the right of the word 'FOUNDATION'. The dots are in shades of blue, orange, green, purple, and red.