

Aid-in-Dying Legislation Overview

<p>Title Bill Numbers Sponsors Assembly Co-Sponsors Assembly Multi-Sponsors Senate Co-Sponsors</p>	<p>Medical Aid in Dying Act A.2383-A/S.3151-A Paulin/Savino L. Rosenthal, Gottfried, Dinowitz, Galef, Hevesi, Steck, Blake, Lavine, Lupardo, Sepulveda, Abinanti, Rodriguez, Jaffee, Jones, D'Urso, M.G. Miller, Ortiz, Arroyo, Simotas, Vanel, Quart, Rivera Braunstein, Crouch, Lifton, Magee Alcantara, Dilan, Hamilton, Hoylman, Krueger</p>
Definition of Patient	"Patient" means a person who is 18 years of age or older under the care of a physician.
Definition of Capacity	"Capacity" means the ability to understand and appreciate the nature and consequences of health care decisions, including the benefits and risks of and alternatives to any proposed health care, and to reach an informed decision.
Referral to Mental Health Professional	If the attending physician or consulting physician believes that the patient may lack capacity, the attending physician or consulting physician shall refer the patient to a mental health professional for a determination of whether the patient has capacity to make an informed decision.
Definition of Health Care Facility	"Health care facility" means a general hospital, nursing home, or residential health care facility (PHL § 2801).
Definition of Health Care Provider	"Health care provider" means a person licensed, certified, or authorized by law to administer health care or dispense medication in the ordinary course of business or practice of a profession.
Definition of Terminal Illness or Condition	"Terminal illness or condition" means an incurable and irreversible illness or condition that has been medically confirmed and will, within reasonable medical judgment, produce death within six months.
Request Process	A patient must make an oral request and submit a written request to his or her attending physician. The bill includes a form that the written request must "substantially" follow.
Witnesses	The patient's written request must be witnessed by at least two adults, one of whom is not family; not entitled to any portion of the patient's estate; and not an owner, operator, employee, or independent contractor of a health facility where the patient is receiving treatment or is a resident. The attending physician, consulting physician, and, if applicable, mental health professional who provides a capacity determination cannot act as witnesses.
Writing Script	Upon receiving confirmation from a consulting physician, the attending physician who determines that the patient has a terminal illness or condition, has capacity, and has made a voluntary request for medication may personally, or by referral to another physician, prescribe or order appropriate medication and, at the patient's request, facilitate the filling of the prescription and delivery of the medication to the patient.
Physician Guidance	The physician must fully inform the patient of the patient's medical diagnosis and prognosis; the potential risks of taking the prescribed medication; the probable result of taking the medication; the possibility that the patient may choose not to obtain the medication, or obtain the medication and decide not to self-administer it; and the feasible alternatives and appropriate treatment options, including but not limited to palliative care and hospice care.

Consulting Physician	The consulting physician must examine the patient and his or her relevant medical records and confirm the attending physician’s diagnosis of a terminal illness or condition, whether the patient is making an informed decision, and whether the patient has capacity and is acting voluntarily.
Cause of Death	The cause of death listed on the patient’s death certificate will be the underlying terminal illness or condition. The attending physician can sign the death certificate.
Rescinding Authorization	The patient reserves the right to rescind the request for medication at any time without regard to capacity.
Immunity	A physician, pharmacist, other health care professional, or other person will not be subject to civil or criminal liability or professional disciplinary action for taking any reasonable good-faith action or refusing to act.
Rights Regarding Participation	A physician, nurse, pharmacist, other health care provider, or other person has a right to not participate in the provision of medication but must transfer all medical records if the patient transfers care to another health care provider.
Health Care Facility Exceptions	A private health care facility may prohibit the prescribing, dispensing, ordering, or self-administering of medication while the patient is being treated in or residing in the facility if such action is contrary to a formally adopted policy of the facility that is expressly based on sincerely held religious beliefs or moral convictions central to the facility’s operating principles, and the facility has informed the patient of such policy prior to admission or as soon as reasonably possible. Where a facility has adopted a prohibition, a patient who wishes to use medication may request to be transferred promptly to another facility that is reasonably accessible under the circumstances and willing to permit the prescribing, dispensing, ordering, and self-administering of medication. Furthermore, any health care provider, employee, or independent contractor of the facility who violates the prohibition may be subject to sanctions, provided the facility has previously notified the provider, employee, or independent contractor of the prohibition in writing.
Penalties	The bill does not limit professional discipline or civil liability for conduct in violation of the law, negligent conduct, or intentional misconduct. Conduct in violation of the law shall be subject to applicable criminal liability under state law, including, where appropriate and without limitation, offenses constituting homicide, forgery, coercion, and related offenses, or federal law.
Insurance	The bill prohibits the denial of life insurance benefits as well as any change in life, health insurance, annuity, or professional malpractice insurance policy.
Disposal of Unused Medications	A person who has custody or control of any unused prescribed medication after the patient’s death shall personally deliver the unused medication for disposal to the nearest qualified facility that properly disposes of controlled substances or shall dispose of it in accordance with regulations made by the Commissioner of Health, regulations made by or guidelines of the Commissioner of Education, or guidelines of a federal Drug Enforcement Administration-approved takeback program. The Commissioner of Health may develop regulations as appropriate for the safe disposal of unused prescribed, dispensed, or ordered medications.
Effective Date	The bill takes effect immediately.