

# AB374

## The California Compassionate Choices Act

The California Compassionate Choices Act is based upon Oregon's successful Death with Dignity Act, approved in 1997. The Act allows to mentally capable, terminally ill adults, with six months or less to live to legally obtain and use prescriptions to end their suffering.

### The Safeguards:

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- **The patient must be a terminally ill adult with six months or less to live.**
- **The patient must be a resident of California.**
- **The patient must make an informed decision.** The patient's attending physician must inform the patient of their medical diagnosis, prognosis, potential risks associated with taking the medication, the probable result of taking the medication, **and provide in writing the feasible alternatives, including comfort care, hospice care, and pain control.**
- **The patient cannot be coerced by next of kin or any third party.** If any coercion is suspected, the patient will be prohibited from participating in the Act.
- **The patient must be evaluated by two physicians.** A consulting physician must examine the patient and confirm the attending physician's diagnosis and prognosis and that the patient is mentally capable, fully informed and acting voluntarily, free of coercion.
- **The patient must be mentally capable.** Both physicians must verify that the patient is mentally capable of making and communicating health care decisions. If either physician suspects the patient's judgment may be impaired by medication or a psychiatric or psychological disorder, the patient must be referred to a licensed psychiatrist or psychologist for a psychological examination. If a patient is referred, then the process completely stops until the psychiatrist or psychologist has determined that the patient is mentally capable. If the patient is determined to not be mentally capable the patient will be denied the medication.
- **The patient must make two oral requests, and one written request for the prescription.** The written request must be witnessed by two individuals who attest to the best of their knowledge and belief that the patient is competent, acting voluntarily, and not feeling any coercion to make the request.
- **There are two waiting periods.** 15 days after the first oral request, at which time the written request can be made, and 48 hours after the second oral request and the writing of the prescription.
- **The patient can rescind their request at any time.**
- **The patient must self-administer the prescription.** No one else can administer the medication to the patient.
- **Physicians may refuse to participate with the Act.** No doctor would ever be required to participate in the process in any way.
- **Anyone who violates the provisions of the Act will be prosecuted.** The language of the Act provides that anyone who engages in illegal behavior is subject to punishment for a crime to the full extent of the law.
- **Both physicians must submit detailed reports to the Department of Health Services.**