

# **End of Life Choice Bill**

## **Eligibility criteria:**

### **Age of the Person**

The End of Life Choice Bill limits access to medically assisted dying to people aged 18 years or over. This is to ensure that only adults who are capable of making this type of decision will have access to an assisted dying procedure. This Bill will not permit medically assisted dying to be practised on anybody under 18 years of age.

### **Citizenship or Residency**

The End of Life Choice Bill limits access to medically assisted dying to citizens or permanent residents of New Zealand. This Bill will not permit foreign nationals travelling to New Zealand to access medically assisted dying.

### **Terminal or Grievous and Irremediable**

The End of Life Choice Bill limits access to medically assisted dying to those who suffer from serious illnesses from which they will never recover. If they suffer from a terminal illness, they must have a prognosis that shows six months or less to live. If they have a degenerative condition that is not terminal, it must be unable to be treated successfully, and 'grievous' - that is, a very severe illness. This Bill will not permit medically assisted dying to be practised on healthy people, or those who can recover from their illness with treatment.

### **Advanced State of Irreversible Decline**

The End of Life Choice Bill limits access to medically assisted dying to those who experience significant loss of capability as a result of their illness. That means they have lost the ability to live a full life, such as by a combination of loss of mobility, loss of senses, and loss of ability to eat, drink or speak.

### **Unbearable Suffering**

The End of Life Choice Bill limits access to medically assisted dying to those who experience unbearable suffering that cannot be relieved in a tolerable way. That means, for example, that they experience extreme pain which cannot be adequately controlled through painkilling medication.

### **Ability to Understand**

The End of Life Choice Bill limits access to medically assisted dying to those who are able to understand the nature of assisted dying, and the consequence it will have. That means they are capable of giving fully informed consent to the procedure. This Bill will not allow those without 'sound mind' to access assisted dying. That means people with significant learning disabilities, or serious psychiatric illnesses will not be eligible.

# Who is eligible under the End of Life Choice Bill?

1. Is the person 18 years of age or over?

YES



NO



Not Eligible

2. Is the person a New Zealand citizen or permanent resident?

YES



NO



Not Eligible

3. Does the person suffer from either:

A terminal illness that is likely to end their life within six months.

OR

A grievous and irremediable medical condition.

YES



NO



Not Eligible

4. Is the person in an advanced state of irreversible decline in capability?

This means that illness has caused significant loss of ability to live a full life, that cannot be regained through treatment.

YES



NO



Not Eligible

5. Does the person experience unbearable suffering that cannot be relieved in a tolerable way?

This means that the person's pain or suffering cannot be adequately alleviated through treatment that is available.

YES



NO



Not Eligible

6. Does the person have the ability to understand the nature of assisted dying, and the consequences of it?

This means that the person has the capacity to give fully-informed consent to the procedure of an assisted death.

YES



NO



Not Eligible

**If YES at every step - this person would be eligible to make a request under the End of Life Choice Bill**

# End of Life Choice Bill

## Process & Safeguards:

### Fully Informed Consent

The End of Life Choice Bill requires that the person's doctor fully informs the person requesting an assisted death of the details of their condition, their prognosis, and their other options for care at the end of their life. The doctor must ensure that the person has had the chance to speak to family, friends and counsellors about their decision.

The doctor must also check, to the best of their ability, that the person is making their decision to request an assisted death freely, without any pressure from any other person.

### Assessment by Two Doctors

The End of Life Choice Bill requires that a person's eligibility (meeting every criteria outlined overleaf) is assessed by two doctors. The first doctor must be the person's attending medical practitioner.

The second must be an independent doctor appointed by the SCENZ Group (a public body that will be created to oversee assisted dying). Both doctors must agree that the person meets all of the eligibility requirements.

### Assessment by a Specialist

If either one of the doctors is unsure that the person is competent (able to understand the nature and consequences of assisted dying), then a specialist must assess the person's competence.

This specialist must be a psychologist or psychiatrist, and will also be appointed by the SCENZ Group to conduct this assessment.

### Change of Mind

The End of Life Choice Bill requires that the person is able to change their mind at any time from the time of the first request for assisted dying. This is up to and including the time that the medication is provided to the person.

### Accountability & Reporting

The End of Life Choice Bill requires the Director-General of Health to create a body called the SCENZ Group (Support and Consultation for End-of-life in New Zealand).

The group's functions are: to make and maintain lists of medical practitioners, specialists, and pharmacists who are willing to act in relation to assisted dying (and provide these where necessary); to prepare standards of care; to advise on medical and legal procedures, and; to provide practical assistance if it is requested.

The SCENZ Group will appoint a Review Committee consisting a medical ethicist, and two medical practitioners, one of whom practises in the area of end of life care. The Review Committee must consider reports of every procedure carried out. The Review Committee will report its satisfaction or otherwise to the Registrar.

A registrar will be appointed to make and maintain a register of all prescribed forms held, all reports, and all recommendations made by the Review Committee. The Registrar must make annual reports to the Minister of Health. They must also establish a procedure to deal with any complaints about breaches of assisted dying law.

### The Prescribed Forms

The End of Life Choice Bill requires forms to be completed at every step of the process. These will be in standard form and require comprehensive information on actions taken. They will be kept on record by the Registrar so that accurate reports can be made on requests for assisted dying, and assisted deaths carried out.

# What is the process of the **End of Life Choice Bill**?

**1. A person tells their attending doctor that they wish to have the option of assisted dying.**

**2. The doctor must take all of the following steps:**

Advise the person of the prognosis for their condition.

Advise the person of the irreversible nature of assisted dying.

Advise the person of the impacts of assisted dying.

Talk with the person about their wish, at appropriate intervals.

Ensure the person understands their options for end of life care.

Ensure the person knows that they can change their mind at any time.

Encourage the person to talk about their wish with others, such as friends, family and counsellors.

Ensure that the person knows that they are not obligated to speak to anyone, but ensure that they have had the opportunity to.

Ensure that the wish has been expressed free from pressure by any other person, by speaking with other health practitioners and with members of the person's family.

**The doctor must record their actions that fulfilled the requirements above, and include these in the first part of a prescribed form.**

**3. The person must sign and date the second part of the form, with the doctor present.**

If the person is unable to write they are able to request another person to sign and date the form on their behalf. This must be done in the presence of the person, with certain conditions met.

**4. The doctor must decide whether the person is eligible for assisted dying.**

The criteria explained on page 2 must all be met.

**5. A second, independent, doctor must also decide whether the person is eligible for assisted dying.**

**6. If one or both of the doctors requests it, a third assessment of the person's competence must be made by a specialist psychiatrist or psychologist.**

If both doctors (and the specialist, if requested) agree that the person is eligible, assisted dying can proceed.

**7. The doctor must tell the person that they are eligible for assisted dying, and discuss with them both the progress of their illness, and the timing of the assisted dying.**

The doctor must make provisional arrangements to be available to administer the assisted dying medication.

**8. The medication can be prescribed and administered by the doctor.**

48 hours prior, the doctor must prescribe a lethal dose of a chosen medication. The person can choose the method of receiving the medication.

**The doctor must ask the person if they wish to receive the medication, and if so, provide it so the person can end their life.**

Every assisted death under this law will be recorded in detail, and reported to a Review Committee.