



# SUSAN TALAMANTES EGGMAN

## REPRESENTING SENATE DISTRICT 05

### SB 380 – EOLOA Revisions

#### **SUMMARY**

Since the End of Life Option Act took effect on June 9, 2016, we know from data collected by the California Department of Public Health through December 31, 2020, that over 2,800 mentally capable, terminally ill individuals with six months or less to live have received a prescription for medical aid-in-dying medication to peacefully end unbearable suffering. However, we don't know how many eligible patients were unable to access the law. The bureaucratic, multi-step process to utilize the law is hampering or outright preventing many terminally ill individuals from using it.

In nearly five years of practice, the protections in the End of Life Option Act have proven effective, with no reported instances of abuse or coercion. However, redundancies have proven to be a barrier to access. This bill preserves core protections, while eliminating duplicative and excessive barriers to access.

#### **BACKGROUND**

A study by Kaiser Permanente Southern California shows one-third of terminally ill adults who request to use the End of Life Option Act die before completing the time-consuming process which includes a 15-day waiting period and often takes weeks or months to finish. Using this one-third ratio we estimate that nearly 1,000 individuals statewide have died before obtaining a prescription (approximately 275 people on an annual basis) vs. the nearly 2,800 who completed the process and received prescriptions for medical aid in dying.

California modeled the End of Life Option Act after Oregon's medical aid-in-dying law, which has worked for those who could access it for over 20 years. In 2019 Oregon updated their law because too many people were dying during the waiting period. Oregon authorized a waiver of the waiting period when the attending physician has medically determined that the qualified individual will, within reasonable medical judgement, die within 15 days after making the initial verbal request for

aid-in-dying medication. Just recently, New Mexico passed End of Life legislation that included a 48 hour waiting period. We believe reducing the 15 day waiting period in California to a 48 hour period between oral requests for all terminally ill individuals will provide more eligible patients with greater access to this desperately needed medication.

Another barrier to access is that healthcare facilities, under existing provisions of the End of Life Option Act, can forgo participation in medical aid in dying completely and have no obligation to tell their patients about their policy. Under current law, this bill maintains that no health care provider who objects for reasons of conscience, morality or ethics is required to participate in this Act. However, it has become necessary to clarify that if a health care provider is unable or unwilling to carry out an individual's request for a prescription for medical aid in dying medication, at a minimum, a health care provider must inform the individual that they do not participate in the Act, document the patient's date of request and provider's notice to the patient of their objection in the medical record and transfer their medical record upon request.

Under the current process, oral requests for medical aid in dying should be dated and documented in the individual's medical record and remain valid even if care is transferred to another attending physician. However, this does not consistently occur and it is necessary to clarify by explicitly requiring documentation of such requests. The failure to document such requests has resulted in further delays beyond waiting periods prescribed in the law.

#### **THIS BILL**

This bill maintains the End of Life Option Act's core eligibility requirements: only terminally ill adults with 6 months or less to live, who are mentally capable of making their own healthcare decisions and able to self-ingest aid-in-dying medication qualify to use the law. All patients will



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still have to make two oral requests, a written request, and be evaluated by two-different physicians. This bill will reduce the mandatory minimum 15-day waiting period between oral requests to a 48 hour waiting period. This bill will clarify that a physician who is unable to participate in the Act must inform the patient, document their objection in the medical record and transfer their relevant medical records upon request.

To ensure timely medical care is provided, this bill will require that the date of all oral and written requests must be documented in an individual's medical record and upon a transfer of care that record be provided to the qualified individual.

This bill will also extend the sunset date to January 1, 2031.

#### **SUPPORT**

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Compassion & Choices Action Network (sponsor)  
Access TLC Hospice  
American Nurses Association California (ANAC)  
Americans United for Separation of Church and State - Orange County  
Atheists United Los Angeles  
Be Present Care  
Bloom in the Desert Ministries United Church of Christ  
Brownie Mary Democratic Club of San Francisco  
California Council for the Advancement of Pharmacy  
California Libertarian Party  
California Commission on Aging  
City of Watsonville  
Compassion & Choices Latino Leadership Council  
Democratic Women's Club of Santa Cruz County  
Dolores Huerta Foundation  
End of Life Choices CA  
Full Circle of Living & Dying  
Good Grief Doula  
Hemlock Society of San Diego  
Hospice of Santa Cruz  
Humanist Association of Orange County  
Integrated MD Care

Integrus Health Group  
LA Patients Advocate  
Laguna Woods Democratic Club  
Libertarian Party of California  
Long Beach Gray Panthers  
Monterey County Palliative Care Collaborative  
Mera Consulting  
Monterey County Palliative Care Collaborative  
National Association of Social Workers - California  
Older Women's League San Francisco  
Palliative Interventions  
Pilgrim United Church of Christ  
Riverside Temple Beth El  
San Luis Obispo Democratic Party  
Santa Cruz City Council  
Santa Cruz County Board of Supervisors  
Sonoma County Democratic Party  
Southern California Secular Coalition  
Temple Beth El  
Voyages  
Women for Orange County  
Women's International League for Peace and Freedom  
Over 2000 Individuals

#### **FOR MORE INFORMATION**

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