

# END OF LIFE CHOICE ACT

## Who is eligible for assisted dying?

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

YES  
↓

NO  
↳ Not Eligible

2. Is the person a NZ citizen or permanent resident?

YES  
↓

NO  
↳ Not Eligible

3. Does the person suffer from a terminal illness likely to end their life within 6 months?

YES  
↓

NO  
↳ Not Eligible

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

YES  
↓

NO  
↳ Not Eligible

5. Does the person experience unbearable suffering that cannot be relieved in a manner considered tolerable to them?

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

YES  
↓

NO  
↳ Not Eligible

6. Is the person competent to make an informed decision about assisted dying?

YES  
↓

NO  
↳ Not Eligible

**If YES at every step - this person would be eligible to make a request**

# What are the safeguards under the End of Life Choice Act?

## **Patient-initiated discussion**

Doctors and other health professionals are not permitted to raise the issue of Assisted Dying with their terminally ill patients.

## **Fully Informed Consent**

The End of Life Choice Act 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. If at any time the attending medical practitioner suspects pressure, they must take no further action.

## **Assessment by Two Doctors**

The End of Life Choice Act requires that a person's eligibility (meeting every criterion 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 Psychiatrist**

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 psychiatrist must assess the person's competence. This psychiatrist will also be appointed by the SCENZ Group to conduct this assessment.

## **Change of Mind**

The End of Life Choice Act 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 Act 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; 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 Act 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 Act?

**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 psychiatrist.**

**If both doctors (and the psychiatrist, 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.**

**8. The medication can be prescribed by the doctor, and administered by a doctor or nurse practitioner.** 48 hours prior, the doctor must prescribe a lethal dose of a chosen medication and send the prescription to the registrar who will only counter-sign it if there is evidence that the processes of advice, request and assessments have been complied with. The person can choose the method of receiving the medication.

**The doctor or nurse practitioner 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.**