

Title 9. Rehabilitative and Developmental Services  
Division 1. Department of Mental Health  
Chapter 16 State Hospital Operations  
Article 6. End of Life Option Act

Adopt as follows:

**Section 4600. End of Life Option**

- (a) All terminally ill patients in the custody and care of the Department of State Hospitals shall receive appropriate and necessary medical care for their situation, including counseling, hospice, and palliative care, as appropriate and desired.
- (b) The Department of State Hospitals will not provide aid-in-dying drugs under the End of Life Option Act, Health and Safety Code section 443 et. seq., and will not permit employees, independent contractors, or other persons to provide the end of life option on the department's premises or while acting within the course and scope of any employment by, or contract with, the department.

NOTE: Authority cited: Sections 4005.1, 4101, and 4027, Welfare and Institutions Code. Reference: Sections 443 et seq., Health and Safety Code.

**Section 4601. End of Life Option Petitions to the Superior Court**

- (a) A terminally ill patient, as defined by the End of Life Option Act, may petition the superior court for the end of life option by requesting release from the custody of the Department of State Hospitals from the court. If the court orders release from the custody of the Department of State Hospitals, the Department of State Hospitals shall release the patient to the ordered entity or person.
- (b) If the superior court does not release a patient, the terminally ill patient may petition the court to determine if the patient is a qualified individual for the end of life option.
  - (1) The court may determine the patient is a qualified individual by determining the patient meets all of the following criteria:
    - (A) Has a terminal disease, as defined in Health and Safety Code section 443.1, subdivision (q).

- (B) Is a resident of California, as defined in Health and Safety Code section 443.2, subdivision (a)(3).
  - (C) Has the capacity to make medical decisions, as defined in Health and Safety Code section 443.1, subdivision (e).
  - (D) Has the ability to self-administer the aid-in-dying drug, as defined in Health and Safety Code section 443.1, subdivision (p).
- (c) If a court orders that the patient meets the qualifications under the End of Life Option Act, and that the department shall facilitate the end of life option for a patient, the department will facilitate the patient's access to an off-site facility that allows the patient the ability to participate in the end of life option.
- (1) If the court orders that the patient meets the qualifications under the End of Life Option Act, and the department is unable to find an off-site facility, the department will facilitate the patient's ability to participate in the end of life option on-site. The department will contract with other entities or persons in order to facilitate the end of life act on site. The patient's ability to participate on-site shall not contradict department policy regarding the safety and security of the facility.

NOTE: Authority cited: Sections 4005.1, 4101, and 4027, Welfare and Institutions Code. Reference: Sections 443 et seq., Health and Safety Code.

### **Section 4602. Access to End of Life Option**

- (a) In the event that the superior court orders the department to facilitate the end of life option for the patient, the department will contract with an off-site facility that provides end of life care and has elected to participate in the End of Life Option Act.
- (b) The department will facilitate the necessary transportation to and from the off-site facility and ensure that the patient has access to his or her physician, who has primary responsibility for the health care of the patient and treatment of the patient's terminal disease.
- (c) The department will provide the off-site medical facility with the patient's necessary medical records.

NOTE: Authority cited: Sections 4005.1, 4101, and 4027, Welfare and Institutions Code. Reference: Sections 443 et seq., Health and Safety Code.

### **Section 4603. Record Keeping for End of Life Option**

- (a) The department will request a copy of all forms required by Health and Safety Code section 443 et seq., from the contracted entity, to put into the patient's medical file.
- (b) The superior court order directing the department to facilitate the end of life option will be kept in the patient's medical file.

NOTE: Authority cited: Sections 4005.1, 4101, and 4027, Welfare and Institutions Code. Reference: Sections 443 et seq., Health and Safety Code.