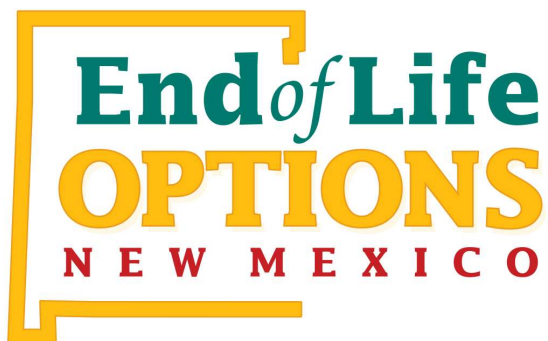


An Introduction to Medical Aid-in-Dying in New Mexico

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Today's Agenda



Introduction

History and Context

New Mexico End-of-Life Options Act

New Mexico Experience

MAID and Long-Term Care

Q&A

End-of-Life Options New Mexico

A New Service Organization



End-of-Life Options New Mexico provides information and support for all end-of-life options, including medical aid in dying.

We work to help...

1. Provide public outreach and information about end-of-life issues,
2. Support individuals and families regarding advance care planning, provide referrals and resources
3. Educate residents and healthcare providers about end of life options, including medical aid in dying and assist healthcare systems and entities so they can support their patients/residents.



History and Context

Elizabeth Whitefield

End-of-Life Options Act

New Mexico's End-of-Life Options Act provides for "medical aid in dying" (MAID) which is the medical practice wherein a health care provider prescribes medication to a qualified individual who may self-administer that medication to bring about a peaceful death.

The law went into effect June 18, 2021



Qualified Individuals



- The individual must be an ADULT at least 18 years old and a resident of NM.
- The prescribing provider must determine that the individual has:
 - **TERMINAL ILLNESS** which is a disease or condition that is incurable and irreversible and that, in accordance with reasonable medical judgement, will result in death within 6 months
 - **CAPACITY** to understand and appreciate health care options available, including significant benefits and risks, and to make and communicate an informed decision.
 - **VOLUNTARY** so that the request for MAID is not under duress or undue influence.
 - **ABILITY TO SELF-ADMINISTER** the MAID medication by taking an affirmative, conscious, voluntary action to ingest the medications. (Injection or IV administration are NOT allowed.)

Healthcare Providers



- Any of the following individuals licensed in New Mexico and authorized under NM law to prescribe a medication to be used in MAID:
 1. Allopathic Physician (MD)
 2. Osteopathic Physician (DO)
 3. Advanced Practice Nurse (APRN)
 4. Physician Assistant (PA)
- At least one physician (MD/DO) must determine, after conducting an appropriate examination, that the individual is qualified. That can be the "prescribing" provider, a "consulting" provider OR affirmation the individual is enrolled in Hospice. If the individual is not enrolled in hospice, then two providers must affirm qualifications, one of which must be an MD/DO.

Capacity



- A determination of capacity shall be made only according to professional standards of care and the provisions of the NM Uniform Health Care Decisions Act, which has an **underlying presumption that an individual has the capacity to make a healthcare decision.**
- If the prescribing or a consulting provider believes the individual may lack decisional capacity or if the individual has a current or recent history of mental illness or disability that could impair capacity for end-of-life decision-making, the individual must be referred to a mental health professional and MAID cannot proceed until such professional determines the individual has capacity to make end-of-life decisions.
- A Mental Health Professional is a NM-licensed psychiatrist, psychologist, master social worker, psychiatric nurse practitioner or professional clinical mental health counselor.

Prescribing and Reporting



- Prior to prescribing, the provider must inform the individual of all available end-of-life care options, including palliative care and hospice.
- The prescribing provider must document all qualifications. The individual's enrollment in hospice or, if necessary, affirmation of terminal illness by a consulting provider must also be included.
- The "Request to End My Life in a Peaceful Manner" form is required by law. It should be discussed with the prescribing clinician, completed, signed, and witnessed by two persons, one of which must be a disinterested party. The prescriber will include it in the individual's health record.
- The prescription, once written, has a 48-hour hold before it can be filled UNLESS the prescriber affirms that, within reasonable medical judgement, the individual will not survive 48 hours.
- Must report to DOH on prescribed form. Death certificates should list underlying condition as cause of death.

Other Provisions



- “Right to Know” ...terminal patients should understand all their options
- “Medical Aid in Dying” is NOT “suicide”
- Strong Immunity Protections for those who participate and Conscience Clauses for those who don’t...no one has to utilize or participate in MAID...voluntary for all
- Healthcare Entities that don’t participate must post that information publicly and must provide a referral and medical records if requested
 - Referral can be to another provider or to an individual/entity who will assist in finding a provider



New Mexico Experience



MAID and Long-Term Care

Complexities of LTC



- Almost all MAID ingestions occur in the home...but LTC facilities are the residents' home
- Health care entities and individual staff have the right to NOT participate in MAID...but residents have the right to autonomy in health care and end-of-life decisions
- If a facility allows MAID on premises but without direct participation, they still have responsibility over who has access to the facility, as well as medications controls
- If a facility prohibits MAID on premises, they still have a responsibility to assist with discharge, should the individual desire to go elsewhere

What Does It Mean to “Participate” in MAID?



Participation can widely differ from one patient, provider or institution to another and can include any or all:

- Educate or counsel on all end-of life options available
- Provide emotional support in decision-making
- Participate in logistical planning – coordination with prescriber, pick-up or hold medications, assist patient/family to plan timing, assist with discharge if to occur elsewhere
- Allow MAID to occur on premises (with or without direct staff assistance)
- Be Present for ingestion, provide bedside care, support patient/family through process
- Mix medications
- Provide minimal physical assistance, as necessary
- Pronounce death, if authorized to do so

Policy & Procedure Guidelines for LTC



Resources and Contacts



- **EOLONM**
 - 505-393-1321 info@endoflifeoptionsnm.org
- **American Clinicians Academy on Medical Aid in Dying**
 - www.acamaid.org
- **Compassion & Choices**
 - www.compassionandchoices.org
- **Death with Dignity**
 - www.deathwithdignity.org



Questions ?