

# Non-Participation in Activities under the New Mexico End-of-Life Options Act (NM)

## PURPOSE

The purpose of this policy is to describe the hospital's decision not to participate in the procedures for Self-Administering medications under the New Mexico End-of-Life Options Act (the "Act").

## Definitions

**Act or End-of-Life Options Act:** The New Mexico End-of-Life Options Act authorizes Adults with a Terminal Illness and Prognosis of Six Months or Less, who has mental capacity, has made an informed decision, is a resident of New Mexico, and has satisfied other requirements, to request and obtain a prescription for Medical Aid-In-Dying Medication to end his or her life in a peaceful manner.

**Adult:** An individual who is eighteen years of age or older who is a resident of the State of New Mexico.

**Capacity:** An individual's ability to understand and appreciate health care options available to that individual, including significant benefits and risks, and to make and communicate an informed health care decision. A determination of capacity shall be made only according to professional standards of care and the provisions of Section 24-7A-11 NMSA 1978.

**Medical Aid-in-Dying:** 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.

**Prescribing Health Care Provider:** A health care provider who prescribes medical aid in dying medication.

**Qualified Individual:** An individual who has met the requirements for Section 3 of the End-of-Life Options Act, which requires that an individual has capacity, a terminal illness, voluntarily made the request for medical aid in dying, and the ability to self-administer the medical aid in dying medication.

**Self-Administer:** An affirmative, conscious, and voluntary act to ingest a pharmaceutical substance.

**Terminal Illness:** A disease or condition that is incurable and irreversible, and that in accordance with reasonable medical judgement, will result in death within six months.

## POLICY

1. The Act permits certain Qualified Individuals who have a Terminal Illness to request a medication to Self-Administer.
2. The Act permits health care entities to prohibit its employees, independent contractors or other persons or entities, including other health care providers, from participating in activities under this Act while on premises owned or under the management or direct control of that prohibiting health care provider or while acting within the course and scope of any employment by, or contract with, the prohibiting health care provider.
3. The hospital, through its Governing Body, has adopted this policy to reflect the hospital's choice not to permit patients to Self-Administer medications on the hospital's premises, and not to permit any physician, nonphysician licensed independent practitioner, or advanced practice professional with clinical privileges at the hospital to write a prescription for an individual who intends to Self-Administer.

## **Guidelines**

- The hospital does not participate in Self-Administering of medications. Specifically:
  - a. The hospital does not permit patients to Self-Administer medication on the hospital premises.
  - b. The hospital does not provide or dispense medication to any individual for the purpose of the individual to Self-Administer under the Act.
  - c. The hospital does not permit any physician, non-physician licensed independent practitioner, or advanced practice professional with clinical privileges at the hospital to write a prescription for medication for an individual who intends to Self-Administer the medication on the hospital's premises.
- The hospital will notify members of the Medical Staff of this Policy through written notice sent to each physician's e-mail or office address.
- The hospital will notify patients through written notice via the Consent to Treat and Conditions of Admission form, as well as the hospital website.
- If a patient at the hospital wishes to request medication in order to Self-Administer under the Act, the patient may transfer his/her care to another health care provider. The hospital will, upon the patient's request, transfer the patient's medical records to the new health care provider.
- Nothing in this policy affects the obligation of the hospital, its staff, and affiliated physicians to follow the hospital's policies regarding advance directives, Do Not Resuscitate Orders, and other policies governing end-of-life care and decision-making.