

Please do not enact SB0443 End-of-Life Option Act  
(The Honorable Elijah E. Cummings and the Honorable Shane E. Pendergrass Act)

This text of this 21 page bill certainly reflects due diligence in attempting to document requirements and prohibitions for an individual to request aid in dying. The problem is that there are so many junctures in this process where the attending physician is charged with making life-ending decisions without having adequate knowledge of the individual who is making the request.

The bill states that the attending physician "MEANS THE LICENSED PHYSICIAN WHO HAS PRIMARY RESPONSIBILITY FOR THE MEDICAL CARE OF THE INDIVIDUAL AND TREATMENT OF THE INDIVIDUAL'S TERMINAL ILLNESS." The text of the bill states that the attending physician, when presented with an individuals written request, shall determine whether the individual:

- (I) IS A QUALIFIED INDIVIDUAL;
- (II) HAS MADE AN INFORMED DECISION; AND
- (III) HAS VOLUNTARILY REQUESTED AID IN DYING.

(I) Qualification equates to residency which is reasonably straight forward to prove with the any of the documents listed in the text of the bill.

(II) An informed decision DOESN'T REQUIRE a mental health evaluation of the individual. The bill states:

(C) AN ATTENDING PHYSICIAN SHALL ENSURE THAT AN INDIVIDUAL MAKES AN INFORMED DECISION BY INFORMING THE INDIVIDUAL OF:

- (1) THE INDIVIDUAL'S MEDICAL DIAGNOSIS;
- (2) THE INDIVIDUAL'S PROGNOSIS;
- (3) THE POTENTIAL RISKS ASSOCIATED WITH SELF-ADMINISTERING THE MEDICATION TO BE PRESCRIBED FOR AID IN DYING;
- (4) THE PROBABLE RESULT OF SELF-ADMINISTERING THE MEDICATION TO BE PRESCRIBED FOR AID IN DYING; AND
- (5) ANY FEASIBLE ALTERNATIVES AND HEALTH CARE TREATMENT OPTIONS, INCLUDING PALLIATIVE CARE AND HOSPICE.

In the absence of being absolutely certain that the requesting individual has the mental health and emotional stamina to understand these 5 pieces of information, merely providing the information is not safeguarding the individual who is requesting assistance in dying.

The bill does require the attending physician to refer the individual to a consulting physician who is additionally required to IF REQUIRED

UNDER § 5-6A-06 OF THIS SUBTITLE, REFER THE INDIVIDUAL FOR A MENTAL HEALTH PROFESSIONAL ASSESSMENT

And 5-6A-06 states:

IF, IN THE MEDICAL OPINION OF THE ATTENDING PHYSICIAN OR THE CONSULTING PHYSICIAN, AN INDIVIDUAL MAY BE SUFFERING FROM A CONDITION THAT IS CAUSING IMPAIRED JUDGMENT OR OTHERWISE DOES NOT HAVE THE CAPACITY TO MAKE MEDICAL DECISIONS, THE ATTENDING PHYSICIAN OR THE CONSULTING PHYSICIAN SHALL REFER THE INDIVIDUAL TO A LICENSED MENTAL

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