

MEDICAL AID IN DYING PATIENT FACT SHEET

Elizabeth Whitefield End-of-Life Options Act

On June 18, 2021 Elizabeth Whitefield End-of-Life-Options Act became law. This law allows a patient who has a terminal disease with a prognosis of 6 months or less to request a prescription to self-administer in order to obtain a peaceful death.

The process involves an individual submitting a written request, witnessed by two individuals, to a qualified health care provider. Two qualified healthcare providers must complete an appropriate examination, review the medical record and document that the individual meets the requirements listed below. At that point, one of those providers may write a prescription for medications that the individual may choose to self-administer in order to obtain a peaceful death. Individuals who are already enrolled in hospice care at the time they make the request require documentation from a single qualified healthcare provider (a physician) rather than two. There is a 48-hour waiting period from the time that an individual obtains a prescription and a pharmacist fills it.

Requirements for Individuals Seeking Medical Aid in Dying

Any individual seeking medical aid in dying in New Mexico must meet the following criteria:

- Adult. Only persons 18 or older are eligible for medical aid in dying.
- Capacity. Only individuals who have the 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 are eligible for medical aid in dying. Capacity for purposes of eligibility must be determined by a qualified health care provider based on professional standards. And if there are concerns that a mental health condition or intellectual disability is affecting that capacity, an individual may be referred to a mental health professional for an assessment before Medical Aid in Dying can be prescribed.
- Diagnosis of a terminal illness. Defined as a disease or condition that is incurable and irreversible and that, in accordance with reasonable medical judgment, will result in death within six months
- Ability to self-administer medication. Only individuals who have the ability to take an affirmative, conscious, voluntary action to ingest a pharmaceutical substance are eligible for medical aid in dying.

Understanding Options

It is important that anyone being treated for an illness with a terminal prognosis understand all of their options for care. These include:

- Disease Treatment Options
- Palliative Care: focused on reducing the symptoms and suffering from a serious illness, available at all stages of that illness

- Hospice Care: caring for someone with a terminal disease and a prognosis of six months or less.
- Treatment for symptoms such as pain or anxiety
- Do Not Resuscitate Orders (may be part of other care decisions)
- Voluntarily stopping medical treatments that are no longer effective or wanted
- Voluntarily stopping eating and drinking
- Medical Aid in Dying

Your healthcare provider can help you understand these options. Several may be used in parallel.

Qualified Health Care Providers

In New Mexico, physicians, osteopathic physicians, nurse practitioners and physician assistants may prescribe under the Elizabeth Whitefield End-of- Life Options Act. However, one of the two providers documenting that a patient meets the requirements for medical aid in dying must be a physician. And it is the physician who must document that the individual requesting medical aid in dying has a terminal illness with a prognosis of less than six month, has decisional capacity and can self-administer the medication. Qualified health care providers are not required to participate in providing prescriptions for medical aid in dying and may choose to refer patients to another provider who willing to work with a patient on a medical aid in dying request. Mental health professional means a state-licensed psychiatrist, psychologist, master social worker, psychiatric nurse practitioner or professional clinical mental health counselor.

Prescriptions

Prescriptions for medications to be used for medical aid in dying are highly specific and need to be dispensed by certain pharmacies prepared to handle the medications. The medications are “compounded,” which means mixed together into a powder, which will be mixed with liquid at the time they are used. Your prescribing provider will clarify which pharmacy can accept a prescription. Most providers will send the prescription “electronically” directly to the pharmacy. The law requires a 48-hour waiting period before an individual can pick up their medication. At this time, no insurance plan covers the cost of these medications.

[\(Add in references to the future NMEOLO site\)](#)