

California Code of Regulations
Title 17, Division 2
Chapter 1- General Provisions
SubChapter 10: End of Life Option Act
Article 1- General
Sections 51000, 51001, 51002

Section 51000: End of Life Option Act

(a) All terminally ill individuals residing in a developmental center or state-operated facility under the jurisdiction of the Department of Developmental Services shall receive appropriate and necessary medical care for their terminal condition, including counseling, hospice, and palliative care, as deemed appropriate by the individual's interdisciplinary team.

(b) Except as provided in Section 51002, the Department of Developmental Services shall not provide aid-in-dying drugs under the End of Life Option Act, Part 1.85 (commencing with Section 443) of Division 1 of the Health and Safety Code, to any terminally ill resident in a developmental center or state-operated facility, and shall not permit its employees, independent contractors, or other persons to provide the end of life option on the premises of any Department facility or while acting within the course and scope of any employment by, or contract with, the Department.

Authority: Sections 4441, 4449, 4484, 4485, Welfare and Institutions Code; Sections 443.14, 443.15, Health and Safety Code. Reference: Sections 443-443.22, inclusive, Health and Safety Code, Division 1, Part 1.85.

Section 51001. Individuals Determined to be Terminally Ill and Choosing to Exercise End of Life Option Act

For any individual residing in a developmental center or state-operated facility under the jurisdiction of the Department of Developmental Services who is diagnosed with a terminal disease, as that term is defined in the End of Life Option Act (at Health and Safety Code, section 443.1(g)), and who wishes to exercise his or her rights under the End of Life Option Act, the Department shall take the following actions:

(a) For individuals residing at the Sonoma Developmental Center, the Fairview Developmental Center, the general treatment program of the Porterville Developmental Center or a state-operated facility, the Department and appropriate regional center shall make arrangements to transfer the individual to an appropriate community facility that will permit the individual to

exercise his or her rights under the End of Life Option Act. The transfer shall be made only if it is medically feasible, and the transfer may be delayed until the individual is ready to ingest the aid-in-dying drug if the individual wishes to remain at the developmental center or state-operated facility until that time. The transfer shall comply with the requirements of the Lanterman Developmental Disabilities Services Act, its implementing regulations, and the Department's existing policies and procedures. The transfer shall be as soon as possible consistent with the individual's desires and medical status, but in no instance later than 30 days from the date the individual with the terminal illness expresses his or her desire to exercise rights under the End of Life Option Act. The transfer made pursuant to this subdivision shall be a provisional placement from the developmental center or state-operated facility, and the individual has a right of return to the developmental center or state-operated facility if he or she decides not to ingest aid-in-dying drugs after being transferred to the community facility.

(b) For individuals committed to a Department facility pursuant to Penal Code section 1370.1 for competency evaluation, the Department shall file and serve a notice to the committing court, district attorney, public defender or other counsel for the defendant, and regional center that the defendant seeks to exercise his or her rights under the End of Life Option Act. The notice shall be filed and served no later than within seven days of the date the defendant expresses his or her desire to exercise rights under the Act. The Department shall seek to secure a prompt hearing following the filing of the notice to the district attorney, public defender or other counsel for the defendant, and regional center to make recommendations to the committing court. The regional center shall identify for the court a community facility, if any, that will allow the defendant to exercise his or her rights under the End of Life Option Act.

(c) For individuals committed or transferred to a Department facility pursuant to Welfare and Institutions Code section 6500 et seq., the Department shall file and serve a notice to the committing court, district attorney, public defender or other counsel for the individual, and regional center that the person seeks to exercise his or her rights under the End of Life Option Act. The notice shall be filed and served no later than seven days after the date the person expresses his or her desire to exercise rights under the Act. Within 30 days of service of the notice, the individual's regional center shall identify an appropriate community facility, if any, that will allow the individual to exercise his or her rights under the Act. Within seven days of the regional center's identification of the community facility, the Department shall issue the notice specified in Welfare and Institution Code section 6509, subdivision (d), of the Department's intent to transfer the individual to the community facility identified by the regional center. Pursuant to Welfare and Institutions Code sections 6500 and 6502, any interested person may move the court to

terminate a commitment made pursuant to section 6500 et seq. for any person identified as having a terminal condition.

Authority: Sections 4440, 4441, 4449, 4484, 4485, 6500, 6509, Welfare and Institutions Code. Section 1370.1, Penal Code. Reference: Sections 443-443.22, inclusive, Health and Safety Code, Division 1, Part 1.85.

Section 51002. Appeal to the Director

If the regional center is not able to identify an appropriate community facility that will allow the individual residing at the Sonoma Developmental Center, the Fairview Developmental Center, the general treatment program of the Porterville Developmental Center, or state-operated facility to exercise his or her rights under the End of Life Option Act, the executive director of the developmental center or state-operated facility shall inform the individual verbally and in writing of the right to appeal to the Director of the Department of Developmental Services to permit him or her to ingest aid-in-dying drugs at the developmental center or state-operated facility. If the individual states his or her desire to appeal, the Director shall consider the totality of circumstances in granting or denying the appeal, and shall issue his or her decision within 14 days of the appeal.

Authority: Sections 4404, 4440, 4441, 4449, 4484, 4485, Welfare and Institutions Code. Reference: Sections 443-443.22, inclusive, Health and Safety Code, Division 1, Part 1.85.