



Assisted Dying Service

Considering assisted dying

November 2021

Information for a person who is terminally ill and wants to know more about assisted dying

Assisted dying is a sensitive topic and may be difficult for some people. If reading this information raises some distressing feelings for you, support is available. You can call or text **1737** for free to speak to a trained counsellor at any time.

This document contains general information about assisted dying. It does not replace the advice of your health care team. If you would like to know about assisted dying, speak to your doctor or health care team about the options. This document will be reviewed and updated from time to time; please make sure you have the latest version. (Last updated – November 2021)

Summary

- If you have a terminal illness and are nearing the end of your life you have several options for end-of-life care, including palliative or hospice care.
- You can talk to your doctor, health care team, whānau, and other people who are important to you, to help you decide what care is best.
- Assisted dying may also be an option for you. You need to be assessed to find out if you meet the strict eligibility criteria. Not everyone with a terminal illness will be eligible for assisted dying.
- Only you can choose to access assisted dying. You can also choose to stop the process at any time for any reason.
- You will need to raise assisted dying with your doctor or health care team. They cannot suggest assisted dying to you.

- Not all doctors will provide assisted dying services. You can find a doctor to help you by contacting the Ministry of Health by phone on 0800 223 852 or by email at **AssistedDying@health.govt.nz**.
- Whānau, friends, carers or support people can play an important role in supporting you through the assisted dying process.

What are my options for end-of-life care?

If you have a terminal illness and are nearing the end of your life, you have several options for care and support. Deciding what end-of-life care is best for you is a personal choice.

Your doctor and health care team can discuss the options with you. You may also find it helpful to talk to your whānau, friends or other people who are important to you.

Palliative care

Palliative care can play an important role in supporting a person who has a terminal illness and their whānau. Palliative care helps make a person feel more comfortable by reducing their suffering. It can help them manage symptoms of their illness, and can provide additional support for their whānau. This care aims to maintain or even improve their quality of life for as long as possible. It can be provided at home, in hospital or in a community facility, like a hospice or residential aged care facility.

You can speak to your doctor or health care team to find out what palliative care is available. They can help you access palliative care, or make changes to the care you are already receiving. You may be able to access palliative care through your doctor, or they can refer you to a palliative care service, such as a hospice.

You can find more information about palliative care on **the Ministry of Health's website** by searching 'palliative care', or on Hospice New Zealand's website: **www.hospice.org.nz**.

Assisted dying

Assisted dying involves someone taking or being given medication to end their life. In New Zealand Aotearoa, assisted dying is available to a person who has a terminal illness that is likely to end their life within six months. There are strict eligibility criteria to have an assisted death. Not everyone with a terminal illness will be eligible.

If you want to find out if you are eligible for assisted dying, you must raise it with your doctor or health care team. They cannot suggest it to you.

There is a formal process set out in the End of Life Choice Act 2019 (the Act) for the assisted dying service. To be eligible, two doctors need to assess that you meet all the eligibility criteria. If either of these two doctors have concerns about whether you are competent to make an informed decision about assisted dying, you may also be assessed by a psychiatrist. More information is available in *The Assisted Dying Process* information sheet.

Assisted dying and other end-of-life care

Using the assisted dying service does not stop you from also getting other end-of-life care, including palliative or hospice care. If you choose assisted dying, the doctor supporting you through this process will talk to you about what end-of-life care is available to you. They will help you access additional end-of-life care if you'd like.

You can continue to access other end-of-life care, such as palliative and hospice care, while using the assisted dying service. It's important that this care continues to help you manage your symptoms, in case you are not eligible for assisted dying, or you change your mind.

You may find out if you are eligible for assisted dying, but choose not have an assisted death. This may be because other care, such as palliative or hospice care, can help manage suffering in a way that you are comfortable with.

Advance care planning

Advance care planning is the process of thinking about, talking about and planning for future health and end-of-life care. If you have a terminal illness, it is a good idea to complete an advance care plan. Doing this can help you, the people who are important to you, and your health care team to plan for your care as you near the end of your life.

An advance care plan can include what care you do or do not want to receive. This is especially important if your illness means that you may not be able to make decisions for yourself in the future.

An advance care plan can also cover what is important to you as your illness progresses, like your values or what quality of life means to you. It can also cover considerations for after you die, such as what kind of funeral you'd like.

You can put that you would like assisted dying in your advance care plan, but doing so simply notes that this is a preference. Advance care plans or advance directives cannot be used to give consent for assisted dying in New Zealand Aotearoa. You must be assessed as part of the assisted dying process to ensure you are eligible, and be able to make an informed decision about assisted dying at the time the medication is administered.

Your health care team can support you with advance care planning. They can give you an advance care plan to fill out, or you can download one from the advance care planning website:

www.myacp.org.nz. This website has more information about advance care planning, including a guide for Māori whānau called *Whenua ki te whenua*.

Will I be eligible for assisted dying?

You must have a terminal illness that is likely to end your life within six months to be eligible for assisted dying. You must meet other strict criteria and go through a formal assessment process that is set out in law.

You cannot choose assisted dying solely because you are suffering from a mental disorder or mental illness, have a disability or are of advanced age.

To be eligible, two independent doctors must assess and agree that you are eligible. You may also need to be assessed by a psychiatrist (a doctor who specialises in mental health).

Eligibility criteria

You must meet **all** of the following criteria to be eligible. You must be:

- aged 18 years or over
- a citizen or permanent resident of New Zealand
- suffering from a terminal illness that is likely to end your life within six months
- in an advanced state of irreversible decline in physical capability, which means that your illness must be getting worse and affecting your physical capability to do everyday tasks, like looking after yourself
- experiencing unbearable suffering that cannot be relieved in a way that you consider tolerable, which could be based on your physical symptoms or how you feel about your illness – it will be different for everyone
- competent to make an informed decision about assisted dying, which means you can understand, remember, use, and consider information about assisted dying, and can communicate your decision in some way.

The criteria will be fully explained to you during the assessment process.

You must fit all the criteria when you are assessed and when the medication is administered. You may become ineligible if your situation changes after an assessment.

There is more information about eligibility criteria in *The Assisted Dying Process* information sheet.

I don't think I meet the eligibility criteria

If you are considering assisted dying, but are unsure whether you meet the criteria, it is still important to talk to your doctor or health care team. They can discuss assisted dying with you, as well as other treatment or care options, such as palliative or hospice care.

You may want to involve your whānau or other people who are important to you for support as you work out what your options are.

If you are feeling upset or distressed about not being eligible for assisted dying, it is important to talk to someone about how you are feeling and get support. You could talk to your doctor or health care team, or someone else you trust. You can also call or text 1737 for free to speak to a trained counsellor at any time.

Who can I speak to about assisted dying?

Talking to your whānau and other people who are important to you

Choosing what end-of-life care is right for you is an important decision. Only you can choose assisted dying. Your whānau, family, friends or health care team cannot make this decision for you.

You also don't have to tell your whānau about your decision if you don't want to. However, talking with people who are important to you can help. This may include community leaders, or cultural and spiritual advisors. You also may want to talk with health professionals, like a social worker or a counsellor.

You, your whānau, or other people who are important to you, might want to talk about:

- what is important to you as your illness progresses
- what treatment or end-of-life care you have tried or found helpful
- the values or beliefs that are important to you
- who or what might best support you and your whānau
- what you want the end of your life and your death to be like
- your experiences of loved one's deaths and what you thought was positive or negative
- why you are considering assisted dying.

You and your whānau might want to use an advance care plan as a tool to guide these conversations about what end-of-life care you want.

Your whānau might find it helpful to read the *Supporting someone who is using the assisted dying service* information sheet.

Talking to your doctor

Your doctor or someone else in your health care team will be able to give you more information about assisted dying, your current condition, and what care might be available to you. This includes telling you about the options that are available to help manage your symptoms, such as palliative care.

You can raise assisted dying with anyone in your health care team, but only doctors can start the formal process for assisted dying.

Not all doctors will provide assisted dying services, but your doctor will tell you how you can get help to start the process. They can also still provide advice about your other care.

Your doctor will not be able to tell you right away whether you are eligible for assisted dying. You must go through a formal assessment process.

Starting the conversation about assisted dying

You will need to raise the topic of assisted dying, as your doctor or other health professional cannot suggest it to you. This is part of the assisted dying law.

If you want to talk about assisted dying, it is very important to make it clear that this is what you want to talk about. It is helpful if you use the term 'assisted dying', but you don't have to, as long as it's clear what you are asking for. Here are some examples of what you could say.

- I would like to talk about assisted dying.
- How can I access the assisted dying service?
- Can you help me get the medication to end my life?
- I want to use the service from the End of Life Choice Act.

Your doctor or health professional may ask you some questions to clarify what you are asking about. They may also ask you about your current health and the care you are already getting. This will help them understand why you are asking about assisted dying and help you explore your options.

It might be helpful to think in advance about what you'd like to tell your doctor or health care team. You may want to write some notes or collect your thoughts about what is important to you, how you are feeling about your illness, your current care, or about dying in general. If you have an advance care plan, you might like to take this with you to this appointment.

If you've talked to your whānau or other people about these topics already, you might also want to tell the doctor about these conversations. Your whānau or a support person can also come with you to your appointment if you'd like.

Not all doctors will provide assisted dying

If you choose assisted dying, you will have a doctor who supports you through the process. This doctor is known as your attending medical practitioner. They might already be involved in your care, such as your general practitioner or specialist.

Some doctors do not provide assisted dying. They may not have the experience or skills needed, or they may choose not to due to their personal beliefs.

If you raise assisted dying with your doctor, and they don't provide this service, they need to:

- explain why they don't provide assisted dying services
- connect you with a doctor who can be your attending medical practitioner, or tell you how to find one.

The Support and Consultation for End of Life in New Zealand (SCENZ) Group holds a list of doctors who provide assisted dying services. To get in touch with them about finding an attending medical practitioner, contact the Ministry of Health by phone on 0800 223 852 or by email at **AssistedDying@health.govt.nz**.

You will be given a clinical advisor to help you, and they will work with the SCENZ Group to find you an attending medical practitioner.

You can also contact the Ministry of Health without speaking to your doctor or health care team if you do not feel comfortable talking to them about assisted dying. However, it is recommended you speak to your doctor or health care team first. This allows them to support you and your whānau with your overall care and managing your symptoms, even if they are not involved in the assisted dying service.

What is the process for accessing assisted dying?

This is an overview of the assisted dying process. *The Assisted Dying Process* information sheet has a more detailed step-by-step guide to this process.

There is a formal process set out in law

Once you have an attending medical practitioner, there are certain steps that must be followed by law before you can have an assisted death.

Each step may be made up of more than one appointment. The medical or nurse practitioner involved at each step can visit you if needed. Telehealth appointments (such as by phone or video call) may also be possible for some of these steps.

The process for accessing assisted dying is set out in the Act. The steps involved include:

- you making a formal request for assisted dying to your attending medical practitioner
- your attending medical practitioner assessing whether you are eligible
- a second, independent doctor assessing whether you are eligible
- if required, a psychiatrist assessing whether you are competent to make an informed decision
- planning for the assisted death (including choosing a date, time and the method for administering the medication, as well as social, cultural or spiritual considerations)
- your attending medical or nurse practitioner giving the medication.

Your attending medical practitioner will explain this process in more detail when you make a request for assisted dying. They are there to support you and answer any questions you and your whānau have.

You will also have a clinical advisor from the Ministry of Health who can provide support or information to you and your whānau throughout the process.

The process for assisted dying can stop at any time

If you change your mind

You can change your mind about assisted dying any time before the medication is administered. All you need to do is tell your attending medical practitioner, that you have changed your mind.

You could also tell the clinical advisor at the Ministry of Health, or one of the other medical practitioners who is assessing your eligibility. In this case, the attending medical practitioner will contact you to discuss your decision and help connect you to other care.

You will also be asked if you want to continue just before the medication is administered.

If you are being pressured into this option

Only you can choose to access assisted dying. It must be your informed choice, and you must make this choice without pressure from anyone else. Whānau, carers, welfare guardians or holders of an enduring power of attorney cannot request assisted dying on your behalf.

If the attending medical practitioner, or one of the other medical practitioners who is assessing your eligibility, thinks you are being pressured, then the process must stop. The attending medical practitioner will talk to you about this and can help you access care or support if you need it.

If you feel you are being pressured into assisted dying, you must tell your attending medical practitioner, another health professional you trust, or the clinical advisor at the Ministry of Health.

If you do not want to speak to a health professional, you can contact the Health and Disability Commissioner (HDC) by phone on 0800 11 22 33 or by email at hdc@hdc.org.nz. The HDC's role is to protect your rights when accessing health services and to resolve complaints.

If you ever feel unsafe or are worried that someone will hurt you, contact the Police.

If you are not eligible

If either of the assessments finds that you don't meet the criteria for assisted dying, your attending medical or nurse practitioner will explain the reasons to you and your whānau, and help connect you to appropriate care. You can ask questions or for more information about your options.

You also may become ineligible after the assessment process if your situation changes. For example, if you lose competency to make an informed decision, the process will stop, and you will not be able to have an assisted death.

What does an assisted death involve?

An assisted death involves medication being administered to end a person's life. You can choose to take the medication yourself (with your attending medical or nurse practitioner present), or you can ask your attending medical or nurse practitioner to administer the medication.

In most cases, your attending medical practitioner will support you with the planning for the assisted death and administer the medication. Some people may also have an attending nurse practitioner who will work with your attending medical practitioner for this part of the process.

You can choose where your assisted death will take place. Many people will want this to be in their own home. You can have your whānau or other people there if you choose. You and your whānau can also follow social, cultural or spiritual practices that are important to you.

If you are eligible for assisted dying, you will be able to make decisions about your assisted death and what matters to you and your whānau. Your attending medical or nurse practitioner will provide advice to help you make decisions related to your medical care.

You and your whānau can also use the assisted dying care plan, *My Journey, My Needs*, to write down any thoughts or decisions about your assisted death. Your attending medical practitioner will give you a copy, and you can also download one from the **Ministry of Health's website**.

Your whānau can be involved in the assisted dying process

Your whānau can be involved throughout the assisted dying process if you want them to be.

Whānau may mean different things for different people. It may be one person or many people, and could include your partner, children, siblings, extended family, friends or other people who are important to you.

Your attending medical practitioner will ask to speak to your whānau as part of the assessment. They can only do this with your permission.

You might want to think about other ways your whānau could be involved. This could be attending appointments with you, or helping to plan for your assisted death. Your whānau can also continue to provide personal help, care and comfort up until the time of your death.

Your whānau might find it helpful to read the *Supporting someone who is using the assisted dying service* information sheet.

Support from the Ministry of Health

Your clinical advisor at the Ministry of Health will support you and your whānau, by answering questions and providing information or advice if you need it.

The clinical advisor will also work with the SCENZ Group to connect you with the practitioners needed for the assisted dying process. This includes helping you find an attending medical practitioner if your doctor does not provide assisted dying services, or connecting you to an independent medical practitioner or psychiatrist, if needed.

Do I have to pay for assisted dying services?

You do not have to pay for appointments or medications that are part of the assisted dying service. You may still have to pay for other costs that are part of your wider health care, such as:

- the cost of the appointment where you first talk about assisted dying (even if your existing doctor then becomes your attending medical practitioner)
- the cost of any appointments that are not specifically related to the assisted dying service (even if your existing doctor is your attending medical practitioner)
- the cost of prescriptions that are needed for your overall health care, such as pain relief.

You should keep talking to your doctor or others in your health care team about any care you might need during the assisted dying process, as this will be provided as usual.

For more information

More information about the assisted dying service is available on the **Ministry of Health's website**.



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