

CALIFORNIA NATURAL DEATH ACT

SUMMARY AND GUIDELINES FOR PHYSICIANS

Any person who is at least 18 years of age and of sound mind may sign a Natural Death Act Declaration. A valid Declaration must be signed by the declarant (patient) and by two qualified witnesses. If a declarant is physically unable to sign a Declaration, the law provides that another person may sign for the declarant "at the declarant's direction and in the declarant's presence." The provision of health services or insurance cannot be conditioned on whether a person has or has not signed a Declaration.

When a Declaration Becomes Effective

A Declaration becomes effective when all of the following three conditions are met: (1) The Declaration is communicated to the attending Physician; (2) the declarant is diagnosed and certified in writing to be in a terminal or permanent unconscious condition by the attending physician *and* a second physician who has personally examined the patient; and (3) the declarant is no longer able to make decisions about the administration of life-sustaining treatment. If the declarant is pregnant and this is known to the physician, the Declaration may *not* be given effect during the pregnancy.

Obligations of Health Care Providers

The California Natural Death Act imposes several obligations on health care providers presented with a Declaration:

1. A copy of the Declaration must be placed in the patient's medical record.
2. A health care provider who is furnished a copy of a Declaration and is unwilling to comply with it must immediately inform the patient of this fact. A provider who is unwilling to comply with the Act must take "all reasonable steps as promptly as practicable to transfer care of the declarant to another physician or health care provider who is willing to do so."
3. Upon determining that a patient is in a terminal or permanent unconscious condition (defined as irreversible coma or persistent vegetative state), an attending physician who knows of a Declaration must record the determination and the terms of the Declaration in the patient's medical record. If a copy of the Declaration has not already been placed in the medical record, it must be filed in the record at this time.
4. When a Declaration is revoked and the revocation is communicated to the attending physician or other health care provider by the declarant or a witness to the revocation, the physician or other health care provider shall make the revocation a part of the declarant's medical record.
5. Comfort care and treatment for the alleviation of pain must be provided, regardless of whether life-sustaining treatment has been withheld or withdrawn.
6. The Natural Death Act does not require or authorize health care providers to take any action contrary to reasonable medical standards, and does not override other provisions of the law that prohibit mercy killing, assisted suicide, or an affirmative or deliberate act or omission to end life other than to permit the natural process of dying.

Immunities

The Natural Death Act provides broad immunities from civil and criminal prosecution, professional disciplinary action, and administrative or other sanction to health care providers who withhold or withdraw life-sustaining treatment pursuant to a Declaration, provided they act in accordance with reasonable medical standards and believe in good faith that their action is consistent with the Act and the desires expressed in a Declaration.

Health care providers may presume that a Declaration is valid in the absence of knowledge to the contrary, and are not liable for acting on a Declaration in absence of knowledge of its revocation. Death resulting from the withholding or withdrawal of a life-sustaining treatment in accordance with the Act does not constitute a suicide or homicide.

Additional Information

For additional information about the California Natural Death Act, see *Guide to Advance Directives* published by the California Medical Association. For ordering information, write to CMA Publications at P.O. Box 7690, San Francisco, CA 94120-7690 or call 1-800-882-1-CMA.