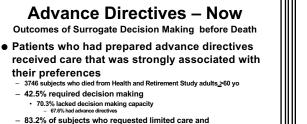
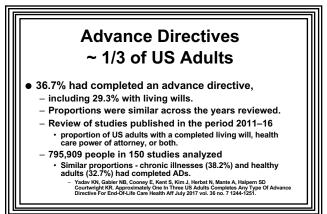


Greater % of patients dying *Out* of Hospital

- Lower likelihood of dying in an acute care hospital, an increase and then stabilization of intensive care unit use during the last month of life, and an increase and then decline in health care transitions during the last 3 days of life
- 2015 compared with 2000
- Among Medicare fee-for-service beneficiaries who died
 Tero JM, Gozalo P, Trivedi AN, Bunker J, Lima J, Ogarek J, Mor V. Site of Death, Place of Care, and Health Care Transitions Armong US Medicare Beneficiaries, 2000-2015. JAMA 2015;320(2):264-271.



- 97.1% who requested comfort care received care consistent with their preferences
- 5/10 (50%) of subjects who requested all care possible received it, but the group was far more likely to receive aggressive care Silveira MJ, Kim SYH, Langa KM. N Engl J Med 2010;362:1211-1218.



Advance Directives 2018 Oregon – values section added; notary can take place of 2 witnesses - https://healthcare.oregon.gov/shiba/Doc uments/advance_directive_form.pdf Washington – notary option

California ADs & Organ Donation California advance directive form

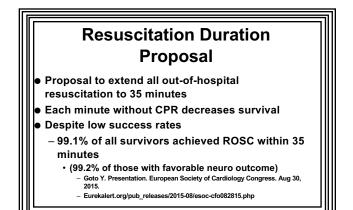
- amendment for organ donation
- "I authorize my agent to consent to any temporary medical procedure necessary solely to evaluate and/or maintain my organs, tissues, and/or parts for purposes of donation.
- http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB321 1
 - Cal. AB-3211 Advance health care directives

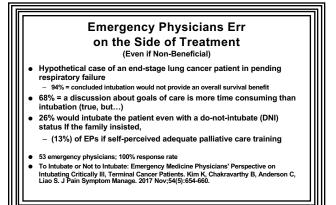
Nora Harris - VSED

- Nora Harris, Ashland OR woman with Alzheimer's x 10 yrs. not taking food, spoon feeding started Husband said wife's advance directive stated didn't want life prol
- filed suit to stop spoon-feeding
- State ombudsman's office
- not assisting by spoon feeding would be a violation of state law Judge refused to order spoon-feeding stopped
- Facilities must provide "assistance with eating (e.g., supervision of eating, cueing, or the use of special utensils), according to Oregon Administrative Rules Jackson County, OR, July 13, 2016. <u>http://www.malithume.com/ws/2016918.akinad-woman-didnt-want-life-prolonged-but-state</u>
- Patient died Oct. 11, 2017
- Aleccia J. Dementia Patient At Center of Spoon-Feeding Controversy Dies. Kaiser Health News. Oct 12, 2017.
- https://khn.org/news/dementia-patient-at-center-of-spoon-feeding-controversy-

Cardiopulmonary Resuscitation Indication: Reversible arrhythmia from cardiac or other cause ٠ Everyone (with few exceptions) assumed to be "full code" unless ordered otherwise. Some rhythms better than others: VF vs. PEA The sooner the response the better (EMS, Bystander CPR, AEDs) • - BUT Not indicated for everyone in cardiac arrest • • Not wanted by everyone in cardiac arrest Overall CPR survival rates are WAY lower than most people think . Survival to discharge thought >75% Sufficience of the second https://www.reuters

Solution in-hospital = DNR orders





POLST Paradigm

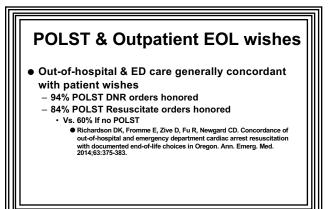
Physician Orders on Life-sustaining Treatment

- Translation of patient wishes into portable prehospital physician orders
 - Resuscitation, Intubation, Artificial nutrition and hydration, Antibiotics, Dialysis

Widespread adoption

Also known by different acronyms depending upon the state in which it has been adopted. New York Medical Orders for Life Sustaining Treatment (MOLST), North Carolina Medical Orders for Scope of Treatment (MOST), West Virginia and Idaho Physicians Orders for Scope of Treatment (POST), and Vermont Clinician Orders for Life-Sustaining Treatment (COLST).

 Schmidt TA, Hickman SE, Tolle SW, Brooks HS. The physician orders for life-sustaining treatment (POLST) program: Oregon emergency medical technicians' practical experiences and attitudes. J Am Gerätterics Soc. 2004; Sc1430-1434.

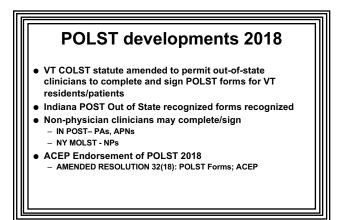


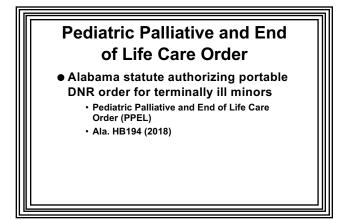
POLST & Out of Hospital Cardiac Arrest (OHCA)

- Oregon (= "Mature" POLST State)
- Oregon has 50% better survival rates of OHCA with CPR vs. national

 (15.4% vs 10.6% survival to hospital discharge) with better cognitive outcomes
- Oregon has lower rate attempted resuscitation in nursing homes (6.2% vs. 10.6%)
- Note: Correlations, not proven cause and effect

 CARES Summary Report. Demographics and Survival Characteristics of OHCA. April 14, 2016.





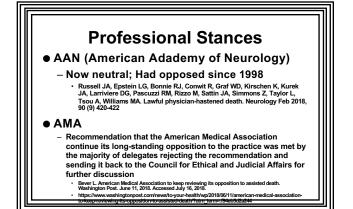


Allegation: Failure to do CPR

- Patricia Smithmyer, RN charged in NY with misdemeanor willful violation of health laws and felony falsifying business records
- Possible 4 year imprisonment
- Resident w/ COPD, Alzheimer's, full code
- Alleged: Patient has resp. arrest while defendant (supervising RN)f in room, did not provide or direct others to provide; patient died
- Alleged: false written statement that did not witness resp. arrest
 - Kingston Nurse Charged With Failure To Give Life-saving Care To Nursing Home Resident; Patricia Smithmyer Charged With Falsifying Records; Faces Jail Time. NY Atty. Gen. Press Release. <u>http://www.ao.nv.gov/press-release/kingston-nurse charged-failure-give-life-saving-care-nursing-home-resident</u>

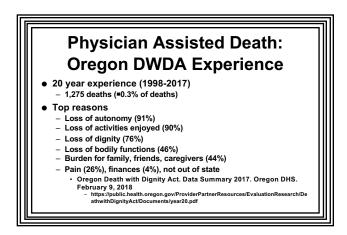
Aid in Dying/ Physician Assisted Suicide [AID/PAS]

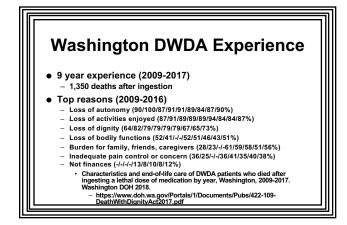
- Physician Assisted Death
- Physician Assisted Aid-in-Dying [AID]
- Medical Assistance in Dying [MAID]
- Death with Dignity [DWD] Acts

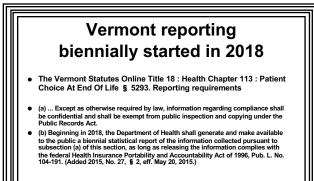


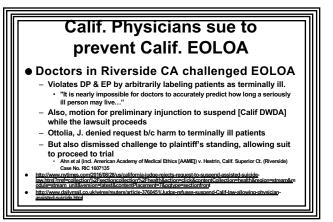
Oregon et al statutory provisions

- Terminal condition
- Adults
 - With decision making capacity
 - Able to take medication
- Resident of State
- Waiting periods for request & Rx & fill
- Reporting requirements



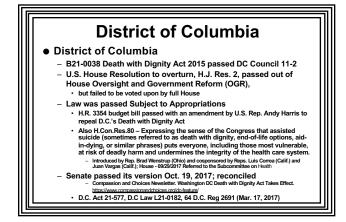






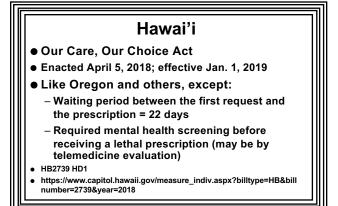
California EOLOA Temporary Reinstatement • May 24, 2018 ruled legislation

- unconstitutional on procedural issue invalidating the EOLOA
- Calif. App. Ct. suspended & stayed this judgment, reinstated EOLOA
- Ahn et al (incl. American Academy of Medical Ethics [AAME]) v. Hestrin, Calif. Superior Ct. (Riverside) Case No. RIC 1607135
- Cal. Ct. App. (4th Dist. 2nd Div.) 2018
 https://www.compassionandchoices.org/wp content/uploads/2010/00/Order-Stay-SRANTEL



Failed attempt to overturn DC

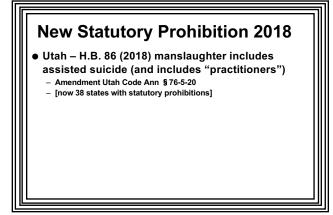
- (<u>H.R. 3354</u>)
- amendment by U.S. Rep. Andy Harris (MD) to repeal the D.C. Death with Dignity Act
- Excluded from final bill

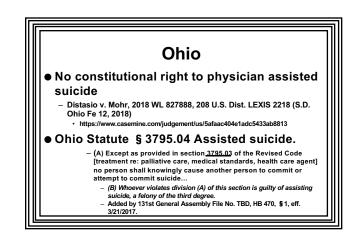


Call for Uniform Reporting Abbott JT, Glover JJ, Wynia MK. Accepting Professional Accountability: A Call For Uniform National Data Collection On Medical Aid-In-Dying. Health Affairs. Nov. 20, 2017 10.1377/hblog20171109.33370

Aid-in-Dying Legislative Bills

- New York
- A2383-A, New York Medical Aid in Dying Act
- Maine ballot petition 2019
- Unsuccessful:
 - AK, AZ, CT, DE, IN, KS, MA, MI, MN, MO, NB, NJ, OK, PA, RI, TN, UT, WI





Final Exit Network v. Swanson 2018

• Federal 1st Amendment federal suit • 18-cv-01025 D. Minn.

 FEN "seeks a declaratory judgment that Minn. Stat. 609.215, subd. 1, ...violates its First Amendment protected rights ..."

• prohibits FEN to "assist" another in suicide, when the critical element of "assistance" is met solely by ...First Amendment protected speech.