

Court Reinstates End of Life Option Act Pending Further Hearings

On June 5, I wrote about the [suspension of the California End of Life Option Act \(“EOLOA”\) in the wake of Ahn v. Hestrin and several related court proceedings in May](#).

On Friday, June 15, the Fourth District Court of Appeal determined that the EOLOA will in fact remain enforceable pending further proceedings. Thus, eligible Californians who have requested end-of-life drugs in accordance with the EOLOA may continue with the process described in that law. Likewise, physicians may entertain requests for end-of-life drugs and, if their patients take the steps required by the law, prescribe them. Pharmacies will be able to fill the prescriptions, and all other forms of participation described in the law may continue.

This ruling was lauded by the California Attorney General, Xavier Becerra, who requested an immediate stay of the recent ruling that invalidated the EOLOA pending further proceedings.

Of course, this is still a time of uncertainty and it will take time for these issues to be fully addressed by the courts. The practical advice contained in my June 5 update may still be useful in considering communications with residents and staff about the EOLOA and acknowledging its legal limbo; however, at least for the time being, providers need not be concerned that it is illegal to participate under the EOLOA.

We should know more after the June 29 hearing at which the Riverside County Superior Court will consider a motion to vacate filed by the Attorney General.

Readers with questions are welcome to contact the author.

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