



April 13, 2021

The Honorable Thomas Umberg
Chair, Senate Judiciary Committee
State Capitol, Room 2187
Sacramento, CA 95814

SUBJECT: SB 380 (Eggman) – Oppose (as amended April 5, 2021)

Dear Senator Umberg:

The Alliance of Catholic Health Care, which represents California’s Catholic-affiliated health systems and hospitals, must oppose SB 380 (Eggman), that amends the End of Life Option Act (EOLOA). The authors of the original 2015 legislation committed to “build protections in this [measure] that are stronger than the protections in any of the states where this has been practiced” and emphasized that participation in the Act would “allow **voluntary** participation by physicians, pharmacists and health care facilities.” Less than five years after the implementation of the EOLOA, SB 380 would weaken or remove the very “safeguards” included to secure the support for the original measure.

AB 380 seems to severally limit or eliminate the protections of health facilities who chose not to participate in the Act. Specifically, the language in the bill on this subject is less than clear. Section 443.15(a) of the amended bill would seem to only allow a health facility to prohibit affiliated health providers from writing prescriptions for the lethal medications on the health facility premises, but possibly only allowing the latter prohibition **if** they know the qualified individual intends to ingest the lethal medication while on hospital premises. All other protections for health facilities contained in the original legislation would be deemed unallowable. Further, the bill as amended restricts a health facility’s ability to take any action against an employee and others as described should they violate a hospital’s policy that would prohibit their participation in the Act. This is hardly voluntary participation.

Also, we believe the author and Legislature may want to consider adding additional transparency provisions to ensure more data is readily available to stakeholders. The state does not report on all of the data elements it currently collects on EOLOA, as allowed by law. This has been an area of concern for both proponents and opponents, and other stakeholders. We believe that the state has a duty to be as transparent as possible in sharing the EOLOA data. We understand there have been requests of the California Department of Public Health (CDPH) to either report on all of the data collected on the state-mandated forms (as other states with similar laws allow) or release the de-identified data to independent researchers to analyze. The data would help the state, researchers, and others to evaluate and monitor trends in the use of the law – before we eliminate the sunset provisions of this bill.

Also of concern is that CDPH has testified at informational hearings of the Select Committee on End of Life Health that the forms physicians are required to complete by law are not all compliant; however, the Department has no enforcement authority to

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ensure compliance. It was stated that all other non-reported data was retained for 3 years, after which CDPH indicated it will then be destroyed. It would seem good public policy to have a comprehensive review regarding the collection, dissemination and retention of data related to such critical health care data.

For these reasons, we must oppose SB 380 (Eggman).

Sincerely,

A handwritten signature in black ink, appearing to read "Lori C. Dangberg". The signature is written in a cursive, somewhat stylized font.

Lori Cappello Dangberg

Vice President

cc: Senator Susan Talamantes Eggman
Honorable Members, Senate Judiciary Committee