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SANTA BARBARA • SANTA CRUZ

Mary Gauvain Telephone: (510) 987-0887 Email:mary.gauvain@ucop.edu Chair of the Assembly of the Academic Senate Faculty Representative to the Regents University of California 1111 Franklin Street, 12th Floor Oakland, California 94607-5200

June 24, 2021

SUSAN CARLSON, VICE PROVOST ACADEMIC PERSONNEL

Re: UC Health Participation in Activities under the End of Life Option Act

Dear Susan,

As requested, I distributed for systemwide Senate review proposed revisions to the UC Presidential Policy, "UC Health Participation in Activities under the End of Life Option Act." Nine Academic Senate divisions submitted comments. These comments were discussed at Academic Council's June 23 meeting and are attached for your reference.

We understand that the Policy updates and makes permanent a 2016 interim UC policy that defines the University's compliance with the End of Life Option Act, a California law that allows certain terminally ill adults with the capacity to make medical decisions to request a prescription for an aid-in-dying drug. The UC Policy emphasizes that the participation of individual UC Health employees in these activities is strictly voluntary.

The Academic Senate supports the policy, but we also have some outstanding questions. First, we want to ensure that the individual opt-out clause does not present an undue burden to patients who want to exercise their rights under the End of Life Option Act. Each UC medical center should employ staff who are committed to the principles of the Act and whose duties include providing information, support, and guidance to individuals who wish to exercise the option, including referrals to medical personnel who are willing to assist them. Another question is whether the opt-out clause could potentially open the door to physicians refusing to provide other services or treat other conditions. This is a complex matter with no easy answer, but it may be worth considering in a broader and more deliberate way. Finally, the Senate recommends that the Policy clarify any special considerations or legal requirements around minors, as well as the role of a non-participating physician in a patient's continuing care, and whether those physicians would be allowed to provide "counter advice" to the patient regarding ending their life.

We appreciate the opportunity to comment. Please do not hesitate to contact me if you have additional questions.

Sincerely,

May Gawain

Mary Gauvain, Chair Academic Council

cc: Academic Council

Senate Directors

Executive Director Baxter

Encl.



DAVIS DIVISION OF THE ACADEMIC SENATE ONE SHIELDS AVENUE DAVIS, CALIFORNIA 95616-8502 (530) 752-2220 academicsenate.ucdavis.edu

June 16, 2021

Mary Gauvain

Chair, Academic Council

RE: Proposed Presidential Policy: UC Health Participation under the End of Life Option Act

Dear Mary,

The proposed Presidential Policy: UC Health Participation under the End of Life Option Act was forwarded to all standing committees of the Davis Division of the Academic Senate. The Faculty Executive Committee of the School of Nursing (SON) responded.

SON supports UC Health's direction and the rights of individual employees. The Davis Division appreciates the opportunity to comment.

Sincerely,

Richard P. Tucker, Ph.D.

Chair, Davis Division of the Academic Senate

University of California, Davis

Ducker

Enclosed: Davis Division Committee Responses

c: Hilary Baxter, Executive Director, Systemwide Academic Senate
Michael LaBriola, Assistant Director, Systemwide Academic Senate
Edwin M. Arevalo, Executive Director, Davis Division of the Academic Senate

Proposed Presidential Policy: UC Health Participation in Activities under the End of Life Option Act

FEC: School of Nursing Committee Response

June 4, 2021

Our FEC reviewed the proposed policy and the policy was shared with our clinical faculty to seek additional input. We appreciate UC Health's thoughtful direction: not to opt out but acknowledging the rights of individual employees to refrain from participating in activities authorized under the Option Act – with provider participation strictly voluntary. We do not have any additional input or comments to offer at this time. Thank you.



Academic Senate 307 Aldrich Hall Irvine, CA 92697-1325 (949) 824-7685 www.senate.uci.edu

June 2, 2021

MARY GAUVAIN, CHAIR ACADEMIC COUNCIL

RE: SYSTEMWIDE REVIEW OF PROPOSED PRESIDENTIAL POLICY ON UC HEALTH PARTICIPATION IN ACTIVITIES UNDER THE END OF LIFE OPTION ACT

Dear Chair Gauvain,

The Irvine Division Senate Cabinet discussed the proposed Presidential policy on UC Health participation in activities under the End of Life Option Act at its meeting on June 1, 2021. The Council on Faculty Welfare, Diversity, and Academic Freedom (CFW) also reviewed the proposed policy. The Council's comments are attached and additional feedback from Cabinet members is below.

Cabinet members agreed with CFW that this is an enormously serious and sensitive issue, and that terminally ill adult patients choosing to exercise their rights under the Option Act should not be further traumatized by the process of finding a healthcare provider, only to be refused care. Members felt that UC Health had an obligation to assist patients in this situation. However, some members felt that a public website or list of participating physicians was inappropriate, as these providers may be subject to harassment from those who disagree with the law. It was suggested that a social worker or dedicated UC Health staff should assist patients with finding a physician who provides services authorized under the Option Act.

Some members felt there should be mandatory compliance with the law, however. They expressed grave concern that by allowing individual employees to opt out from participating in activities authorized under the Option Act, UC Health was opening the door to physicians refusing to treat other conditions, or certain individuals, based on their personal beliefs.

The Irvine Division appreciates the opportunity to comment.

Sincerely,

Jeffrey Barrett, Chair

Academic Senate, Irvine Division

Cc: Joanna Ho, Chair Elect

Kate Brigman, Executive Director Gina Anzivino, Associate Director

Brandon Haskey-Valerius, Cabinet Analyst





Academic Senate Council on Faculty Welfare, Diversity & Academic Freedom 307 Aldrich Hall Irvine, CA 92697-1325 (949) 824-7685 www.senate.uci.edu

May 17, 2021

JEFFREY BARRETT, CHAIR ACADEMIC SENATE – IRVINE DIVISION

Re: Systemwide Review of Proposed Presidential Policy on UC Health Participation in Activities under the End of Life Option Act

Systemwide Senate Chair Gauvain has forwarded for review a proposed Presidential Policy on UC Health Participation in Activities under the End of Life Option Act. The policy would replace an interim policy issued in 2016.

The Council on Faculty Welfare, Diversity, and Academic Freedom (CFW) s this issue at its meeting on May 11, 2021 and members had the following comments:

- 1. Members agreed that this is an enormously serious and sensitive issue due to the careful reflection and heartbreaking reality checks one must go through to choose to end one's own life. However, once someone does so it seems particularly cruel that a medical professional can opt out of assisting that patient. Therefore, members strongly advocated for some way to communicate (on a webpage, from a list one may request) to prospective end-of-life decision patients that a particular MD will not assist.
- 2. Does assistance with end-of-life then depend on which MD one happens to have? There needs to be clear information made available about the situation and various options a patient may have before it gets to the point of an end-of-life decision.
- 3. The pivotal provision here is that healthcare providers who "opt out" must nonetheless *inform* patients about all options and *refer* them to other providers who are willing to participate.
- 4. There is a great difference between having a Do Not Resuscitate (DNR) and a physician honoring that and asking a physician to help end a life. MDs are currently faced with many treatment requests with which they do not agree for many reasons both ethical and medically. They are allowed to use their discretion and expertise to not participate. Hence the people we hear about who go to another country for a treatment that their doctors will not do here. As well, MDs already face great pressure from insurance companies related to medical treatments even to the level of how long they meet with patients for certain types of appointments and this external meddling has not benefitted anyone. Finally, MDs are people with individual belief systems. Forcing a MD who does not wish to participate in ending a life or whose specialty directly contradicts ending a life, can present psychological stress to an already stressful position inhibiting their care and also create staffing issues.
- 5. Overall, members agreed that this policy should belong in the hands of medical professionals, not administrations.

Sincerely,

Terry Dalton, Chair Council on Faculty Welfare, Diversity, and Academic Freedom

C: Kate Brigman, Executive Director Academic Senate

Gina Anzivino, Associate Director Academic Senate



June 8, 2021

Mary Gauvain UC Academic Senate Chair

Re: (Systemwide Senate Review) Proposed Presidential Policy on UC Health Participation in Activities under the End of Life Option Act

Dear Chair Gauvain,

After review by appropriate standing committees, the Executive Board of the UCLA Division discussed the (Systemwide Senate Review) Proposed Presidential Policy on UC Health Participation in Activities under the End of Life Option Act at its meeting on June 3, 2021. Members of the Executive Board unanimously endorsed the proposal as written.

Sincerely,

Shane White

Chair, UCLA Academic Senate

Encl.

Cc: Jody Kreiman, Vice Chair/Chair Elect, UCLA Academic Senate

Michael Meranze, Immediate Past Chair, UCLA Academic Senate

April de Stefano, Executive Director, UCLA Academic Senate



May 27, 2021

Shane White, Chair Academic Senate

Re: UC Health Participation in Activities under the End of Life Option Act

Dear Chair White,

At its meeting on April 28 2021, the Faculty Welfare Committee discussed the UC Health participation in activities under the End of Life Option Act. Committee members offered the following comments.

Members agreed with the changes to the policy, which they found to be mostly editorial. A majority agreed that not providing end of life services is an important clarification to include in the policy.

If you have any questions, please contact us via the Faculty Welfare Committee's interim analyst, Elizabeth Feller, at efeller@senate.ucla.edu.

Sincerely,

Huiying Li, Chair Faculty Welfare Committee

cc: Jody Kreiman, Vice Chair/Chair Elect, Academic Senate
Michael Meranze, Immediate Past Chair, Academic Senate
April de Stefano, Executive Director, Academic Senate
Elizabeth Feller, Interim Analyst, Faculty Welfare Committee
Members of the Faculty Welfare Committee

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OFFICE OF THE ACADEMIC SENATE, MERCED DIVISION ROBIN DELUGAN, CHAIR, DIVISIONAL COUNCIL

UNIVERSITY OF CALIFORNIA, MERCED

June 4, 2021

To: Mary Gauvain, Chair, Academic Council

Re: <u>Proposed Revised Presidential Policy for UC Health Participation in Activities under End of</u> Life Option Act

The Interim Presidential Policy for UC Health Participation in Activities under End of Life Option Act was issued in 2016, coinciding with the issuance of the End of Life Option Act (California Health and Safety Code §443, et seq.). The revised policy under review was proposed in consultation with UC Chief Medical Officers, UC Chief Nursing Officers and the UC Office of General Council. The proposed revised policy defines UC Health to explicitly include Student Health Centers, and spells out the specific responsibility of the Student Health Centers.

The Merced Division Senate and School Executive Committees were invited to comment on the proposed revised policy. Comments were received from the Committee on Research (CoR) and the Committee on Faculty Welfare and Academic Freedom (FWAF). All comments are appended for your consideration.

CoR and FWAF both endorse the proposed revisions. FWAF welcomes the addition of the FAQ section, which it found to offer helpful guidance.

The Merced Division thanks you for the opportunity to review this item.

Sincerely,

Robin DeLugan

Chair, Divisional Council

Rolin M. Deliga

UC Merced

Cc: DivCo Members

Hilary Baxter, Systemwide Senate Executive Director Michael LaBriola, Systemwide Senate Assistant Director

UCM Senate Office

Encl (2)
CoR memo
FWAF memo

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ACADEMIC SENATE, MERCED DIVISION COMMITTEE ON RESEARCH KARA MCCLOSKEY, CHAIR kmccloskey@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED 5200 NORTH LAKE ROAD MERCED, CA 95343

April 30, 2021

To: Robin DeLugan, Chair, Division Council

From: Kara McCloskey, Chair, Committee on Research (COR)

Re: Proposed Presidential Policy: UC Health Participation in Activities under the End of Life Option Act

CoR reviewed the proposed Presidential Policy: UC Health Participation in Activities under the End of Life Option Act. The committee endorses the proposed policy and appreciates the opportunity to opine.

cc: Senate Office

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ACADEMIC SENATE, MERCED DIVISION COMMITTEE ON FACULTY WELFARE AND ACADEMIC FREEDOM CAROLIN FRANK, CHAIR cfrank3@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED 5200 NORTH LAKE ROAD MERCED, CA 95343 (209) 228-4369

April 28, 2021

To: Robin DeLugan, Chair, Divisional Council

From: Carolin Frank, Chair, Committee on Faculty Welfare and Academic Freedom (FWAF)

Re: Presidential Policy for UC Health Participation in Activities under End of Life Option Act

FWAF reviewed the <u>proposed revisions</u> to the Presidential Policy for UC Health Participation in Activities under End of Life Option Act at its meeting on April 28, 2021. FWAF welcomes the addition of the FAQ section to provide helpful guidance, and is pleased to endorse the revisions.

FWAF appreciates the opportunity to opine.

cc: Senate office

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CHAIR, ACADEMIC SENATE RIVERSIDE DIVISION UNIVERSITY OFFICE BUILDING, RM 225 JASON STAJICH PROFESSOR OF BIOINFORMATICS RIVERSIDE, CA 92521-0217 TEL: (951) 827-6193 EMAIL: JASON.STAJICH@UCR.EDU

June 15, 2021

Mary Gauvain, Chair, Academic Council 1111 Franklin Street, 12th Floor Oakland, CA 94607-5200

RE: Systemwide Review of Proposed Presidential Policy: UC Health Participation in Activities under the End of Life Option Act

Dear Mary,

I write to provide the Riverside Division's response to the *Proposed Presidential Policy: UC Health Participation in Activities under the End of Life Option Act* and so have attached memos from Divisional standing and faculty executive committees.

Sincerely yours,
/s/Jason Stajich
Professor of Bioinformatics and Chair of the Riverside Division

CC: Hilary Baxter, Executive Director of the Academic Senate Cherysa Cortez, Executive Director of UCR Academic Senate Office





May 26th, 2021

To: Jason Stajich, Ph.D., Chair, Academic Senate, UCR Division

From: Declan McCole, Ph.D., Chair, Faculty Executive Committee, UCR School of Medicine

Subject: SOM FEC Response to Presidential Policy on UC Health Participation in Activities

under the End of Life Option Act

Dear Jason,

The SOM Faculty Executive Committee has reviewed the Presidential Policy on UC Health Participation in Activities under the End of Life Option Act. We are in agreement with the document and have no additional comments.

Yours sincerely,

Declan F. McCole, Ph.D.

Dellar Milde

Chair, Faculty Executive Committee

School of Medicine



Academic Senate

COMMITTEE ON FACULTY WELFARE

May 18, 2021

To: Jason Stajich

Riverside Division Academic Senate

From: Patricia Morton, Chair

Committee on Faculty Welfare

Re: [Systemwide Review] Proposed Presidential Policy: UC Health Participation in

Activities under the End of Life Option Act

The Committee on Faculty Welfare met on May 18, 2021 to consider the proposed Presidential Policy on UC Health Participation in Activities under the End of Life Option Act. CFW feels this is beyond the committee's purview and provided no further comment.



Academic Senate Susannah Scott, Chair Shasta Delp, Executive Director

1233 Girvetz Hall Santa Barbara, CA 93106-3050 http://www.senate.ucsb.edu

June 16, 2021

To: Mary Gauvain, Chair

Academic Senate

From: Susannah Scott, Chair

Santa Barbara Division Swamah & Srott

Systemwide Review of Proposed Presidential Policy: UC Health Participation in Activities Re:

under the End of Life Option Act

The Santa Barbara Division distributed the proposed revised policy to the Council on Faculty Welfare, Academic Freedom, and Awards, and the Committee on Diversity and Equity. Overall, the Santa Barbara Division supports UC Health's decision not to opt out of the End of Life Option Act, although the individual opt-out clause caused both committee's to express concern about the ability of all patients to exercise their rights without undue burden in the event that all providers in a particular area opt out. The Committee on Diversity and Equity links this concern to the need for UC to engage in broader conversations about health care access. We attach both individual memos for your consideration.

We thank you for the opportunity to comment.

Academic Senate Santa Barbara Division

June 8, 2021

To: Susannah Scott, Divisional Chair

Academic Senate

From: Lisa Parks, Chair Winfords

Council on Faculty Welfare, Academic Freedom, and Awards

Re: UC Health Participation in Activities under the End of Life Option Act

The Council on Faculty Welfare, Academic Freedom, and Awards met on June 2, 2021 to discuss the UC Health Participation in Activities under the End of Life Option Act.

Members were unanimous that people in all areas should have access to the appropriate resources to exercise their rights under the End of Life Option Act. They stressed that the policy should ensure that patients do not face undue burdens or costs associated with this decision, and this should be guaranteed by the University of California.

CC: Shasta Delp, Executive Director, Academic Senate

Academic Senate Santa Barbara Division

June 9, 2021

To: Susannah Scott, Divisional Chair

Academic Senate

From: Melissa L. Morgan, Chair

Committee on Diversity and Equity

Re: UC Health Participation in Activities Under the End of Life Option Act

At its meeting of June 7, 2021, the Committee on Diversity and Equity (CDE) discussed the proposed UC Health Participation in Activities Under the End of Life Option Act. CDE acknowledges UC Health's option to not "opt out," and supports this inclusivity. However, CDE sees potential access issues if all employees at a certain provider location individually opt out of participating in the End of Life Option. How will these decisions be made? What are the procedures for opting out? How do we prevent the influence of other employees? CDE would also have liked to see more information about the broader context for this policy. There are parallels between the End of Life Option Act and other healthcare services such as abortion, which some providers that UC contracts with will not provide. What broader conversations are happening about healthcare access within the UC system?

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CC: Shasta Delp, Executive Director, Academic Senate

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1156 HIGH STREET SANTA CRUZ, CALIFORNIA 95064

Office of the Academic Senate SANTA CRUZ DIVISION 125 CLARK KERR HALL (831) 459 - 2086

June 14, 2021

Mary Gauvain, Chair Academic Council

Re: Systemwide Review of Proposed Presidential Policy: UC Health Participation in Activities under the End of Life Option Act

Dear Mary,

The Santa Cruz Division has reviewed and discussed the proposed revisions to the Presidential Policy on UC Health Participation in Activities under the End of Life Option Act. Our Committees on Faculty Welfare (CFW) and Emeriti Relations (CER) responded. Although the University of California (UC) has not opted out of the program, as individual providers may decline to participate, it is not clear to the Santa Cruz Division how the UC can guarantee that an individual who would like to exercise the end-of-life option will be able to find medical personnel to assist them. As such, the Santa Cruz Division recommends that the UC require that each UC medical center employ staff who are committed to the principles of the end-of-life option and whose duties include providing information, support, and guidance to individuals who may wish to exercise the option. Additionally, we note that some UC medical center websites provide information on the program (e.g. UCLA¹ and UCSD²). We recommend that every UC medical center be required to do the same.

Thank you for the opportunity to comment on this proposed revision.

Sincerely,

David Brundage, Chair Academic Senate

Down Bundage

Santa Cruz Division

¹ https://www.uclahealth.org/end-of-life-option-act-resources-materials

² https://health.ucsd.edu/patients/yourhospitalstay/Pages/aid-in-dying.aspx

UC Santa Cruz Academic Senate

Response to Revisions to Presidential Policy: UC Health Participation in Activities under the End of Life Option Act 6/14/21

Page 2

cc: Nico Orlandi, Chair, Committee on Faculty Welfare Judith Aissen, Chair, Committee on Emeriti Relations

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OFFICE OF THE ACADEMIC SENATE

9500 GILMAN DRIVE LA JOLLA, CALIFORNIA 92093-0002 TELEPHONE: (858) 534-3640 FAX: (858) 534-4528

June 15, 2021

Professor Mary Gauvain Chair, Academic Senate University of California VIA EMAIL

Re: Divisional Review of UC Health Participation in Activities under the End of Life Option Act

Dear Professor Gauvain,

The proposed revisions to the UC Health Participation in Activities under the End of Life Option Act Presidential Policy were distributed to San Diego Divisional Senate standing committees and discussed at the June 14, 2021 Divisional Senate Council meeting. Senate Council endorsed the proposal, and had the following comments.

It is unclear if there are any special considerations for minors, and if parents can make the decision on behalf of their minor children. The policy does not state whether or not there is a requirement for legal counsel to be present to witness and notarize the patient's decision. In "Section VIII. Frequently Asked Questions," additional clarification may be helpful to explain the continuing role of a non-participating physician in the patient's care, and whether or not they are allowed to provide "counter advice" to the patient regarding not ending their life.

The response from the Divisional Committee on Faculty Welfare is attached.

Sincerely,

Steven Constable

Chair

San Diego Divisional Academic Senate

Steve Constate

Attachment

cc: Tara Javidi, Vice Chair, San Diego Divisional Academic Senate

Ray Rodriguez, Director, San Diego Divisional Academic Senate

Hilary Baxter, Executive Director, UC Systemwide Academic Senate

June 1, 2021

STEVEN CONSTABLE, CHAIR Academic Senate, San Diego Division

SUBJECT: End of Life Option Policy

The Committee on Faculty Welfare (CFW) reviewed the End of Life Option Policy revision at its May meeting. While the Committee had no objections to the revisions there were a few questions that were raised, which are enumerated below:

- 1. How will it be ensured that no coercion is imposed by, e.g. close relatives, prior to the physician coming in, towards influencing the patient one way or another?
- 2. What special considerations are there for minors? Can parents make the decision on behalf of their children who are minors?
- 3. Is there a requirement for legal counsel to be present to witness and notarize this? Isn't such a precaution imperative to preserve the legal sanctity of this important step?
- 4. In Section VIII. FAQ, for providers who opt not to participate, will they be allowed to provide "counter advice", either conscientious, moral or religious, to not ending life, as in the case of abortion?

Sincerely,

Shantanu Sinha, Chair Committee on Faculty Welfare

cc: T. Javidi





Office of the Academic Senate

500 Parnassus Ave, MUE 230 San Francisco, CA 94143-0764 Campus Box 0764 tel.: 415/514-2696

academic.senate@ucsf.edu https://senate.ucsf.edu

Sharmila Majumdar, PhD, Chair Steven Cheung, MD, Vice Chair Pamela Ling, MD, Secretary Jae Woo Lee, MD, Parliamentarian June 16, 2021

Mary Gauvain, PhD Chair. Academic Council Systemwide Academic Senate University of California Office of the President 1111 Franklin St., 12th Floor Oakland, CA 94607-5200

Re: UC Health Participation in Activities under the End of Life Option Act

Dear Mary:

UCSF's Clinical Affairs Committee has reviewed the proposed revisions to the Presidential policy on UC Health's participation in activities under the End of Life Option Act, which allows UC Health providers to prescribe and dispense Aid in Dying Drugs in accordance with the Act. In making these comments, we note these revisions do not significantly impact the policy, and provider participation is not required, but is strictly voluntary.

Therefore, our Division supports the revisions, which include:

- Capitalization of defined terms;
- Replacement "his/her" with "their";
- Student Health Center Compliance: The proposed revisions add a section that requires Student Health Centers to ensure and document compliance with the Act.
- FAQ: The proposed revisions add a frequently asked question: "How should Health Care Providers who have chosen not to participate in the Act communicate this information to patients who have requested information about the Act?"

On the last bullet point, the San Francisco Senate Division believes that this is a particularly important question to add to the FAQ, as there will inevitably be health care providers who will choose not to participate.

Thank you for the opportunity to provide feedback on this review. If you have any questions, please let me know.

Sincerely,

Sharmila Majumdar, PhD, 2019-21 Chair

S. Najundar

UCSF Academic Senate

Enclosures (1)

Cc: Kathleen Liu, Clinical Affairs Committee Chair





Clinical Affairs Committee Kathleen Liu, M.D., Ph.D., M.A.S., Chair

May 25, 2021

Sharmila Majumdar, Ph.D. Division Chair UCSF Academic Senate

Re: Systemwide Review of Proposed Revisions to Presidential Policy: UC Health Participation in Activities under the End of Life Option Act

Dear Chair Majumdar:

The Clinical Affairs Committee (CAC) reviewed the proposed revisions to Presidential Policy: UC Health Participation in Activities under the End of Life Option Act (the "Act") that are out for systemwide review.

The proposed revisions do not affect the heart of the policy, which allows UC Health providers to prescribe and dispense Aid in Dying Drugs in accordance with the Act. Provider participation is not required and is strictly voluntary.

The proposed revisions capitalize defined terms and replace "his/her" with "their". The proposed revisions add a section that requires Student Health Centers to ensure and document compliance with the Act. Last, the proposed revisions add a frequently asked question: "How should Health Care Providers who have chosen not to participate in the Act communicate this information to patients who have requested information about the Act?" CAC believes this is a helpful question to add to the policy, and CAC has no objections to the other proposed changes.

Thank you for the opportunity to review the proposed changes and to comment on this important policy.

Sincerely,

Kathleen Liu, M.D., Ph.D., M.A.S. Clinical Affairs Committee Chair