



MICHELLE LUJAN GRISHAM
Governor

DR. TRACIE C. COLLINS, M.D.
Cabinet Secretary

**PUBLIC HEALTH ORDER
NEW MEXICO DEPARTMENT OF HEALTH
CABINET SECRETARY DR. TRACIE C. COLLINS, M.D.**

July 1, 2021

Public Health Order directing health care providers to complete the Medical Aid in Dying Reporting Form as required by the Elizabeth Whitefield End-of-Life Options Act

PREFACE

The purpose of this Public Health Order is to formally publish the Medical Aid in Dying Reporting Form and notify participating health care providers of their obligation to submit the form to the New Mexico Department of Health Bureau of Vital Records and Health Statistics.

ORDER

WHEREAS, on April 8, 2021, Michelle Lujan Grisham, the Governor of the State of New Mexico, signed the Elizabeth Whitefield End-of-Life Options Act (the "Act") into law to respectfully provide terminally ill but still mentally competent adults the option of having medical assistance in bringing about their own death;

WHEREAS, the Act went into effect on June 18, 2021;

WHEREAS, the Act commands the New Mexico Department of Health (the "Department") under the Public Health Act to promulgate and adopt rules that establish the time frames and forms for participating health care providers who prescribe medical aid in dying medication to a qualified individuals to report necessary information;

WHEREAS, the Secretary issues this Public Health Order to ensure all necessary information required to be reported to the Department under the Act can be reported until the Department can conduct a formal rulemaking and promulgate regulations as required by the Act.

NOW, THEREFORE, I, Tracie Collins, Cabinet Secretary of the New Mexico Department of Health, in accordance with the authority vested in me by the Constitution and the Laws of the State of New Mexico do hereby **DIRECT AND ORDER** the following:

- (1) The following definitions apply to this Public Health Order:
 - a. "health care provider" means an individual authorized pursuant to the Act to prescribe medical aid in dying;
 - b. "medical aid in dying" means the medical practice wherein a health care provider prescribes medication to a qualified individual who may self-administer that medication to end that individual's life in accordance with the provisions of the Act; and

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c. "qualified individual" means an individual who has met the requirements to receive medical aid in dying pursuant to the provisions of the Act."

(2) Any health care provider who prescribes medical aid in dying medication must complete the Medical Aid in Dying Reporting Form (EOL-1) attached and incorporated by reference to this Public Health Order.

(3) The Medical Aid in Dying Reporting Form shall require participating health care providers to include the qualified individual's age at death, race and ethnicity, gender, underlying medical conditions, and their enrollment in hospice. The Form must also include whether or not the individual self-administered the medical aid in dying medication and on what date.

(4) The health care provider must submit the completed form to vital records within five (5) days of the qualified individual's death whether or not the aid in dying medication was self-administered, or from the date the provider becomes aware the patient opted to not self-administer the medication.

(5) This order shall take effect immediately and remain in effect until such rules are promulgated by the New Mexico Department of Health.

THIS ORDER supersedes any other previous orders, proclamations, or directives in conflict. This Order shall take effect immediately and shall remain in effect until otherwise rescinded.

ATTEST:

**DONE AT SANTA FE, NEW MEXICO
THIS 1ST DAY OF JULY 2021.**

**TRACIE C. COLLINS, M.D.
SECRETARY OF THE STATE OF NEW MEXICO
DEPARTMENT OF HEALTH**