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State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN, JR.
Governor

November 12, 2014

AFL 14-27

TO: All Healthcare Facilities

SUBJECT: AB 2139: Provision of End-of-Life Options Information and Counseling

AUTHORITY: Health and Safety Code (HSC) sections 442.5 and 442.7

This All Facilities Letter (AFL) provides notice of the enactment of Assembly Bill 2139 (Chapter 568, Statutes 2014). Effective January 1, 2015, when a health care provider (an attending physician, surgeon, physician assistant, or nurse practitioner) makes a diagnosis that a patient has a terminal illness, the health care provider is required to notify the patient or, when applicable, another person authorized to make health care decisions for the patient, of the right to receive comprehensive information and counseling regarding legal end-of-life options.

The notification may be provided at the time of diagnosis or at a subsequent visit in which the provider discusses treatment options with the patient or the other authorized person.

The information and counseling sessions may include a discussion of treatment options in a culturally sensitive manner that the patient and his/her family or, when applicable, another person authorized to make health care decisions for the patient, can easily understand.

If the health care provider does not wish to comply with the request for that information and counselling, the health care provider shall do both of the following:

- refer or transfer the patient to another health care provider for provision of that information and
- provide the patient, or the person authorized to make health care decisions for the patient, with information on procedures to transfer to another health care provider that shall provide the requested information.

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Please note that facilities are responsible for following all applicable laws. Any failure of the California Department of Public Health to expressly notify facilities of statutory or regulatory requirements does not relieve facilities of their responsibility for following all laws and regulations. Facilities should refer to the full text of all applicable sections of the HSC and Title 22 of the California Code of Regulations to ensure compliance.

If you have questions regarding any of the matters discussed in this AFL, please contact your local District Office.

Sincerely,

Original signed by Jean Iacino

Jean Iacino
Interim Deputy Director