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§ 9(2)(a)

By email: § 9(2)(a)
Ref: H2022016545

Tēnā koe § 9(2)(a)

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the OIA) to Manatū Hauora (the Ministry of Health) on 9 November 2022 regarding Assisted Dying services. Please find a response to each of your requests below.

I'd like to enquire about whether or not you're aware of any cases (published online publicly, or talked about at industry conferences), where some of the assisted dying patients published under "neurological conditions" are related to dementia? My understanding from some of the practitioners I've talked to is that this condition isn't covered under the "terminal" medical definition and isn't capable under assisted dying services. At least that's what I've been told. Obviously there's a time-limit on being able to make an informed decision with this condition, so I'm trying to find information relating to this as soon as possible.

Manatū Hauora publishes data from the Assisted Dying service quarterly. We also publish a Registrar (assisted dying) annual report annually as required by the legislation. You may find this here: www.health.govt.nz/system/files/documents/publications/registrar-assisted-dying-annual-report-jun22.pdf. The data is as detailed as possible commensurate with the Ministry's responsibilities under the Privacy Act 2020 to protect information which might identify individuals.

The neurological condition category contains conditions such as Motor Neurone Disease and its variants and Huntington's Disease. The End of Life Choice Act 2019 (the Act) specifically excludes anyone who is only suffering from any form of mental disorder or mental illness (Section 5(2) refers). Therefore, someone who solely has a dementia condition is excluded from accessing the assisted dying service. However, people who have another condition that fulfils the eligibility criteria in addition to dementia may be able to apply for an assisted death.

It is important to note that all applicants under the Act must retain competence throughout the process including on the day of the assisted death. If someone loses competence, then the process must stop.

The second thing I'd like to enquire about is whether or not you can release a list of practitioners who are nearest Mangere, Auckland, or allow for online consultations. If you don't have a list of practitioners by address, I'd be happy to look them up myself.

Manatū Hauora holds the list of practitioners prepared to provide the service, on behalf of the Support and Consultation for End of Life in New Zealand Group (the SCENZ Group). For safety and privacy reasons this list is not released to the public. People wanting to access practitioners on the list can do so by contacting the Assisted Dying Secretariat on 0800 223 852 or by email at AssistedDying@health.govt.nz. The Secretariat has clinical advisors who can talk about the process and the necessary steps. They can guide people through the process if they decide to make an application. The Secretariat will also find a practitioner on the SCENZ list if required. More information about the service is available here: www.health.govt.nz/our-work/life-stages/assisted-dying-service.

I trust this information fulfils your request. Under section 28(3) of the OIA, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: info@ombudsman.parliament.nz or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Manatū Hauora website at: www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests.

Nāku noa, nā



Ruihua Gu
**Acting Group Manager, Quality Assurance and Safety
Regulatory Services**