



January 25, 2024

Dear House Health Policy and Finance Committee Members:

We at the Minnesota Psychological Association (MPA) are writing to convey our concerns and recommendations for changes to the Medical Aid in Dying bill (HF1930/SF1813). At this time, MPA is neither in favor of nor opposed to the passing of a bill that grants permissions for MAID within the state of Minnesota. MPA acknowledges that MAID is different from euthanasia and that the current legislation works to protect and empower the patient who faces terminal illness. With that in mind, the following are MPA's recommendations to aid clarity to the bill language to allow for better understanding of Mental Health Professionals' role and responsibilities in the MAID process.

In particular, MPA would like proposed legislation to include:

- More clarity of what the mental health evaluation is to incorporate and what question the evaluation is seeking to answer. Section 2 subdivision 10 defines “mentally capable” as having “the ability to make an informed decision.” However, as psychologists will be asked to conduct these evaluations, clinicians will need to know specifically what they are being asked to assess.
  - More clarity in what is being asked of a mental health evaluator will help determine what professions are competent and qualified to provide such as evaluation. If neuropsychological/psychological instruments and assessment tools are required to determine one’s “ability to make an informed decision”, MPA maintains that other mental health professions do not possess the competency to provide psychological assessments. Psychologists are the only Mental Health Professionals trained in the use of psychological assessment and evaluation instruments, and, as such, should be the only Mental Health Professionals able to perform the requested evaluation.
  - Further, practitioners will need to educate and train themselves in this type of an evaluation to develop the skillset necessary to claim competency in this subset of practice. Psychologists need clarity in the language of the “mental health evaluation” to have a well-defined idea of what they are being asked to train and develop a competency within.

Given these concerns, MPA strongly advises legislators to consider these concerns and mandate that they be addressed adequately in any proposed legislation. Specifically, MPA urges legislators to use less ambiguous language and be more direct in stating that the mental health evaluation



needs to be a “capacity evaluation to determine medical decision-making,” as well as clarify that psychologists are to provide the evaluation due to the profession’s competency in assessment.

Finally, MPA strongly advises legislators to continue consulting with MPA on the crafting of this bill and its implementation in medical practice, particularly as it relates to the stipulation about incorporating a mental health evaluation when deemed necessary by treating physicians.

Respectfully,

Minnesota Psychological Association