

Dear PCC Member:

The following article from Brainstorm magazine is as thought-provoking as it is sobering. It contains quotes from a Kaiser administrator as well as a number of our members (including the directors of Not Dead Yet and the American Foundation for Suicide Prevention).

Please share this with anyone who may find it of interest.

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KILLING GRANDMA Editorial, Brainstorm Magazine, November, 1999

Debate, stifled by secrecy for the past year that Oregon's assisted suicide law has been in effect, has finally spilled over with the publication of a story about 85-year-old Kate Cheney's assisted suicide. The Oregonian's Erin Hoover Barnett chronicled Cheney's demise by lethal prescription. The October 17, 1999 article touched off a chain of responses that illustrate problems with the continuing debate, or lack thereof, on assisted suicide.

Following publication of the article, Dr. Gregory Hamilton of Physicians for Compassionate Care (PCC) broadcast emailed a letter about the potentially flawed decision-making process in Cheney's death. In particular he questioned the aspect of her physician evaluations: "This doctor had been assigned to Mrs. Cheney when her disgruntled daughter demanded a different physician for her mother, after her original doctor appeared less than enthusiastic about assisted suicide for her."

Hamilton, whose PCC group advocates against assisted suicide, continued: "When the psychiatrist said she was not eligible for assisted suicide, the daughter and the new doctor did not accept the opinion as the safeguard it was supposed to be. Instead, they sought another opinion from a second mental health professional, since there is nothing in the Oregon law to stop them from doing so... The final call came down to a single administrator, Dr. Robert Richardson... He gave the go-ahead for giving a lethal overdose to this elderly woman under pressure from her family. It was his call...Kaiser Permanente is a fully capitated HMO with a profit sharing plan for its doctors," Hamilton added.

E-mail responses to Hamilton flew fast and furious. Here's a sampling:

"Dr. Hamilton's comments, implying that a desire to save money motivates our physicians' decisions regarding terminally ill patients' mental capabilities, are both deeply offensive and have no basis in fact... We feel sorrow that Kate Cheney's family

and her caregivers were subjected to this mean-spirited, misinformed and undeserved attack. "Kaiser Permanente does not take a stand either for or against physician assisted suicide, but we respect the decision that Oregon voters have made. As such, Kaiser Permanente complies with Oregon's Death with Dignity Act."

-- Robert H. Richardson, M.D., Kaiser Permanente Ethics Services

"Equally confusing is your (Richardson's) statement, as a supposed ethicist, that one can participate in an activity without taking a stand for or against it. It is possible in Oregon to 'comply with the Death with Dignity Act' by refusing to participate. Kaiser Permanente health care providers are not merely complying with the act, they are supporting and participating in physician assisted suicide."

-- Karen L. Brauer M.S., R.Ph.

It was no accident that Barnett's article appeared before a key vote in Congress on assisted suicide. That legislation, sponsored by Rep. Henry Hyde, R-Ill., eventually passed the U. S. House of Representatives - overwhelmingly, as news reporters like to write. (This time it really was overwhelmingly - 271-156.) If passed by the Senate and signed by the President, it would essentially strike down Oregon's landmark initiative by outlawing the use of controlled substances to effect death, even while promoting their aggressive use for end-of-life pain management.

Predictably, responses to Hyde's bill were also fast and furious.

And also predictably, responses to both Hyde's bill and Hamilton's e-mail shared a common theme: How dare you question? How dare you question the Oregon law? How dare you question the way we carry out the Oregon law?

The talk shows buzzed -- the voters of Oregon had spoken. So shut up. No more discussion.

Many Oregonians rely on the argument that because the law passed, it is now somehow inappropriate to continue to discuss the hot-button issue of assisted suicide. Too few Oregonians understand that such an incredible, radical experiment in government social policy should signal just the beginning of rigorous scientific, ethical, and physical scrutiny.

It is a uniquely Oregon response. We passed the Bear-Cougar initiative - so don't even think about bringing it back up. No matter how many cougars are prowling your back yard, eating your cats, mauling your children. No more discussion.

We passed the lottery initiative. DO NOT bring that back up -- no matter how dependent our schools are on poor Oregonians throwing their money away on vain

hopes of big payoffs, no matter how many Oregon lottery addicts commit first person suicide. No more discussion.

Yes we voted on assisted suicide, twice. But if Oregonians thought that ended the discussion, they made a serious mistake. Oregon alone of the United States opened the door to assisted death and they will be looking hard in the face of death issues for some time to come. Rightly so.

The most pressing problem still is the lack of scrutiny built into Oregon's law, With the details of assisted deaths in Oregon shrouded in secrecy, discussion and evaluation of the law's successes or failures is effectively squelched. What does the public know of the 15 assisted suicides in Oregon? Next to nothing. Other states would most certainly be unwise to proceed on the Oregon precedent with such inadequate documentation of the law's efficacy.

Which brings us back to the article by Barnett on Cheney's death.

Poor Oregon. We are left to rely on the whims of a newspaper editor to select the story, a reporter to properly tell the tale, and a family to volunteer to go public. In this way, and only in this way, crucial public policy discussion begins and ends. Somehow it's hard to believe this is what the U.S. Supreme Court had in mind when they said that the states should engage in an "earnest and profound debate about the morality, legality, and practicality" of assisted suicide.

Questions that arose before Cheney's death must and will still linger long afterward. Questions like these from the e-mailed messages:

"Just how much dementia and how much coercion must be present before a vulnerable individual can be protected? How much opinion shopping may have been taking place? And why?" - Dr. Greg Hamilton, Physicians for Compassionate Care

"Mrs. Cheney makes her final decision after returning home from a nursing home where she was sent because of the strain of the situation on her daughter. Never does her daughter say 'Mom you are not a burden, we love you and we want you around as long as possible.' Would this have made a difference?" - Herbert Hendin

A woman with a severe neuromuscular disability who has used a motorized wheelchair since the age of eleven wrote, "Ms. Cheney appears to have been given the message that she had three choices - to be a burden on family, to go to a nursing home, or to die. After a week in a nursing home, an experience I wouldn't wish on my opponents except perhaps to educate them, it appears that Ms. Cheney felt she had

only one option. How is this a voluntary and uncoerced decision based on informed consent?" - Diane Coleman, J.D., Pres. Not Dead Yet

These are the questions the Supreme Court of the United States says we should all still struggle to answer. How many of us can answer them with dead certainty?