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The basic right to die with dignity

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In comments to the Association of Italian Catholic Doctors, it was reported from Vatican City that Pope Francis denounced the right-to-die movement, saying it's a "false sense of compassion" to consider assisted suicide an act of dignity when it's a sin against God and creation.

And just so there is no confusion about the Catholic Church's position, the Vatican's most senior bioethics official condemned as "reprehensible" the assisted suicide of Brittany Maynard, the 29-year-old California woman, who was suffering from terminal brain cancer, and who ultimately moved to Oregon so she could die with dignity.

Whatever your religion and however you view physician-assisted dying with dignity, the case of Brittany Maynard was a painfully difficult one.

Maynard was, by all accounts, a lovely, articulate and bright young woman. In the prime of her life, recently married and trying to have a family, she was diagnosed with glioblastoma, an aggressive form of brain cancer. To stop the tumor's growth, two brain surgeries followed the diagnosis and both unfortunately failed. Maynard and her family understood that no treatment would save her life and she was given a prognosis of just six months to live. Although she considered hospice care in San Francisco where she lived, for her the risks were simply too high: morphine-resistant pain, personality changes and cognitive and motor loss. Understandably, she felt this would cause an unacceptable nightmare for her and her family. She chose instead to relocate to Oregon, where physician-assisted dying with dignity is legal. Maynard passed away peacefully Nov. 2, in her bedroom with her husband, mother, step-father and best friend by her side.

Aiding the terminally ill to end their lives has long been condemned as immoral. However, this is changing. There is no federal law on the issue, and only five states now have laws aiding terminally ill patients.

Oregon was the first state to make dying with dignity legal. In 1997, Oregon's Death with Dignity Act became law, permitting prescriptions for lethal doses of medication when two physicians agree that a patient will expire within six months and is freely selecting this option. Citizens of the state of Washington voted for similar legislation in 2008. In 2009, the Montana Supreme Court in *Baxter v. Montana* ruled there was "no indication in Montana law that physician aid in dying provided to terminally ill, mentally competent adult patients is against public policy." Physicians who assist such patients in Montana are shielded from criminal liability by such patient's consent. And in 2013, the Vermont legislature approved a law similar to that in Washington, titled Act No. 39, relating to patient choice and control at the end of life. On Jan. 14, 2014, New Mexico Judge Nan Nash ruled that physicians who aid competent, terminally ill patients end their lives could not be prosecuted since that was not the same as the crime of assisted suicide. However, that was a limited ruling and was appealed in March by the state attorney general, who also requested a stay of Nash's ruling.

Here in California, we have no Death with Dignity Act. The last time California voters faced this issue was back in 2007. That bill contained similar provisions to Oregon's act, but imposed additional safeguards, such as counseling and a two-week waiting period. The bill failed partly due to opposition from religious groups and the continuing general argument of suicide's immorality.

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Gallup polls over the past 20 years, including the most recent in May, reflect that 70 percent of Americans are in favor of allowing doctors to assist terminally ill patients in ending their lives, and surveys by the Field Polls of California residents have collected the same statistics. So this would be a perfectly good time for the state Legislature to revisit this issue. By not having legislation in place that is in accord with what the majority of Californians are in favor of simply serves to prolong the act of dying quite badly rather than extending a life with any kind of quality.

However, California may be inching toward change. On Monday, the West Hollywood City Council unanimously passed the first resolution in California supporting dying with dignity. The resolution advocates that the Los Angeles County district attorney deprioritize physician and family member prosecutions when end-of-life medications are provided following a request by competent, terminally ill adults.

Perhaps the only good that will come from Maynard's horribly early and terribly sad demise is that her bravery, courage and grit in the face of insurmountable odds will force Californians to engage their elected leaders to once again revisit this issue of assisting terminally ill patients. This time hopefully it will result in statewide legislation that can provide terminal patients with some level of comfort and control as they face their onward journey.

On the very top of the list of things one hopes to never hear for oneself and loved ones, are those devastating words from a physician: "We have nothing in our vast medical arsenal to help you, you have six months to live, and your end will be completely debilitating, excruciatingly painful, and along the way, you'll lose your mind."

Those words were, in effect, what Brittany Maynard was told.

Maynard was fortunate in one sense: She and her family had the means to uproot themselves to a jurisdiction that would allow her the path to die with her dignity intact when a life with even a modicum of joy was no longer possible. But that ability to exercise that most basic of human rights should not depend on the state of one's bank account. That frankly is repugnant. Nor should it be the province of a religion the tenets of which a terminally ill patient does not believe.

Maynard wrote "I hope for the sake of my fellow American citizens that I'll never meet that this option [of death with dignity] is available to you. If you ever find yourself walking a mile in my shoes, I hope you would at least be given the same choice and that no one tries to take it from you."

Amen to that.

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