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March 2, 2003

To: House Judiciary Committee
The Honorable Eric G. Hamakawa, Chair
The Honorable Blake K. Oshiro, Vice-Chair
Honorable Committee Members

From: Nancy Pace, M.D., HFF Board

Re: **Strong Opposition** for HB 862, Relating to legalized assisted suicide
Hearing on Thursday, March 4, 2004

Fax to: House Sgl-at-Arms
For the House Judiciary Committee
Hearing on 03/04/04 (Thursday) @ 9:00 a.m.
35 Copies

Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii. As such, we **strongly oppose** HB 862, which would legalize doctor assisted suicide by allowing doctors to intentionally prescribe a lethal dose of medication to the patient to end his or her life. In addition, it would also promote doctor-shopping by giving the patient the right to find another doctor should their own doctor choose not to prescribe the lethal dose.

We **oppose** doctor assisted suicide for many reasons.

1. The so-called right to die will quickly turn into a **duty to die** for Hawaii's treasured kupuna.
2. Escalating healthcare costs, coupled with a growing elderly population, set the stage for an American culture eager to embrace alternatives to expensive, long-term medical care. In addition to the duty to die, assisted suicide will lead to **abuse and coercion of our most vulnerable citizens**: Hawaii's elderly, disabled, and depressed family members may be pressured or coerced into ending their lives.
3. Death may become a reasonable substitute to treatment and care as medical costs continue to rise. The **doctor-patient relationship will be destroyed**.
4. Clinically depressed and vulnerable patients will be delivered death not the clinical care they need and deserve.

No Rationale for Legalized Assisted Suicide - No Medical Reason to Die in Pain

There is no reason to legalize assisted suicide. There is no pain that can't be managed and there is no death that can't be dignified without resorting to suicide as a solution.

We believe that there are better medical alternatives. Terminally ill patients do not need to suffer a painful death. Today's pain management techniques can provide relief for up to 95 percent of patients, thus offering true death with dignity. [K.M. Foley, "The Treatment of Cancer Pain," The New England Journal of Medicine (1985): 313, pp. 84-95. I.R. Byock, "Kevorkian: Right Problem, Wrong Solution" [Letter to the Editor], The Washington Post, January 1994, p. A23. D. Colburn, "Assisted Suicide: Doctors, Ethicists Examine the Issues of Pain Control, Comfort Care and Ending Life," The Washington Post, 14 September 1993, p. Z7.] In addition, these same techniques can lessen pain and other symptoms for all patients. Another alternative is palliative care through hospice, which addresses the physical, emotional, and spiritual needs of dying patients and their families.

Hawaii is Improving Its End of Life Care

Since the beginning of Hawaii's public discussion of physician-assisted suicide, there have been dramatic improvements in Hawaii's end of life care. These have included both legislative and non-legislative initiatives such as; the 1999 Hospice legislation, 1999 Uniformed Healthcare Decisions Act, 2002 Cancer Pain Initiative/Narcotic Enforcement Proposal, National Pain Standards, Hawaii Cancer Pain Initiative, Kokua Mau, palliative care improvements, medical – nursing school curriculum updates, and other individual healthcare improvements. (See attached HPACC document).

Depressed Patients Deserve Treatment not Death

Doctor-assisted suicide ignores what may be a legitimate cry for help. Suicidal thoughts often indicate the presence of severe depression. A study of terminally ill hospice patients found only those diagnosed with depression considered suicide or wished death would come early. Patients who were not depressed did not want to die. [S. Barakat, J.H. Brown, P. Henteleff, C.J. Rowe, "Is It Normal for Terminally Ill Patients to Desire Death?" American Journal of Psychiatry (1986): 143:2, pp. 208-211.] Depression can and should be treated.

Doctor-Patient Relationship Destroyed

The practice of Doctor-assisted suicide threatens to destroy the delicate trust relationship between doctor and patient. Every day patients demonstrate their faith in the medical profession by taking medications and agreeing to treatment on the advice of their physicians. Patients trust that the physicians' actions are in their best interest with the goal of protecting life. Doctor-assisted suicide endangers this trust relationship.

Abuse & Coercion of the Vulnerable will be Reality-Safeguards Don't Work

Doctor-assisted suicide opens the door to euthanasia abuses. Allowing physicians to cross the line into killing does not stop with willing patients who request it. A case in point is in The Netherlands where doctors have practiced doctor-assisted suicide and euthanasia for more than a decade. Two Dutch government reports, conducted in 1990 and 1995, found that, on average, 26 percent of euthanasia deaths in Holland were "without the explicit consent of the patient." In 1995, 21 percent of the patients who were killed without consent were competent. [P.J. Van Der Maas, J.J.M. Van Delden, L. Pijnenborg, Euthanasia and Other Medical Decisions Concerning the End of Life (Amsterdam: Elsevier Science Publishers, 1992), pp. 73, 75, 181-182.] [P.J. Van Der Maas, G. Van Der Wal, I. Haverkate, et al. "Euthanasia, Physician Assisted Suicide, and Other Medical Practices Involving the End of Life in the Netherlands, 1990-1995," New England Journal of Medicine (1996): 335, pp. 1699-1705.]

Opposition is Diverse, Widespread

Finally, there is a broad coalition against this horrific practice. This coalition includes much of Hawaii's medical community, disability rights community, and those who care for Hawaii's elderly and dying citizens. The organizations on record as being **STRONGLY OPPOSED** to doctor-assisted death include: Hawaii Medical Association, Hawaii Nurses Association, Healthcare Association (Hawaii Hospitals & Nursing Homes), Hospice Hawaii, the Arc in Hawaii, Hawaii Cancer Pain Initiative, and Not Dead Yet.

Please oppose assisted suicide. We can do better than suicide as a solution.
Mahalo for your kind consideration.