

To: Representative Eric Hamakawa, Chair
House Judiciary Committee

RE: **HB 862** Death with Dignity

Date: Thursday, March 4, 2004

State Capitol Auditorium

My name is Patricia Lee. I am currently an advanced practice registered nurse, board certified as a Gerontological Nurse Practitioner. My area of specialization is in the care of the elderly and disabled. I am submitting this testimony in opposition of House Bill 862 which seeks to legalize physician assisted suicide and/or physician assisted death in Hawaii.

I am an active member of the Hawaii Nurses Association and have served on its *End of Life Care Task Force* as well as its *Ethics Committee*. I also served as a member of the **Governor's Blue Ribbon Panel on Living and Dying with Dignity** which released its report in May of 1998. I voted against the Panel majority's recommendation that PAS and PAD be legalized in Hawaii. In addition, I wrote an extensive dissenting report that can be found in Appendix M of the Report of the Governor's Blue Ribbon Panel on Living and Dying with Dignity. You will find that the report provides a substantial, though not exhaustive, review of the complex problems and ramifications associated with the legalization of PAS and PAD.

I have worked as a registered nurse in Hawaii for over 20 years. In recent years, I have provided primary health care services for elderly and disabled patients who reside in nursing homes and community based long term care settings. I currently oversee outpatient Geriatric services for a local health care organization. While working in the nursing profession, I have cared for people who have lost their lives to cancer and a number of other irreversible, terminal medical conditions. I have witnessed futile medical treatment administered in the absence of advance directives and in the presence of grieving and frightened family members. I have done home visits to lonely, depressed, and impoverished people with various disabilities. I have cared for patients with severe pain who were unable to afford the narcotics that have been prescribed for them to relieve their suffering.

Many of my patients and their family members are distressed that our state is seriously considering how PAS and PAD may be legalized. They are concerned about themselves and their loved ones who are facing ongoing serious health problems. Of the thousands of patients I have cared for during the course of my career, there have been very few who have asked for help to die instead of asking for help to live. Those who have asked for help to die in my presence were either in pain or were clinically depressed or cognitively impaired. Remarkably, I have had patients—completely immobile from progressive neurological disorders—continue to interact and participate in decision making with their families and providers through deliberate eye movements. They hung on tenaciously to life with supportive family members and artificial life prolonging technology—one to know that his child had successfully graduated college and gotten married; another to know that his children and wife were financially stable and provided for.

The implications of legalizing PAS and PAD have not been sufficiently examined and considered in our state. I can personally attest that the Governor's Blue Ribbon Panel did not

spend the same time examining or debating the implications of legalizing PAS and PAD as was given to the issues of how to improve care for the seriously and terminally ill in our state. Only cursory attention was given by the Panel majority to the well researched and documented issues raised in the literature nationally and internationally regarding the legalization of physician assisted suicide and physician assisted death. It is distressing that because of the careless and simplistic recommendation by the Panel majority that PAS and PAD be legalized, public education must now take place through a battle of media sound bites. This push toward legalizing physician assisted suicide and physician assisted death seriously detracts from the many excellent recommendations unanimously agreed upon by the Panel in 1998 that focus on improving the care of our seriously and terminally ill.

Representatives, I urge you to completely and thoughtfully examine this complex issue that has been brought before you. I am certain that you recognize the magnitude of your responsibility to the people you represent and your obligation to safeguard and defend the lives of Hawaii's most vulnerable, poor, and infirm citizens. **The potential for abuse and coercion makes legalized physician assisted suicide and physician assisted death dangerous for Hawaii's most susceptible citizens.** There is not convincing evidence that sufficient safeguards could be erected to prevent such abuse, making legalization of PAS and PAD poor public policy.

The emotional pleas and outcries of those demanding better care for the chronically and terminally ill are the voices we must respond to. To seriously present PAS and PAD as valid options detracts from the Panel's recommendations that would improve care of the seriously and terminally ill in Hawai'i. We must advocate for those who are suffering or who are terminally ill by: 1) improving pain relief and symptom management, 2) relieving financial burdens, 3) supporting caregivers, 4) reducing barriers to quality health care and related services, 5) increasing access to hospice care, 6) providing access to spiritual care, and 7) providing competent and effective psychosocial and emotional support. I firmly believe that advancements and improvements in these areas are where we must focus our energy and attention at this time. I trust that you will agree and that this bill will not be passed out of this committee.

Thank you for considering my testimony on this important issue. If I can be of further assistance, please do not hesitate to contact me.

Patricia Lee, MSN, APRN, Gerontological Nurse Practitioner

Governor's Blue Ribbon Panel on Living & Dying with Dignity, Former Appointee

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Attachment: Dissenting Report submitted by Patricia Lee, MSN
of the Governor's Blue Ribbon Panel on Living and Dying with Dignity,
May 12, 1998