



February 1, 2005

To: House Committee on Health
The Honorable Dennis Arakaki, Chair
The Honorable Josh Green, Vice-Chair,

Fax to: House Sgt. At Arms @586-6501
For the House Committee on Health
Hearing on: February 5, 2005 @ 9:00 a.m.
45 Copies

From: Kelly M. Rosati, JD
Executive Director, Hawaii Family Forum

Re: *STRONG OPPOSITION TO HB 1454, relating to death with dignity*

Hawaii Family Forum is a non-profit pro-family education organization committed to strengthening and preserving Hawaii's families. Most families in Hawaii will eventually face the difficult situation of caring for a loved one who is dying. As supporters of ohana, we support the concept of "death with dignity" for all Hawaii's people – **but we do NOT support physician-assisted suicide.**

All people of good will in Hawaii support the concept of death with dignity, but **death with dignity is not the issue – physician assisted suicide is the issue.**

The legislation at issue the past few years and before you today, HB1454, is about legalizing physician-assisted suicide, conduct currently classified as manslaughter under Hawaii's penal code – a very serious matter.

This legislation would define, for the first time in Hawaii law, a certain class of people for whom it is acceptable to intentionally assist in suicide.

Physician-assisted suicide is fraught with peril for Hawaii's elderly, poor, infirmed and disabled populations. It would turn the so-called right to die into a duty to die for the most vulnerable among us. It would subject many elderly and disabled people to the risk of abuse and coercion and would turn the physician-patient relationship on its head, transforming the very nature of the medical profession.

But there is so much confusion and misunderstanding about the legislation, it is hard to break through to discuss the very real dangers posed by legalized physician-assisted suicide. Before elaborating on the dangers, it is important to clarify several common misconceptions.

First, PAS is not the same as the right to refuse unwanted medical treatment. That right already exists. People with real concerns about 'being hooked up to machines' need to understand and exercise the legal rights they already possess. They need to talk to their family members and health care providers, complete an advance directive form or designate a loved one to make health care decisions in the event of their incapacity. But please, don't confuse these important steps with legalizing PAS. They are very different.

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Second, in today's health care delivery system there is no medical reason why people should suffer in unmanaged pain. Just ask the physician in California who recently lost a huge medical malpractice suit because he didn't aggressively treat the patient's pain. If you or someone you love is suffering, please find another health care provider who will provide the aggressive pain management and palliative care that everyone deserves. Eliminating pain and suffering - not people - is the solution to the pain issue.

Opposition to PAS is Diverse

In Hawaii, an incredibly diverse coalition of health care, disability rights and educational organizations have joined forces to stop the legalization of PAS and to improve Hawaii's end of life care. Included in the coalition are the Hawaii Medical Association, Hawaii Nurses Association, Hawaii Psychiatric Medical Association, Healthcare Association (which represents hospitals and nursing homes), St. Francis Hospice, the Hawaii Cancer Pain Initiative, Not Dead Yet (a disability rights organization), Hawaii Family Forum, the Hawaii Catholic Conference, Hawaii Right to Life and several other community based organizations.

PAS opponents are Democrats, Republicans and Green Party members. This should give pause to anyone who thinks opposition to PAS comes mainly from one segment of society –it doesn't – and for good reason.

Right to Die Becoming Duty to Die out of Fear of Being a Burden

Think about it, who among us wants to be a burden to our family and loved ones? Anyone who has been a caregiver to a sick or dying person knows the toll it can take. And so do the sick and dying patients. Who wouldn't feel a subtle or not-so-subtle pressure to 'check out early' and get out of the way so the people we love could get on with their lives. But people who are facing the end of their lives need compassionate care, not the tools of death. They need to be surrounded by loves ones and given compassionate care, not abandoned to suicide.

Abuse and Coercion Concerns among Disability Rights Organizations

Disability rights organizations are staunchly opposed to legalized PAS because they know that so-called 'safeguards' just don't work. Abuse and coercion issues are real. Consider our nation's problem with elder abuse and how that would impact the so-called free choice decisions regarding suicide. One of the patients who killed herself under Oregon's law, Mrs. Kate Cheney, was first denied assistance with suicide because of the psychiatrist's concerns about dementia and the influence of her daughter. Even the second psychiatrist noted family influence and a somewhat coercive daughter, but prescribed the lethal dose anyway. One could argue the elderly and sick Mrs. Cheney killed herself with plenty of assistance from those around her. But just how voluntary was her choice?

Netherlands Experience

In the Netherlands, the only place on earth where both physician assisted suicide and euthanasia have been routinely practiced for decades, euthanasia is 10 times more likely than assisted suicide. The government's own study, the Remelink Report, (1991) conceded that in a single year, 1/3 of the patients who were killed had not given their explicit consent. PAS proponents say, "well those

patients had told people they wanted to be killed and it only shortened their lives by hours or days.” (1) They don’t know how long it shortened their lives and it’s silly to suggest they do and (2) Killing them without their consent violates all such supposed iron-clad safeguards. Why then, do they defend the practice? And why do most PAS activists also favor legalized euthanasia (direct killing)?

The law is supposed to apply to people with less than 6 months to live. Doctors are frequently wrong about such diagnoses and people with disabilities are often misdiagnosed with terminal illnesses.

Needing Assistance is Not Undignified

Disability rights groups believe that rather than granting ‘choice’, PAS is really about denying choices. Proponents sometimes get caught talking about the ‘indignities’ of needing assistance with certain activities of daily living. Since when did needing assistance render someone undignified? How dare they send such a message to every single dignified members of our community who routinely need such assistance. Since when did someone who needed assistance be deemed to have lost control? Are they not in control of who, when and how the assistance is rendered?

Physician-Patient Relationship Undermined

Finally, what will this do to the practice of medicine? Why are most doctors so strongly opposed? The American Medical Association’s Vice President for ethical standards has said “This is a defining moment in medicine. If doctors are allowed to kill patients, the doctor-patient relationship will never be the same again. If killing you is an option, how can I expect you to trust me . . . ?” I was debating this issue on a local radio station several months ago and a nurse called in and described a recent experience she had along these lines with a patient. She said she walked in to a patient’s hospital room with medicine to give, just like she did every day. But this day, the patient had fear in his eyes and was agitated. He wasn’t able to speak and try as she might, she couldn’t settle him down or figure out what was wrong. She put down the tray of medicines and noticed he was looking toward the television. On TV, she said, was a debate about legalizing physician assisted suicide. Her patient had been listening to this debate and was now looking at her with fear in his eyes. How could he trust his health care providers when assistance with suicide might be a legal option?

Autonomy vs. Community – the Greater Good

So when we hear that this issue is about autonomy – let’s remember in Hawaii, we are not all about rugged individualism – we are about COMMUNITY, and what is best for the common good.

It is simply not wise public policy to advance a so-called right for a few people, when the negative unintended consequences will affect many more people.

There is a better solution than assistance with suicide. Let’s treat pain and depression. Let’s provide compassionate care. Let’s give real choices.

**Support death with dignity? Of course.
Support physician-assisted suicide? Never.**

Please oppose HB1454. Mahalo