

Brattleboro Reformer

Vermont to allow lethal meds for terminally ill

By DAVE GRAM

May 14, 2013

The Vermont Senate passed a hybrid aid-in-dying bill under which stiff safeguards would be in place for terminally ill patients seeking lethal medication for the first three years, after which regulations would be lessened significantly.

The Senate's 17-13 vote in favor of the bill was followed by the House passing the bill by a vote of 75-65.

When he signed the "Patient Choice and Control at End of Life Act" into law in May 2013, Gov. Peter Shumlin became the first governor in the nation to sign a bill authorizing doctors to prescribe lethal doses of medication to terminally ill patients. Vermont became the state the first to legalize physician-aided suicide by legislation.

Shumlin issued a statement saying he knew Vermonters were divided on the issue. "But I also know how important it is for those who face terminal illness and tremendous pain to have this choice, in conjunction with their physicians and loved ones, in the final days of their lives," he said.

One of the spectators who've watched days of legislative debate on the issue, Marnie Wood of Middlebury, said after the vote, "Vermont in my mind has always been about choice, about rights."

Wood cared for her sister, an Oregon resident, as her sister lived with amyotrophic lateral sclerosis, or Lou Gehrig's disease, before she took advantage of Oregon's first-in-the-country "death with dignity" law and ended her own life with a doctor's help.

"She had a beautiful death," Wood said.

Sen. Richard McCormack, D-Windsor, said, "This bill makes no judgment about the value of anybody's life," he said after the vote. "It makes a very positive judgment about the value of personal freedom and the right to make one's own choices."

Opponents of the legislation voiced disappointment that Vermont appeared poised to become the first state to pass an aid-in-dying law by legislation, rather than by referendum or court decision.

"I just don't feel the government has any business getting between a doctor and patient," said Sharon Iszak of Fairfax, a member of the Vermont Right to Life Committee, along with others favoring or opposing the bill.

"I believe this bill is very dangerous bill," said Rep. Tom Koch, R-Barre. "We have facilitated euthanasia."

Nothing in the definition of a patient being capable of making a decision to hasten his or her own life precludes an ill-meaning spouse from translating the patient's wishes to a doctor, Koch said. Nothing in the definition of a terminal condition precludes someone from casting kidney disease as terminal even though with dialysis it would not be, Koch said.

The Senate and House settled on a hybrid bill. For the first three years, Vermont's law would closely follow the Oregon model, which allows for several safeguards.

Under the bill, a qualifying patient must be at least 18 years old, a Vermont resident and suffering from an "incurable and irreversible disease," with less than six months to live. Two physicians, including the prescribing doctor, must make that medical determination. The patient must also be told of other end-of-life services, "including palliative care, comfort care, hospice care, and pain control," according to the bill.

Patients will be required to self-administer the drugs, which will only be dispensed after the patient confirms his or her request three times 15 days apart. The law then permits doctors to issue a prescription after a 48 hour waiting period.

Only Vermont patients who are legal Vermont residents may utilize the law. Under the law, physicians are granted immunity from prosecution if they follow a list of requirements, including making sure the patient is acting voluntarily and is of sound mind.

The bill also stipulates that the patient has a chance to retract the request.

Barbara Coombs Lee, president of the advocacy group Compassion & Choices, said, "This is intended for people who are at the end of their lives, not for people who are suicidal," Lee said. "This does not apply to them at all. This is about people who do not have a choice on living or dying. They are dying. Death is imminent. To them, the choice really is what that feels like for them and what it looks like for their loved ones who will hopefully be with them."

The law specifically says the action is not suicide and that the underlying illness would be listed as the cause of death. Opponents argue that it is suicide.

The Oregon-style law will prevail for the first three years, then to be potentially replaced by a more stripped down version.

After July 1, 2016, Vermont would move to a model pushed by some senators who complained of too much government intervention in the Oregon system. Those changes would require less monitoring and reporting by physicians. However, there's widespread expectation that

lawmakers may push to eliminate the changes set to take effect in 2016, leaving an Oregon-style law in place.

"It's an important step for terminally ill Vermont patients," Dick Walters, president of Patient Choices-Vermont, said after the vote.

Ben Underhill has given his death a lot of thought. The 54-year-old insurance salesman living in Brattleboro, Vermont, has a rare and deadly form of blood cancer called multiple myeloma. A decade ago, he was given three to five years to live.

"I've had 10 years to think about this. I've written my own obituary," Underhill said. "I was in bed for a long time, between hospitals and being bed-ridden, probably a year or two, so you have a lot of time to think about what you want and what you don't want."

Underhill has undergone chemotherapy, radiation, a stem-cell transplant and surgeries, suffering nerve and bone damage in the process. He now gets around on crutches, with difficulty, or in a wheelchair.

What Underhill wants is the option to end his life – with his doctor's help, on his own terms – when his condition becomes unbearable, preferably surrounded by family.

Thanks to the new state law, Underhill has that choice.

Vermont becomes the fourth state - the first east of the Mississippi - to allow doctors to help patients die by writing a prescription for a lethal dose of medication. Similar laws in Oregon in 1997 and Washington in 2006 passed via voter referendum; and a court order in Montana made it legal in that state in 2009.

In 2014, New Mexico became the 5th state in the US to allow physician-assisted suicide.

"People are starting to think about aid-in-dying as the next civil rights movement," Ruth Goldstein, a retired nurse in Baltimore, Maryland who has worked with the elderly, said in August 2013. "Death with dignity is the final frontier of human rights and freedom of expression."

<http://www.youtube.com/watch?v=1fosHbAMjAU>

Jason Saltman

Jason Saltman, a 47-year-old Middlebury resident who had stomach cancer, became the first resident of Vermont to apply for and receive the lethal prescription under the new Patient Choice and Control at End of Life Law in November 2013.

Saltman was suffering from increasing pain near the end, his sister said. His legs were swollen with fluid buildup that prevented him from walking, and he required oxygen 24 hours a day as the cancer spread to his lungs.

“He was just in misery,” Laura Saltman said. “He said to me over and over he was ready and he wasn’t scared.”

He obtained a prescription and planned to pick up the medication Nov. 22, a Friday, and take the lethal dose that Monday, she said. But like many patients in Washington and Oregon, Jason died before he could pick up the medication.

The law requires physicians to inform the state after they have written a prescription, noting the patient’s medical diagnosis and that the patient meets the qualifications, including being over age 18, of sound mind and making a voluntary decision. The form requires the doctor to detail that the patient made the request twice orally, once in writing and had been informed of his or her right to rescind the request.

His physician was willing to write the prescription, his sister said, but finding a pharmacy that would fill the prescription took some searching. According to the law, physicians and pharmacists may opt out of participating. Some pharmacists were concerned about liability, she said, though her family learned during the process that pharmacists are not liable for other prescriptions. They finally found a pharmacy in Burlington willing to fill the prescription, she said.

<http://www.burlingtonfreepress.com/article/20131213/NEWS03/312130056/Middlebury-man-was-first-to-see-prescription-under-new-end-of-life-law>

Patient Choices TV commercials (April 2013):

http://www.youtube.com/watch?feature=player_embedded&v=EJZwKtLku0M

http://www.youtube.com/watch?feature=player_embedded&v=9zfLjvGr_ng

http://www.youtube.com/watch?v=jGjYS1CjaWQ&list=UU0DYxHrDQkKYy JsKbMNR_w

Former Television Ads:

http://www.youtube.com/watch?feature=player_embedded&v=BBJ6sp_RRNA

-Dick Mallary (R), U.S. House of Representatives and Speaker of Vermont House of Representatives, and Jean Mallary, Vermont Ethics Network (2012)

Interviews:

http://www.youtube.com/watch?v=Mijm7aCwy14&list=UU0DYxHrDQkKYy JsKbMNR_w

-former VT Gov. Madeline Kunin

http://www.youtube.com/watch?v=nmDRAYzeIQE&list=UU0DYxHrDQkKYy JsKbMNR_w

-Ruth Painter, Shelburne

http://www.youtube.com/watch?v=6RVucZiFKn4&list=UU0DYxHrDQkKYy JsKbMNR_w

-Jay Powell, Shelburne

http://www.youtube.com/watch?v=VavA-IxC0cg&list=UU0DYxHrDQkKYy_JsKbMNR_w

-Rev. Brendan Hadash

http://www.youtube.com/watch?v=oPOIX1bLnVw&list=UU0DYxHrDQkKYy_JsKbMNR_w

-Deb, Williston

http://www.youtube.com/watch?v=kQm633g8huU&list=UU0DYxHrDQkKYy_JsKbMNR_w

-Melinda, Huntington