

Reporting Assisted Suicide: Guidelines for Hospice Staff

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Context for this project

The Greenwall Foundation

“Making a Difference in Real-World Bioethics Dilemmas”



David J. Casarett
University of Pennsylvania

This talk: only **loosely** related to forthcoming articles.

Roadmap

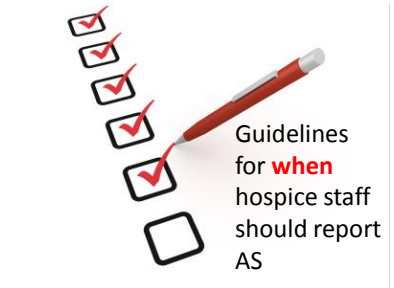
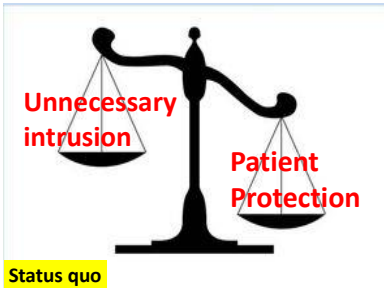


Barbara Mancini



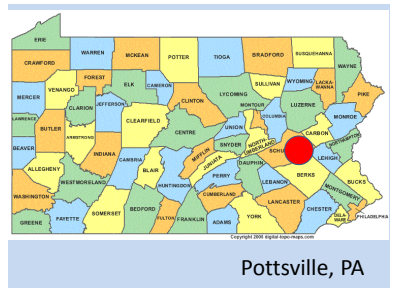
Reported to **police** for assisted suicide

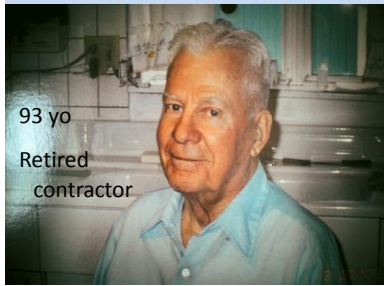
Reported by
her father's
hospice



**Mancini
Case**

**The patient:
Joseph
Yourshaw**





Terminally ill

End-stage diabetes
Kidney failure
Heart problems
Frailty, debility



DNR order

Wanted to die
Refused meds
Lots of candy



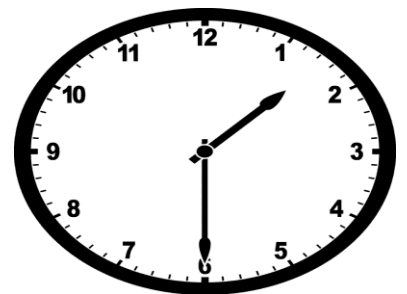
Joe's daughter:

Barbara Mancini



58-years old
ED nurse in Philadelphia

**February 7
2013**





Joe has **morphine** from hospice

Joe **asks** Barbara for that bottle of morphine



She hands it to him



Joe finishes bottle Falls asleep



Joe had fallen day before

Hospice comes to check on him

Barbara tells nurse about morphine

Nurse calls her supervisor

911



Ambulance comes



Transports Joe to local hospital

Schuylkill Medical Center



Administer Narcan

Wakes up
Agitated
Restrained
Worried re Barbara

Joe dies
4 days later

911
2d consequence



Police arrive

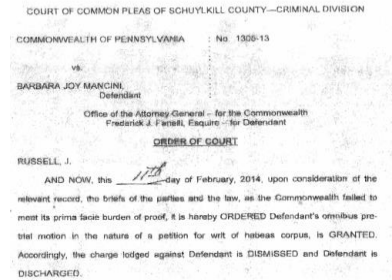
COMMONWEALTH OF PENNSYLVANIA COUNTY OF SCHUYLKILL		POLICE CRIMINAL COMPLAINT COMMONWEALTH OF PENNSYLVANIA	
Magisterial District Number: 21-9-07		DEFENDANT: (NAME and ADDRESS)	
MDO: Hon. JAMES K. REILEY		BARBARA JOY	MANCINI
Address: 200 N CENTRE STREET POTTSVILLE, PA 17901		Residence	Last Name
Telephone: 570-622-9181		573 WIGGARD AVE PHILADELPHIA, PA 19128	
NICIC Extortion Code Type			
<input type="checkbox"/> A-Felony Full	<input type="checkbox"/> A-Felony No Exc.	<input type="checkbox"/> B-Misdemeanor Limited	<input type="checkbox"/> E-Misdemeanor Pending
<input type="checkbox"/> A-Felony Ltd.	<input type="checkbox"/> B-Felony Pend.	<input type="checkbox"/> C-Misdemeanor Surrounding States	<input type="checkbox"/> Distance: _____
<input checked="" type="checkbox"/> B-Felony Surrounding States	<input type="checkbox"/> A-Misdemeanor Full	<input type="checkbox"/> D-Misdemeanor No Extortion	
DEPENDANT IDENTIFICATION INFORMATION			
Docket Number	Date Filed	OTN/Livescan Number	Complaint/Incident Number
		20130207M0010	SD: _____
Request Lab Service? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Adm'l. DOB	Co-Defendant(s)? <input type="checkbox"/>
Barbara is arrested			

Inchoate Offense	<input type="checkbox"/> Attempt 18 907 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
Level?	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3
Offense #	2505	Section	B
PA Statute Title	18	Courts	F2
Grade	1	NCJ Offense Code	7089
ICPNBPS Code	2601902	Work Zone	
CAUSING OR AIDING SUICIDE			
Acts or Omissions necessary with this Offense			
CAUSING OR AIDING SUICIDE (in that Defendant intentionally aided another to commit suicide, and her conduct resulted in such attempted suicide, by providing a substantial amount of Morphine Sulfate the Joseph Yourshaw who dies			
Charged with assisted suicide			

“A person who intentionally aids . . . another to commit suicide is guilty of a **felony** of the second degree if his conduct causes . . . **attempted** suicide . . .”

18 PSA 2505(b)

Prosecution lasts a **year**



**Bad
Consequences**

1. Joe
2. Barbara
3. Barbara's family
4. Hospice patients
5. Terminally ill patients

Joe

Bad death
Not death he **wanted**
Not death he **planned**

Barbara

> \$100,000 legal costs
Suspended job
Stress, anxiety

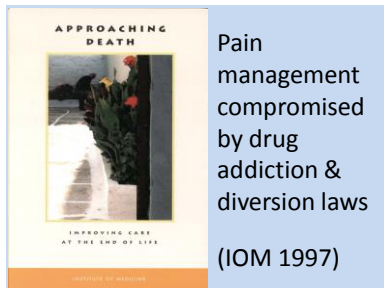
Barbara Family





Hospice patients

- Pain undertreated
- Families afraid to give adequate medication
- Fear misinterpreted

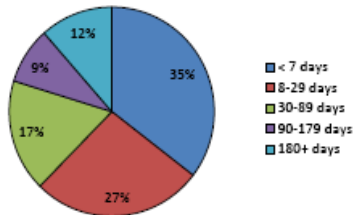
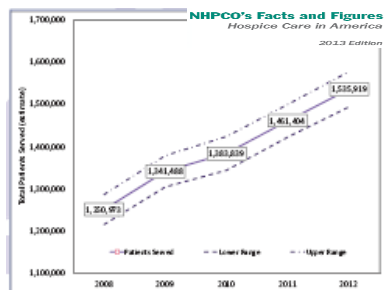


Pain management compromised by drug addiction & diversion laws (IOM 1997)

Terminally ill patients

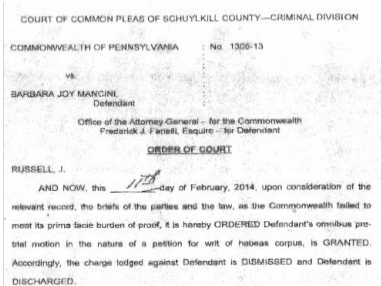
- Do not use hospice at all -- in 1st place
- Chilled because of perceived risk

Hospice Underutilized



Source: NHPCO, 2013, Figure 5, p. 5.

Weak grounds to report



“speculation”
“double hearsay”
“conjecture”

1. Would death have occurred **without** Barbara’s help?
2. Did Joe **intend** to end his life by drinking bottle, or relieve pain?

3. If Joe intended to end his life, did Barbara **know** that plan?
4. How **much** morphine was in the bottle at the time?

“Give” vague
Hand over
vs.
administer

1. Gave morphine
2. To Joe, who wants to die

Not same as giving for **purpose** of hastening death

Mandatory Reporting

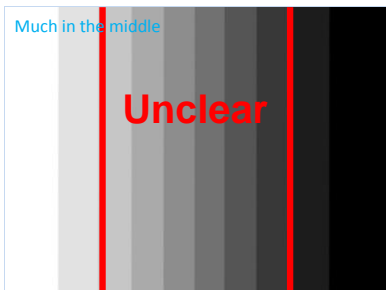
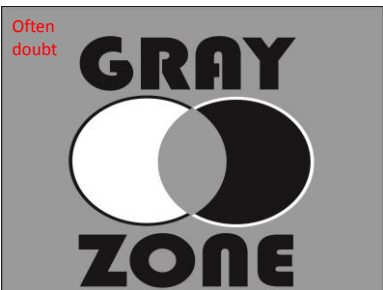
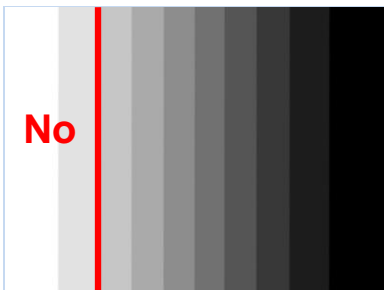
Mancini case illustrates **need** for model guidelines

No guidelines
tell hospice staff
when to report AS

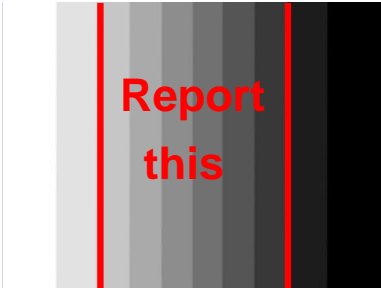
Revert to
default
report rules

When in doubt

Report



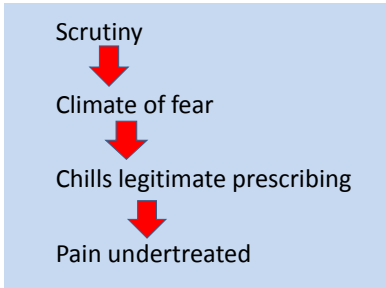
Immunity for reporting
Sanctions for not reporting



Default rules harmful

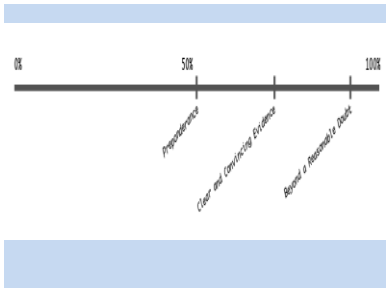
Avoid false negative
 Create false positives
 Harm > benefit

AIDS
 Pregnant drug use
 Intimate partner violence



New Guidelines

Evidentiary trigger
 “Reasonable suspicion”



References

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 B medicalfutility.blogspot.com

References

Commonwealth v. Mancini, No. 1305-13 (Schuykill County Ct. Common Pleas Feb. 11, 2014).

Emily Guendelsberger, "A Bitter End," *Philadelphia City Paper*, June 25 & July 3, 2014.

Michael Vitez, "Guidelines Will Help End-of-Life Oversight," *Philadelphia Inquirer*, March 5, 2014.