Legal "Exit Options" outside Oregon

Compassion & Choices Conference
Chicago, IL - June 29, 2012

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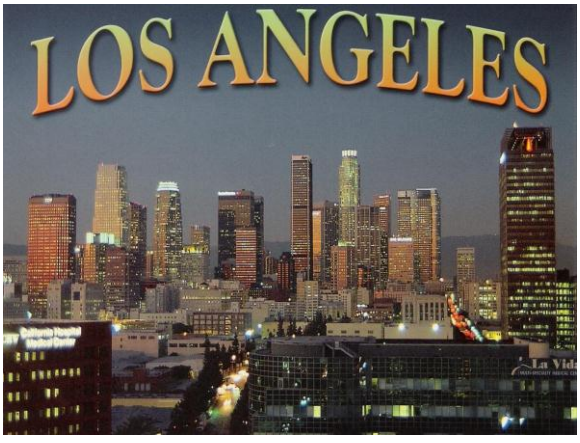

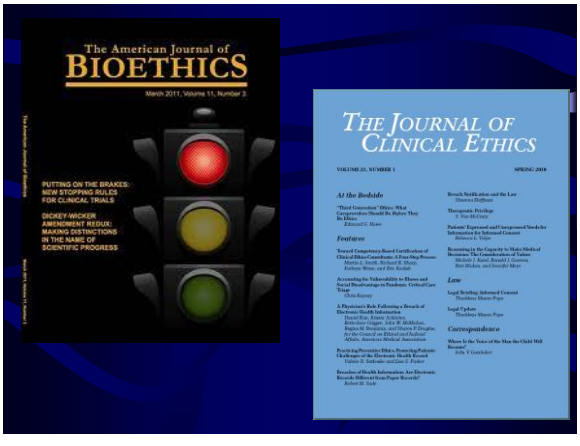

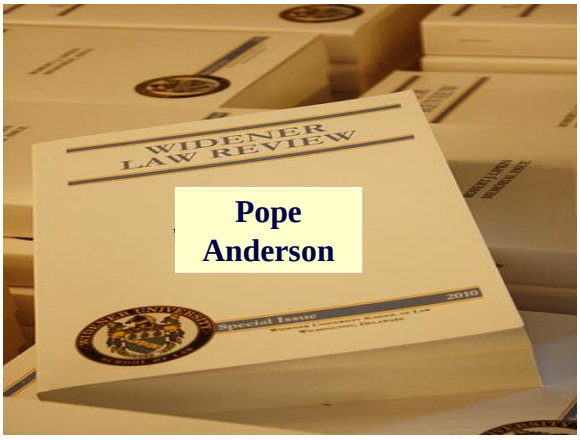

Why hasten death

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- Dyspnea
- Pain
- Paralysis
- Nausea

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Loss of control

Anxiety

Delirium

Hopelessness

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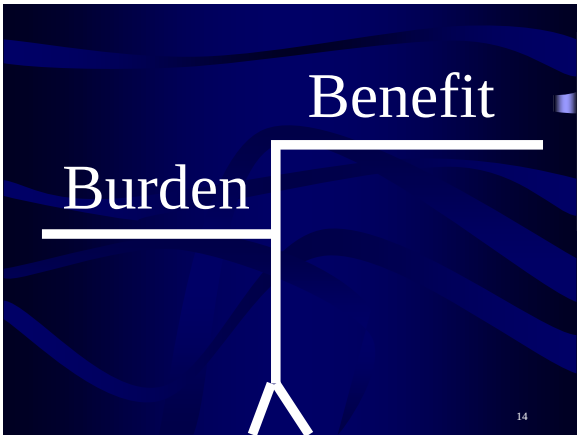

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self-defined

QOL

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Pt **own** assessment

Pt **own** values

Pt **own** preferences

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Palliative Care

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Prevent and relieve suffering

- physical
- psychosocial
- spiritual

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Exit options

least to most controversial

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Accelerate opioids
Stop LSMT
VSED / VRFF
PSU
PAD
Euthanasia

PAD v VAE

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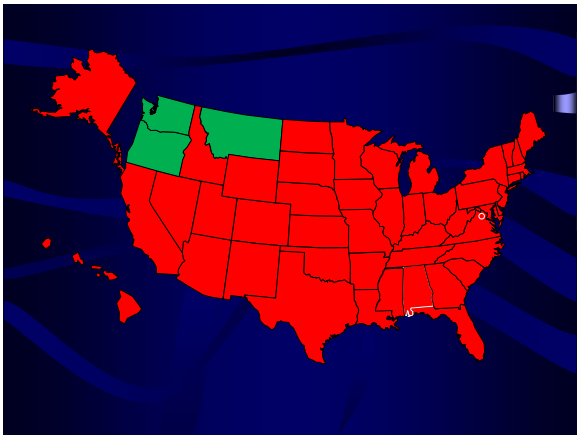
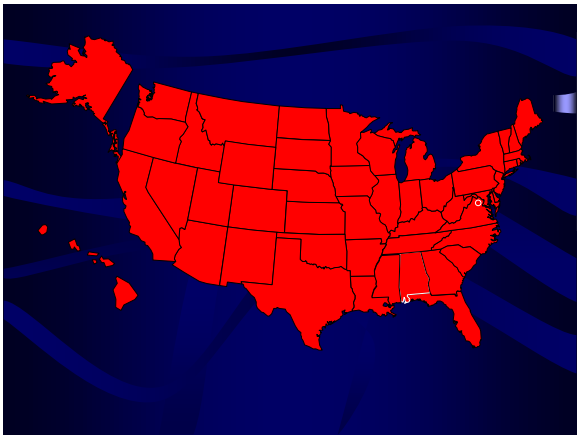
Final overt act





Withhold
Withdraw
LSMT

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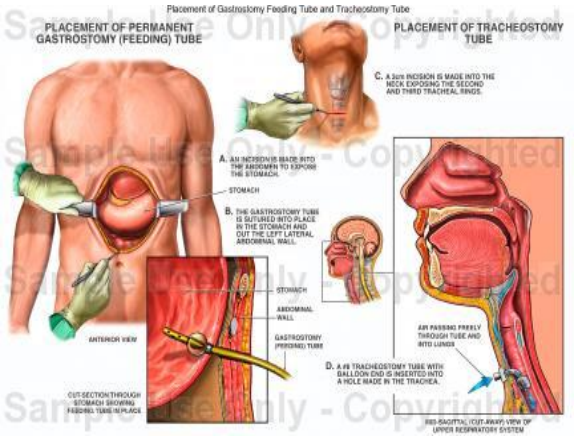
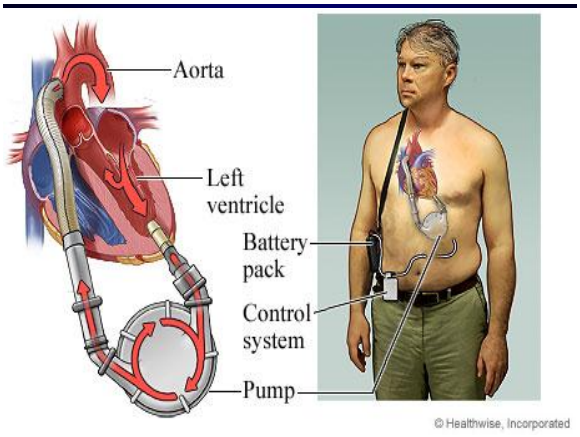
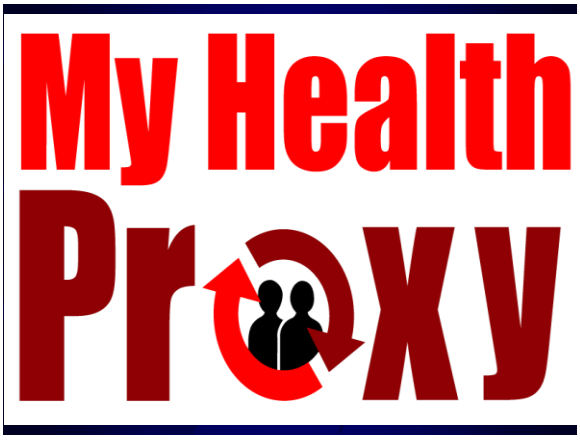




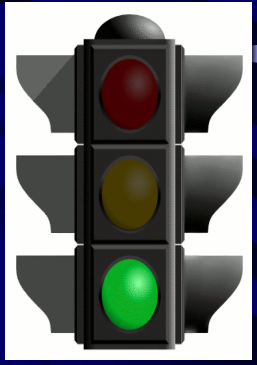
> 50% die in healthcare institutions

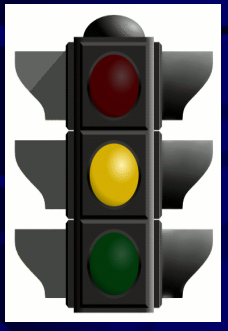
> 70% after decision to forgo

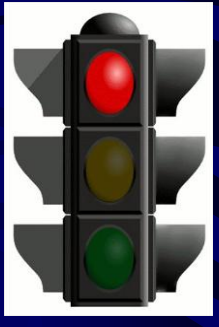
33



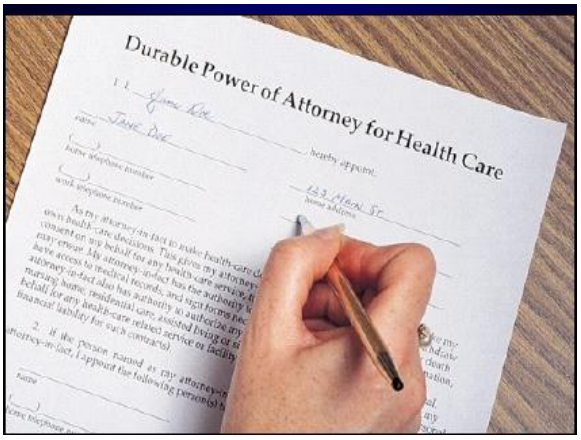
Patients with capacity

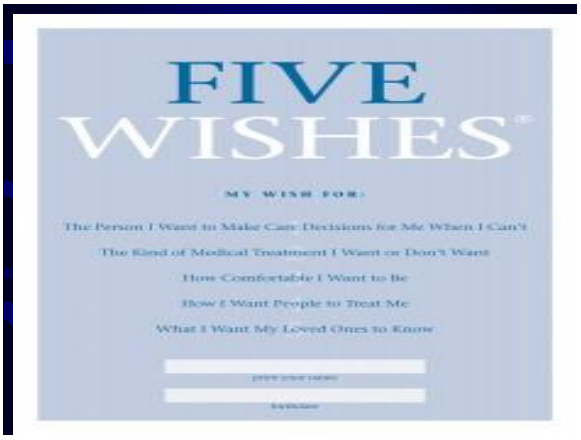






Patients without capacity





Not an option for those not dependent on LSMT

High dose opioids

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Double effect doctrine

1. Action good in itself (not immoral)
2. Intend the good effect (foresee but not intend bad effect)
3. Bad effect not necessary for good effect
4. Proportionality (sufficiently grave reason to risk bad effect)

PSU

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Suffering **refractory** to other palliative interventions

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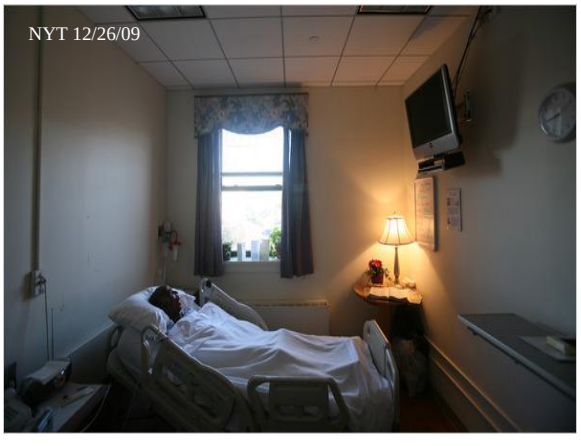

	Palliative Sedation	Euthanasia
Intent	Sedate	Kill
Process	Administer drug doses, titrated to effect	Administer lethal drug dose
Outcome	Decreased consciousness	Death

PSU makes Pt **dependent** on CANH

Typically Pt **refuses** CANH

1

+ 1

= **3**

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California Right to Know End-of-Life Options Act

AB 2747 (2008)
Cal. H&S 442

VSED

VRFF

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VSED	Voluntarily stopping eating & drinking
VRFF	Voluntary refusal of food & fluid
PRNH	Patient refusal of nutrition & hydration
STED	Stopping eating & drinking
VTD	Voluntary terminal dehydration

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Able to take food & fluid by mouth

Deliberate decision to stop

Death from dehydration (7-14 days)

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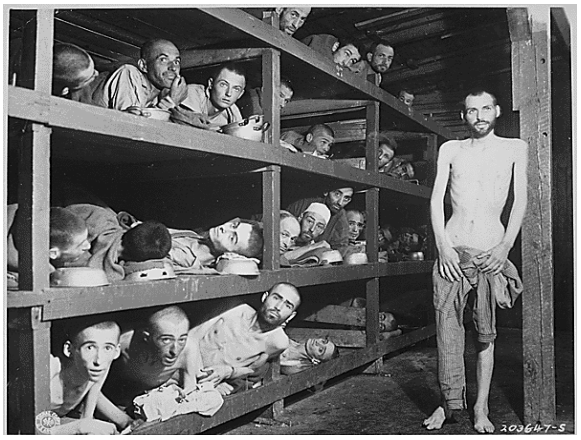
Michael Miller
80yo retired surgeon
End-stage cancer



Not voluntary

Not complete

Not controlled

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Peaceful

Comfortable

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Legal

“chill”

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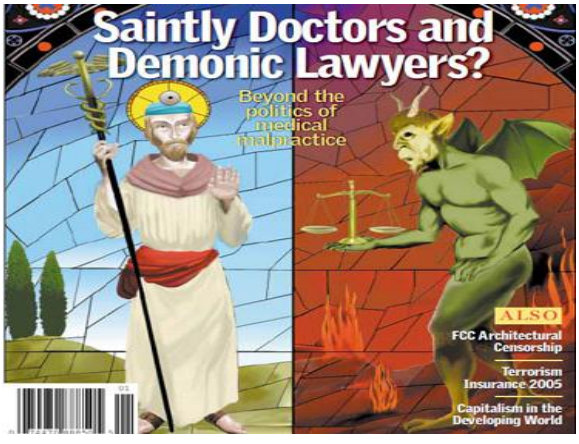

Disclosure Support

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Legal fears ungrounded

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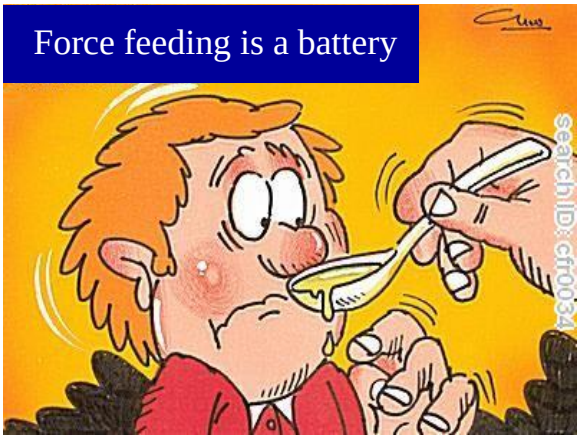
Force feeding is a battery



Undermining

vs.

Confirming

VSED decision

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VSED is **not** assisted suicide

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Active

Passive

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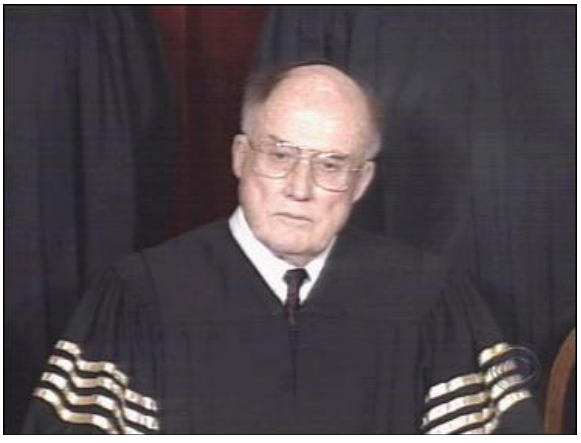

VSED is **not** abuse / neglect

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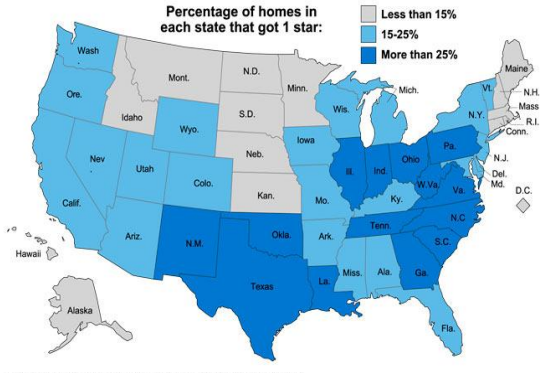
A state-by-state look at the concentration of lowest-rated nursing homes, which the government assigned a 1 star (out of 5) for overall quality.



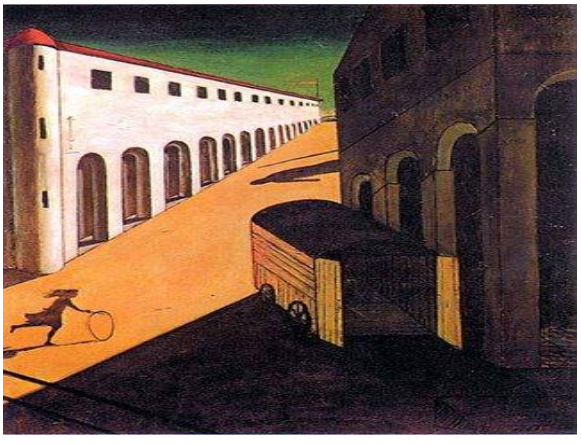
Source: USA TODAY analysis of data from the Centers for Medicare & Medicaid Services

Perceptions

matter more

(than actual risks)

80



CA Right to Know End-of-Life Options Act

AB 2747 (2008)

Cal. H&S 442

NY Palliative Care Information Act

N.Y. Laws ch. 331 (2010)

N.Y. Pub. Health L. 2997-c

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Thank You

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