

Assisted Suicide Debate Brews in Montpelier

by Paul Olsen

MONTPELIER — With the introduction of two bills in the House of Representatives, Vermont has entered the national debate over the issue of physician-assisted suicide and the right to die.

Over time, the right-to-die debate has shifted from letting patients die by "pulling the plug" to helping patients die by prescribing drugs that, when taken, result in death. This trend is reflected in the bills introduced in Montpelier.

The first bill, H. 109, would allow a patient who is expected to die within a year to "end his or her life in a humane and dignified manner by prescription medication."

Alternatively, H.347 would make it a crime to cause or assist someone's suicide.

Supporters of H. 109 in the gay, lesbian, bisexual, and transgendered communities view the right-to-die as a debate about an individual's right to control his or her own health care decisions. "It comes down to making health care decisions and making choices. Each of us should have the right to make decisions relative to our own life and the right to die with dignity when and if that is appropriate," said Vermont ACLU President David Curtis, who was diagnosed with AIDS in 1994.

H.109 advocates argue that without access to legal assisted suicide, individuals may be forced to turn to drastic measures to end their life. Supporters also admit that assisted suicide is currently a common, although unspoken, option for people with AIDS. "There has been no frank discussion that this is going on now," said Vermont CARES Board member Peter Kurth, who has been living with HIV since 1989. While no Vermont statistics exist, a survey of 118 AIDS doctors in San Francisco found that 53% of respondents reported helping at least one patient commit suicide.

Supporters of H.347 fear that assisted suicide will lead to a society that views terminally ill and disabled people as expendable. "Anybody can kill themselves at any time," said H.347 cosponsor Rep. George Schiavone (R - Shelburne). "I'm afraid that physician-assisted suicide could get out of hand. Doctors could talk people into these things."

"I believe in life and don't believe we should give a doctor the opportunity to decide who should live or die," said co-sponsor Rep. Theodore Lindgren (R-Springfield). "I don't believe in abortion either."

Although Rep. Doran Metzger (R-Milton) expressed sympathy for people living with AIDS, he'd like to see assisted suicide illegal in Vermont and has cosponsored H.347. "When you get to those latter stages of AIDS, I can see why you might want to take those steps.

But as far as a policy — we should not take the step of legalizing suicide," Metzger said.

Individuals and groups with an interest in the outcome of this debate are developing formal positions on H.109, H.347, and assisted suicide in general. While the American Medical Association opposes physician-assisted suicide, the Vermont Medical Society does not favor either bill and is considering a policy statement stating that legislation in this area is not required.

Similarly, Vermont Governor Howard Dean does not support either bill. "This is an issue between doctor and patient and ought to remain there. Legislation in either direction could be dangerous," said Dean's spokeswoman, Stephanie Carter.

Vermont CARES Board member Peter Kurth concurs. "I don't want it legalized or criminalized. I want it left alone."

"The Board usually does not take a position on legislative issues" said CARES Executive Director Tim Palmer. "I personally feel strongly that an individual and their physician should be able to do whatever is appropriate for that person, and that includes ending their life. Legislation is incredibly important to create a safe zone for physicians to have this discussion so that a patient makes a fully informed decision," Palmer added.

As Vermont's largest AIDS service organization, Vermont CARES works with the Vermont AIDS Council when formulating public policy positions. Susan Aranoff, the Council's Director, believes it would be appropriate for the Council to take a position on physician assisted suicide. "Even with protease inhibitors, AIDS will still present itself as a chronic illness that is often fatal," Aranoff said. "There are many different perspectives, so the Council has decided to co-sponsor a conference on physician-assisted suicide with the Vermont Ethics Network. This issue is not going to go away until it is resolved."

The Vermont Coalition for Lesbian & Gay Rights (VCLGR) has not taken a position on either bill, according to co-liaison Keith Goslant. "I would recommend that VCLGR not take a position on it. There is a lot of mixed opinion on this. It's a very personal decision. I think it's overstepping for VCLGR to say we're speaking for the community," Goslant said. "Personally, I testified supporting this (H.109) at the public hearing."

H. 109 has been referred to the House Health & Welfare Committee; H.347 is currently in the Judiciary Committee. Co-sponsors of both bills indicate that neither bill is likely to pass in Vermont until the United States Supreme Court hands down its decision on a case regarding the right to die. Whether the bills pass or not, it is likely that the political and moral debate over physician-assisted suicide will continue. ▼

LIVING WILLS

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or friend to make medical decisions if they are unable to make their own. If you do not have such a document and lose your ability to make your own medical decisions, the doctors will defer to your legally-recognized family.

By including in your durable power of attorney for health care the same instructions concerning your care as in your living will, you can provide your agent guidance to ensure that your wishes are respected during your final illness.

Susan Murray and Beth Robinson are attorneys at Langrock Sperry & Wool in Middlebury, Vermont whose practices include employment issues, family matters, estate planning, personal injury and worker's compensation cases, and general commercial and civil litigation. This column features timely information about legal issues of interest to our community. We hope to provide information about important laws and court cases that may affect our rights, as well as practical nuts and bolts advice for protecting ourselves and our families. If you'd like to see us cover a particular topic, please feel free to write OITM or call us at 388-6356. ▼



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