

California assisted-dying law takes effect, health-care providers respond

by [Cathy Lynn Grossman](#) in the [July 6, 2016](#) issue

Somewhere in California on June 9, a terminally ill person may have lifted a glass and consumed a lethal slurry of pulverized prescription pills dissolved in water.

That's the day the nation's most populous state implemented the End of Life Option law passed in 2015, which specifically covers only mentally competent adults.

Jesuit seminary-trained Gov. Jerry Brown said when he signed the law: "I do not know what I would do if I were dying in prolonged and excruciating pain. I am certain, however, that it would be a comfort to be able to consider the options afforded by this bill. And I wouldn't deny that right to others."

Neither does the law impose participation on people who object. It was elaborately constructed to allow physicians, pharmacies, and health-care systems to "opt out" on conscience grounds.

California's two largest faith-based health-care systems, Catholic hospitals and Adventist Care hospitals, have announced they will not participate.

Other large systems, such as Kaiser Permanente and Sutter Health, are setting up procedures for doctors willing to aid patients seeking this option.

If asked to write a lethal prescription, Timothy Gieseke, a palliative care specialist, will refuse. Gieseke, medical director for skilled long-term care facilities in Northern California, calls the law an "overreaction" to the "bad deaths" people have seen.

Too many people, particularly the poor and marginalized in society, have not had access to the best in care that can alleviate pain and ease suffering, he said.

Even so, Gieseke said, "if I were convinced in my own mind that I and my team had exhausted optimal palliative care, I would likely refer someone" to a prescribing doctor.

Catherine Sonquist Forest, a family medicine specialist at Stanford Health Care at Los Altos, will say yes. At the beginning of June, she said she had already heard from patients expressing interest.

"I can't stand in judgment," she said. "These people are dying. Now, I can decide in the privacy of my office with my patient what is next."

She's also an assistant professor at the Stanford School of Medicine and involved in training faculty—"the willing and the unwilling"—in understanding all the options at the end of life, including aid in dying.

"What is wonderful is that we are moving toward ways to ease suffering," Forest said. "This is about what medicine is about at the end of life."

Even as California deals with implementation, advocates are stepping up efforts in other states with bills modeled on the California law. Similar laws are already in effect in Oregon, Washington, and Vermont. (In Montana, the state supreme court ruled in 2009 that assisted dying was legal under the state's Rights of the Terminally Ill Act).

In New York similar legislation passed a health committee in the state assembly in May.

However, a bill similar to California's was withdrawn before a committee vote in the Maryland Assembly this spring after a coalition of religious and secular activists lobbied against it.

Elena Boisvert, an Annapolis, Maryland, attorney specializing in elder law, testified against the bill because "every day, I see the most incredible acts of greed by kids who abuse and rob their parents blind."

Boisvert said such laws "are creating incentives to say, 'Mom, Dad, maybe you really do want to leave the planet a little earlier than otherwise.'" —Religion News Service

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