

# WRONGFUL DEATHS BY ASSISTED SUICIDE OR EUTHANASIA

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## A WRONG DIAGNOSIS

If a person dies by assisted suicide or euthanasia following a **mistaken diagnosis that the person has a terminal illness** then that is a wrongful death – with no remedy.



It was only after the family of retired Italian magistrate Pietro D'Amico, aged 62, insisted on an autopsy that he was found not to have a terminal illness at all, despite being given such a diagnosis by both Italian and Swiss doctors prior to undergoing assisted suicide in Switzerland.<sup>1</sup>

According to evidence given by Dr Stephen Child, Chair of the New Zealand Medical Association to the New Zealand parliamentary inquiry into the practice of euthanasia:

*"On diagnosis, 10 to 15 per cent of autopsies show that the diagnosis was incorrect. Three per cent of diagnoses of cancer are incorrect".*

Dr Child said this scope for error was too large, when weighed against the outcome. *"This is an irreversible decision in which the consequences are final."*<sup>2</sup>

Ten per cent of cases in Australia are misdiagnosed according to Peter McClennan, chief executive at Best Doctors.<sup>3</sup>

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<sup>1</sup> <https://www.thelocal.ch/20130711/assisted-suicide-in-question-after-botched-diagnosis>

<sup>2</sup> <http://www.stuff.co.nz/national/politics/84252580/euthanasia-too-final-when-the-risk-of-error-is-to-great--doctors>

<sup>3</sup> <https://amp.afr.com/business/insurance/insurance-companies/mlc-life-to-expand-best-doctors-service-20170827-gy4zfk>

An [August 2018 report on Missouri resident Pasquale Michael Fatino](#), aged 52, who is suing three doctors at his former primary care clinic for a misdiagnosis of terminal cancer that caused him and his family unnecessary pain and suffering last year, illustrates that such mistakes do happen.<sup>4</sup>

Simply having two doctors diagnose that a person has a terminal illness is an illusory safeguard. There is no remedy for a wrongful death by assisted suicide based on misdiagnosis.

How many wrongful deaths from assisted suicide following misdiagnosis of a terminal illness are too many?

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<sup>4</sup> <https://www.kansascity.com/news/business/health-care/article216764080.html>