

# WRONGFUL DEATHS BY ASSISTED SUICIDE OR EUTHANASIA

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## A WRONG PROGNOSIS

If a person dies by assisted suicide or euthanasia **after being told in error that they have less than six months to live when they may have many years of life ahead of them** then that is a wrongful death – with no remedy.

### Medical literature on errors and uncertainty in prognosis

A survey of the medical literature on prognosis indicates that **an accurate prognosis is notoriously difficult to make.**

[A study on the accuracy of prognoses in oncology](#) found that “*discrimination between patients who would survive for one year and those who would not was very poor*”.<sup>1</sup>

Another [paper](#) describes doctors’ ability at predicting survival at 1 year as “*only slightly better than a random guess*”.<sup>2</sup>

Australia’s *National Consensus Statement: essential elements for safe and high-quality end-of-life care* wisely observes: (on page 17)

*Predicting prognosis and the timing of dying can be difficult. For some patients, it may be difficult to distinguish clinical deterioration that is reversible from deterioration that is irreversible and part of the normal dying process. In such cases, it may be appropriate to consider a trial of treatment for a defined period to assess reversibility of a patient’s deterioration.*<sup>3</sup>

One [recent study of prognostic accuracy for brain cancer](#) found that:

*All physicians had individual patient survival predictions that were incorrect by as much as 12-18 months, and 14 of 18 physicians had individual predictions that were in error by more than 18 months. Of the 2700 predictions, 1226 (45%) were off by more than 6 months and 488 (18%) were off by more than 12 months.”* Of particular relevance to the use of a prognosis of expected death to grant access to assisted suicide is the finding that “*In this study all physicians were unable to accurately*

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<sup>1</sup> <https://www.sciencedirect.com/science/article/pii/S0895435696003162>

<sup>2</sup> <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0161407>

<sup>3</sup> <https://www.safetyandquality.gov.au/wp-content/uploads/2015/05/National-Consensus-Statement-Essential-Elements-for-safe-high-quality-end-of-life-care.pdf>

*predict longer term survivors. Despite valuable clinical data and predictive scoring techniques, brain and systemic management often led to patient survivals well beyond estimated survivals.*<sup>4</sup>

[A study published in 2000 in the British Medical Journal](#) found that physicians only made accurate (within 33% margin either way) prognoses in 20% of cases for terminally ill patients.

Significantly for the use of a prognosis in allowing access to assisted suicide or euthanasia is the finding that in 17% of cases physicians were overly pessimistic in their prognosis by more than 33% and out by a factor of 2 in 11.3% of cases.<sup>5</sup>

In other words, perhaps **more than one in ten people given a prognosis of 12 months to live may live for 2 years or more.**

## **Evidence from Oregon and Washington**

Evidence from the states of Oregon and Washington, where assisted suicide is legal, demonstrates conclusively that physicians make significant errors in determining a prognosis of less than six months to live in the context of a request to access assisted suicide.

Oregon's *Death With Dignity Act* provides that before prescribing a lethal substance a doctor must first determine whether a person has a "terminal disease". This is defined by section 127.800 (12) of the Oregon Revised Statute to mean "*an incurable and irreversible disease that has been medically confirmed and will, within reasonable medical judgment, produce death within six months*".

In [2018](#) one person ingested lethal medication 807 days (2 years 2 ½ months) after the initial request for the lethal prescription was made. The longest duration between initial request and ingestion recorded is 1009 days (that is 2 years and 9 months).<sup>6</sup>

Evidently in these cases the prognosis was wildly inaccurate.

Washington State's *Death With Dignity Act*, based on Oregon's, came into operation on 9 March 2009.

Although this Act specifies that only persons with "*six months or less to live*" may request lethal doses of medication from a physician, [the data shows](#) that in each year

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<sup>4</sup> <https://www.ncbi.nlm.nih.gov/pubmed/24160479>

<sup>5</sup> <http://www.bmj.com/content/bmj/320/7233/469.full.pdf>

<sup>6</sup> Oregon Public Health Division, *Oregon Death With Dignity Act: 2018 Data Summary, Table 1*, p.13  
<https://www.oregon.gov/oha/PH/PROVIDERPARTNERRESOURCES/EVALUATIONRESEARCH/DEATHWITHDIGNITYACT/Documents/year21.pdf>

between 5% and 17% of those who die after requesting a lethal dose do so more than 25 weeks later with one person in 2012 dying nearly 3 years (150 weeks) later, one person in 2015 dying nearly two years later (95 weeks), one person in 2016 dying more than two years (112 weeks) later and one person in 2017 dying 1 year and 7 months later (81 weeks).<sup>7</sup>

**Evidently in each of these cases the prognosis was wildly inaccurate.**

And of course we will never know how long many of those who take the lethal dose within the 6 month period might have lived if they hadn't been given assisted suicide.



The example of [Jeanette Hall](#), who is still alive today after commencing the process of seeking assisted suicide in Oregon in 2000, illustrates the danger of making assisted suicide available to people when first diagnosed with a terminal illness. Thankfully for Jeanette her doctor refused to collaborate in assisting her suicide and helped her find hope – and effective treatment – instead.<sup>8</sup>

**There is always a better way than the counsel of despair offered by proponents of assisted suicide.**

*How many wrongful deaths from assisted suicide following a mistaken prognosis are too many?*

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<sup>7</sup> <https://www.doh.wa.gov/YouandYourFamily/IllnessandDisease/DeathwithDignityAct/DeathwithDignityData>

<sup>8</sup> <https://www.dailysignal.com/2015/05/18/assisted-suicide-how-one-woman-chose-to-die-then-survived/>