

End of Life Choice

Newsletter on current debates

Oregon's Death with Dignity Law - a 20 year success story

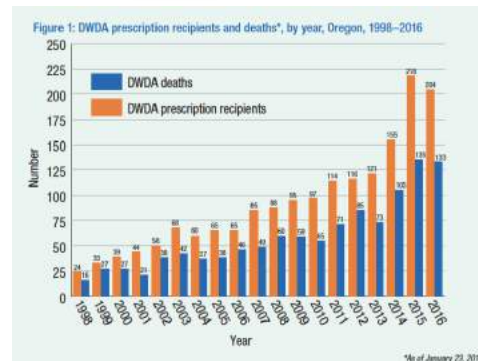
In 1996, at the same time as Australia's (Federal) *Euthanasia Laws Act* overturned the first voluntary euthanasia law in Australia (the Northern Territory *Rights of the Terminally Ill Act*), the Oregon *Death with Dignity Act* was being operationalised in the USA. Passage of the law had followed robust debate during which the Oregon Medical Association (OMA) elected to adopt a neutral position. This neutrality served to highlight that institutional opposition was overwhelmingly religiously-based. During early debates Patti Rosen, a nurse who had helped her daughter to die, posed the simple question 'When did we decide to allow one church to make the choice for all of us?' This was a galvanising moment, and in 1994 a Citizen Initiated Referendum (CIR) was instigated to allow changes to the existing law, which was seen to trench suffering and a lack of personal autonomy. The CIR succeeded 51-49 but, as anticipated, the Bill which followed faced strong religious based opposition, including a legal injunction brought by *Right to Life*. This stalled the process for three years until the success of a second CIR which passed 60-40, followed by the passage of Oregon's historic 1997 *Death with Dignity Act*.

Two decades of data

The Oregon law has now been operational for 20 years; reported on annually by the Oregon Department of Health (see reference below to 2016 report for full details of the Act). The number of people using the Act has remained constant over the timeframe, with deaths representing only one half of one percent of all deaths annually (37 per 10,000). This reality clearly refutes the long-held argument that the law would lead to a 'slippery slope' impacting negatively on 'vulnerable' people.

The myth of suicide contagion

It is the very success and credibility of the law that has brought two things into sharp



relief – the increasingly desperate attempt by opponents to discredit it, and the fact that it works. *One strategy* to discredit the law is the claim that it has led to 'suicide contagion' or 'copycat suicide' in Oregon. However, this has been refuted by Leigh Dolan, President of the Oregon Medical Association (OMA). No data exists to support any claim to a change in the suicide rate since passage of the law. The demographic profiles of people who tragically suicide as a result of serious mental illness and the legacy of trauma and substance abuse; and those who access the *Death with Dignity Act* are very different. Of the 133 deaths under the *Death with Dignity Act* during 2016, 4 out of every 5 patients (80.5%) were aged 65 years or older, with a median age of 73 years. As in previous years, they were commonly white (96.2%) and well-educated. As in previous years, underlying illnesses were cancer (78.9%), followed by amyotrophic lateral sclerosis (ALS) (6.8%).

Assisted Dying law enhances palliative care services

A *second strategy* opponents use to try and discredit the law is to argue that assisted dying jeopardises palliative care provision. This too has been refuted by Leigh Dolan who argues instead that it brings doctors and patients together to work to find solutions. He maintains:

The silver lining is that palliative care in Oregon has been far better since the assisted dying laws passed... We do a much better job. [The law] has done exactly what it is supposed to and more. It allows people to make decisions to end their lives without having to be at the mercy of the medical profession. I think that there is an acceptance, even by opponents of assisted dying that this is the law, the public has voted twice to improve the [original] law, and it is now part of medical practice.

Assisted Dying law provides peace of mind

In reflecting on the operation of the law, Oregon Senator Ginny Burdock stated 'All the terrible things that opponents predicted were just nothing. None have come to pass'. Although the number of people who find themselves directly involved with the law is very small, there are profound positive implications for individuals. Senator Burdock contended 'Many more hundreds, if not thousands have got peace of mind because they know they have the law if they need it'. As Brittany Maynard, a young woman dying from a brain tumour who relocated from California to access the law in 2015 said (in order to comfort her mother) 'Given the hand of life we were dealt, this is as good as it gets'.

» Oregon Death with Dignity Act

Data summary 2016

The 'Oregon Act' has been the precursor to six other similar Acts in the USA. On Feb 18 2017, Washington DC became the seventh jurisdiction in the United States to legalise assisted dying. This followed Colorado (2016), California (2015), Vermont (2013), Montana (2009), Washington (2008), and Oregon (1994). As a result, 1 in every 5 citizens of the USA now has access to an assisted death.

References:

Oregon Death with Dignity Act 1997: 2016 report <https://public.health.oregon.gov/ProviderPartnerResources/EvaluationResearch/DeathwithDignityAct/Documents/year19.pdf>

Wheeler Centre podcast 14: <http://www.wheelercentre.com/broadcasts/podcasts/better-off-dead/9-death-with-dignity-in-oregon>

<http://www.DyingForChoice.com>

Washington DC: <http://www.procon.org/headline.php?headlineID=005343>

SAVES

South Australian Voluntary Euthanasia Society

saves.asn.au

Compassion for suffering
The freedom to choose
Add your voice to the call



SAVES was established in 1983 to campaign for legal, medically assisted choice in end-of-life arrangements. The aim is to relieve suffering by providing choice for people at the end of their life. SAVES works in the community and with Members of Parliament to achieve law reform.

Dad's Note

The note left by Kenneth Dickson included the words: *Sorry I have no alternative but to go this way. Love Ken*

Our father/husband, Kenneth Stanley Dickson, aged 81, was suffering terribly with his third bout of cancer. Fifteen months ago Dad was diagnosed with terminal oesophageal cancer and wasn't expected to live three months, but instead he suffered another 12 months. This cancer is a slow and painful death sentence. Although Dad was on a lot of medication there were days when it just wasn't enough and the side effects of the medication were unbearable. Dad got down to a weight of just 45 kilos. Dad was a true gentleman, loved and respected by everyone who knew him. It hurt Dad's dignity and pride that his daughters and wife had to shower him and change his soiled pants, but we would do it all again for him tomorrow.

Our beautiful Dad took his own life on Friday, 9 October 2015 at the home he shared with Mum and Down syndrome son, Jason. Dad left behind a note expressing his desperation to the end. All he wanted was for someone to help end his suffering so that he could die in peace with dignity which is what he deserved. If an animal is suffering to this extent you would 'put them down'. Surely we can do this for our terminally ill loved ones. Dad would want us to follow up on his note and keep the euthanasia debate going until hopefully one day it will be legalised so that people who have suffered, and will continue to suffer with a terminal illness in the future, can leave this life with the dignity that they also deserve.

Dad was a devoted and dedicated Christian. Towards the end he became a strong supporter for euthanasia to be legalised in Australia. It was tearing Dad apart to watch his family trying to keep him as comfortable as possible.

What Dad went through, especially in the end, was horrific. He made the heartbreaking decision to take his own life, hanging himself in the backyard. Jason, who is Down syndrome, was the one to find Dad and that made the situation even worse, if that was possible. Jason is still saying that Dad is coming home soon, he just doesn't understand.

Joan, Julie, Mark, Jo, Christine, Bradley and Jason.

The Damage Done, Go Gentle Australia, p70

Voluntary Euthanasia Advocacy Groups

Christians Supporting Choice for Voluntary Euthanasia
christiansforve.org.au

Doctors for Assisted Dying Choice
drs4assisteddyingchoice.org

South Australian Nurses Supporting Choices in Dying
facebook: [SA Nurses Supporting Choices in Dying](https://www.facebook.com/SANursesSupportingChoicesinDying)
My Body My Choice

facebook: [facebook.com/pages/MY-BODY-MY-Choice-VE](https://www.facebook.com/pages/MY-BODY-MY-Choice-VE)

Voluntary Euthanasia Youth Advocates
facebook: [Support SAVE-YA Law Reform](https://www.facebook.com/SupportSAVE-YALawReform)

Lawyers for Death with Dignity
saves.asn.au/lawyers



Resources

Andrew Denton's GoGentleAustralia website
<http://gogentleaustralia.org.au>

SAVES End of Life Choice Newsletters
<http://www.saves.asn.au/newsletters.php>

The Wheeler Centre podcasts Better Off Dead
<http://www.wheelercentre.com/broadcasts/podcasts/better-off-dead>

The Voluntary Euthanasia Story: the epic journey to make it legal - Adelaide forum, June 2015
<http://www.saves.asn.au/resources.php>

