LET’S TALK

Opening a Dialogue about End-of-Life Treatment Plans

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Decisions, Legal Documents & End-of-Life Treatment Plans

- Is the Patient Making Decisions and Directing Plans?

- Has the Patient Authorized an “Agent” to Make Plans?

- Is the family involved in the decision-making?

- What if Neither Patient nor Authorized “Agent” is Making Plans?
Significance of Terms?

- Living Wills
- Advance Health Care Directives
- Health Care Powers of Attorney
- Health Care Representatives
- POLST Forms
- DNR Orders
- Right to Die, Euthanasia, Assisted Suicide
- Death with Dignity (Compassion in Dying)
- Assistance in Dying
Recent High Profile Cases
Authorized Advance Decisions on Dying

• **Seven States and Washington D.C.** have statutes authorizing some form of “end of life” option for individuals:
  - California (2015 – effective 2016)
  - Colorado (2016)
  - D.C. (2016-17)
  - Hawaii (2018-19)
  - New Jersey (signed 4/12/19, effective August 1, 2019)
  - Oregon (1994-1997)
  - Vermont (2013)
  - Washington (2008)

• **Montana**: State Supreme Court said nothing in state law prohibited physician from honoring a patient’s request for prescription to hasten own death
New Jersey

• 1976: Supreme Court of New Jersey ruled that parents of Karen Ann Quinlan could remove her life support.

• 2012-2019: Regular bills introduced to authorize aid-in-dying

• Early 2019: N.J. Governor signaled intention to sign legislation if passed authorizing terminally ill and dying residents to make assisted end-of-life decisions.
  • 4/12/19: Governor signed new law
    • Law requires either psychiatrist or psychologist to determine patient’s mental capacity to make the decision, authorizing drug prescription that patient will administer to self
  • 8/15: Restraining order issued by Superior Court
  • 8/27: Restraining order lifted by appellate court rulings, allowing law to take effect

• Divided Vote (52% opposing v. 48% in favor) behind decision of Medical Society of New Jersey to oppose enforcement
Pennsylvania

• 2017-18 Legislative Session
  • Senate Bill 238 “Death with Dignity” (sponsored by Senator Leach and Boscola)
    • Judiciary Committee – “stuck”
    • Leach has introduced bills in 2007, 2009, 2011, 2013, 2014 & 15 (with companion house bills)

• 2019-20 Legislative Session
  • No assisted death bills pending as of 9/1/19
Myths about Assisted Death?


• 1. The primary reason for seeking assistance in death is “Pain”
  • He argues only 22% in Oregon between 1998-2009 reported pain or fear of pain

• 2. “High Tech Medicine Culture” necessitates assisted suicide
  • He argues “rise in emphasis on personal choice” as greater influence motivating assisted death movement

• 3. “It improves end-of-life – avoids agonizing death”
  • He argues both education and medicine improve end-of-life for those with adequate access to resources

• 4. “It is quick, painless and guaranteed way to die”
  • He argues “nothing in medicine is without complications”

Physicians’ Orders of Life Sustaining Treatment

Pennsylvania

2006: Pennsylvania Law directed study of POLST forms
2007: Demonstration project used administratively authorized forms (Dept/Health) in select hospitals; now widely used
2019: PA Senate Bill 142 & House Bill 997 pending, would formally authorize use of POLST forms, while also prohibiting insurers to “mandate” use
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