

## RECENT DEVELOPMENTS IN PHYSICIAN-ASSISTED DEATH

Professor Valerie J. Vollmar  
Willamette University College of Law

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**\*NOTE:** Professor Vollmar's recent developments reports are posted to her website at [www.willamette.edu/wucl/pas](http://www.willamette.edu/wucl/pas).

### LITIGATION

*Baxter v. Montana*, No. ADV-2007-787 (Mont. Dist. Ct., Dec. 5, 2008)

Case filed. On 10/18/07, a suit over the right to die with dignity was filed in the Lewis and Clark County District Court in Helena, Montana, against the State of Montana and the Attorney General. The plaintiffs originally included two terminally ill patients (53-year-old Steven Stoelb and 75-year-old Robert Baxter), four Missoula physicians who treat terminally-ill patients (Stephen Speckart, C. Paul Loehnen, Lar Autio, and George Risi, Jr.), and the nonprofit patients' rights organization Compassion & Choices. The two patients were represented by Mark S. Connell, a Missoula attorney, and Kathryn Tucker, Director of Legal Affairs for Compassion & Choices. Subsequently, Stoelb's case was dropped due to disputed facts regarding his disease. The complaint claimed that the state statutes criminalizing assisted suicide violated several sections of the Montana state constitution.

Trial court decision. Judge Dorothy McCarter heard arguments in the case on 10/10/08, with Assistant Attorney General Jennifer Anders arguing on behalf of the State of Montana. On 12/5/08, Judge McCarter issued an opinion holding that terminally ill patients have a right to physician-assisted suicide under Article II, Section 4 (right of individual dignity) and Section 10 (right of privacy) of the Montana constitution, but rejecting an equal protection claim under Section 4. (Plaintiffs had previously withdrawn their other constitutional claims.) Judge McCarter also held that the patient's right to die with dignity includes protection of the patient's physician from liability under Montana's homicide statutes.

Appeal. Shortly after the trial court's ruling, the state filed an appeal to the Montana chief juconcents Januaryght 2)(iss)TJ18.265 0 TD.0008 Tc7nt.At 20. O/7/09/08, Judge McCarterdenie

teleconference on 6/22/09. Twenty-eight state legislators have urged the supreme court to reject the ruling, while at least 24 legislators support the ruling.

Legislation. Democratic Representative Dick Barrett proposed a bill (LC 1818) in the current state legislature that would incorporate Judge McCarter's decision into state law and also set guidelines for patients and physicians who wish to participate in physician-assisted suicide. Ultimately, however, both Barrett and groups opposed to the bill decided not to proceed during the current session because of concern that the legislature could not give adequate attention to the contentious issue.

### Patients



terms of the Act since 1997.

Patient characteristics. Most of the 60 patients who died were between 55 and 84 years of age (78%), white (98%), and well-educated (60% had at least a baccalaureate degree, compared to 41% in previous years). Fifty percent of the patients were male and 50% female, 52% were married, and 48% lived in the Portland metropolitan area. Eighty percent of the patients who died had cancer, 98% were enrolled in a hospice program, and 94% had health insurance. Fifty-eight patients died at home, and two died in some type of care facility.

Patient concerns. The most common reasons for choosing assisted suicide expressed by patients to their physicians were loss of autonomy (95%), inability to participate in activities that make life enjoyable (92%), loss of dignity (92%), loss of control of bodily functions (62%), being a burden on family, friends, or caregivers (33%), and inadequate pain control (5%). Only two patients voiced concerns about the financial implications of treatment.

Mental health evaluations. Two of the patients who died were referred for a psychiatric or psychological consultation.

Medical information. During 2008, all lethal medications prescribed were barbiturates. The physician was present when the medication was ingested in 18% of cases, with other health care providers present in 70%. Median time from taking the medication to unconsciousness was five minutes (individual times ranged from 1 to 20 minutes). Median time from taking the medication to death was 15 minutes (individual times ranged from 2 minutes to 25 hours). No medical complications were reported. Two cases were referred to the Oregon Board of Medical Examiners for incorrectly completed reporting forms, but the Board found no violations of “good faith compliance” and did not sanction any physicians for “unprofessional conduct.”

Physicians. A total of 59 physicians prescribed lethal medications to 88 persons.

Oregon Health Division statistics for 2008 generally were consistent with statistics for 1998-2007, except that patients had more years of education and many more patients had private insurance rather than Medicare or Medicaid.

Compassion & Choices of Oregon. According to the 2008 annual report of Compassion & Choices of Oregon, the organization served more than 230 clients during 2008, 195 of whom died peacefully. Of the 195 who died in 2008, 53 chose to hasten their deaths by taking lethal medication, 129 died from their illness, seven died by terminal sedation, and six died after voluntarily stopping eating and drinking. Twenty-two of the 195 seriously considered

counseling and assisting individual clients and families, Compassion & Choices of Oregon held more than 40 public presentations before more than 3,000 attendees and thousands of TV viewers and radio listeners, and receive



Washington Hospital in Wenatchee, Swedish Medical Center in Seattle, Virginia Mason Medical Center Hospital in Seattle, Central Washington Hospital, Quincy Valley Medical Center, Lake Chelan Community Hospital in Chelan, Forks Community Hospital, and Mid-

Political campaign. Euthanasia advocate Dr. Jack Kevorkian lost his bid as an independent candidate running against incumbent Republican Representative Joe Knollenberg for the 9th Congressional District seat in Michigan. Democratic candidate Gary Peters won with 52% of the vote, while 43% voted for Knollenberg and 3% for Kevorkian.

Speech. On 2/5/09, Kevorkian delivered a speech at Nova Southeastern University in Davie, Florida, as part of the university's Distinguished Speakers Series. The theme of the series was "Life and Death." During his speech, Kevorkian displayed a U.S. flag with a swastika where the blue and stars should have been. The reaction of the audience was mixed.

Movie. Actor Al Pacino reportedly is in negotiations with director Barry Levinson to star in a forthcoming movie about Kevorkian called *You Don't Know Jack*. The HBO Films movie is based on a script by Adam Mazer, which is itself loosely based on Neal Nicol's *Between the Dying and the Dead: Dr. Jack Kevorkian, the Assisted Suicide Machine, and the Battle to Legalize Euthanasia*.

### Final Exit Network

Georgia criminal case. On 2/25/09, agents from the Georgia Bureau of Investigation and other law enforcement agencies conducted raids at 14 sites in nine different states (Georgia, Maryland, Ohio, Missouri, Montana, Michigan, Arizona, Florida, and Colorado). Subsequently, Claire Blehr, Thomas E. Goodwin, Dr. Lawrence D. Egbert, and Nicholas Alec Sheridan were charged with assisted suicide, tampering with evidence, and a violation of Georgia's anti-racketeering act in connection with the death of 58-year-old John Celmer, of Cumming, Georgia, in June 2008. The maximum penalties are five years in prison for assisting a suicide, three years for tampering with evidence, and 20 years for racketeering. Authorities allege that all four individuals are associated with the Final Exit Network, which is based in the north Atlanta suburb of Marietta, and that they helped Celmer die by means of helium tanks and a hood known as an "exit bag." The arrests resulted after a sting operation in which an undercover agent posed as a member of the group. The defendants are now free on bond. ERGO (Euthanasia Research & Guidance Organization) has started a defense fund called the "Final Exit Liberty Fund." The Final Exit Network has suspended assisted suicides since mid-February, but is still accepting applications.

Arizona criminal case. After the Georgia investigation began, authorities in Arizona began investigating Wye Hale-Rowe and Frank Langsner in connection with the death of 58-year-old Jana Van Voorhis in Phoenix in April 2007. Maricopa County Attorney Andrew Thomas said that Van Voorhis was not terminally ill but suffered from mental illness. On 5/14/09, Hale-Rowe and Langsner were indicted on charges of manslaughter and conspiracy to commit manslaughter. Dr. Lawrence Egbert and Roberta Massey also were indicted for conspiracy to commit manslaughter because they allegedly assisted in processing Van Voorhis' application for assistance.

Ohio investigation. Athens County authorities are investigating whether Final Exit Network played a role in the death of 69-year-old Phyllis Jean Hixson of Mason, Ohio, on 6/15/09. According to the group's lawyer, Robert Reeves, Hixson joined the organization in 2008 and



talked with one of its board members about her desire to die, but no member of the organization was present when she died. The Athens County sheriff is investigating Hixson's death as a possible homicide.

New president. Ted Goodwin resigned from his office as president of Final Exit Network on 2/23/09 (he is now vice-president of the World Federation of Right to Die Societies and will become world president in 2010). Goodwin was replaced by Jerry Dincin.

June Hartley. On 2/20/09, San Joaquin County prosecutors charged 42-year-old June Hartley of Lodi, California, with the felony of assisted suicide in connection with the death of her 45-year-old



## INTERNATIONAL DEVELOPMENTS

### Australia

Federal parliament. In March 2008, the Senate Standing Committee on Legal and Constitutional Affairs began an inquiry into the Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008, which was introduced in February by Australian Greens Senator Bob Brown as a private member's bill. The bill would repeal the 1997 Euthanasia Laws Act, which prohibited legalizing euthanasia in any Australian territory and served to overturn euthanasia laws in the Northern Territory nine months after they were enacted. (The federal parliament does not have the legal authority to prohibit Australian states from enacting euthanasia legislation.) In June 2008, the Senate Committee recommended by a split vote that the bill be allowed to proceed. However, the committee recommended that the bill be amended so that instead of reinstating the Northern Territory's former laws, the Territory would be allowed to pass new legislation. Debate is still pending in the Senate.

South Australia. Greens MP Mark Parnell has introduced a bill in the Upper House of the South Australian parliament that would authorize physician-assisted death by adding new provisions to the existing Consent to Medical Treatment and Palliative Care Act. One change from prior bills is a five-person board of medical and palliative care experts that would need to give final approval before a physician could act. The board would have the power to investigate, seek further psychiatric or other medical testing, and hear from concerned family members. The Voluntary Euthanasia Bill 2008 introduced by Independent MP Bob Such also is under debate before the Lower House.

Tasmania. On 5/26/09, Tasmanian Greens leader Nick McKim introduced a bill in the Lower House of the Tasmanian parliament that would enact the Dying with Dignity Act 2009. The bill would permit both physician-assisted death and active euthanasia for a terminally ill person experiencing pain, suffering, or distress that the person finds intolerable. Patients wishing to use the Act would have to consult a psychiatrist. According to McKim, a recent E-M-R-S poll he commissioned showed that 78% of Tasmanians supported the change. Debate on the proposed bill was expected to begin in August 2009, but on 6/18/09 Deputy Premier Lara Giddings succeeded in having the bill sent to a joint parliamentary committee for study, with the committee directed to report back to the parliament by 10/2/09. All political parties will allow a conscience vote for their members if parliament eventually votes on the bill.

Western Australia. Greens MP Robin Chapple of the Upper House of the Western Australian parliament plans to introduce a bill legalizing voluntary euthanasia. Of the Upper House's 36 members, 14 have indicated that they support such a bill in principle, eight have expressed opposition, five were undecided, and four could not be contacted. The chamber's five ministers refused to comment. Premier Colin Barrett previously indicated that he was opposed to euthanasia.

Graeme Wylie. A jury convicted Shirley Justins of manslaughter and her friend Caren Jenning (who died before sentencing) of being an accessory to manslaughter in connection

with the death of Justin's long-time partner Graeme Wylie in Cammeray in March 2006 by a lethal overdose of the drug Nembutal. Wylie suffered from severe dementia and Alzheimer's disease, and Swiss authorities had rejected his request to go to Switzerland for an assisted death because tests showed him to be incapable. In November 2008, Justice Roderick Howe sentenced Justins to 22 months in weekend detention. Justice George Palmer ruled on 5/18/09 that Wylie's 1996 will leaving the bulk of his \$2.4 million estate to Justins was invalid, but approved a settlement between Justins and Wylie's daughters distributing his estate in a manner that was closer to Wylie's 1995 will (which reportedly left one-half to Justins and one-quarter to each of Wylie's two daughters).

Steve Guest. On 7/11/05, Steve Guest, a 58-year-old Point Lonsdale resident with incurable throat cancer, called in to Jon Faine's radio program on 774 ABC, describing his suffering

Mexico on the internet for delivery by mail. Exit International now warns that Mexico is no longer safe and says that the best new locations to buy Nembutal include Peru, Bolivia, Bangkok, and Beijing.

Angie Belecciu. Angie Belecciu, a 57-year-old retired palliative care nurse who was dying of bone cancer, died on 3/23/09 from taking Nembutal. The mother of two adult children, she had devised a plan to die secretly in a motel room on the Mornington Peninsula to avoid any suspicion that her family or friends had assisted her. However, Dr. Nitschke said later that an unnamed member of the group “Nancy’s Friends” was with Belecciu when she died.

Internet censorship. Australia is the first Western nation to attempt censoring the internet. In March 2009, the anonymous whistleblower site Wikileaks published a leaked copy of the secret Australian Communications and Media Authority list of prohibited websites, which included such legal material as gay and straight porn sites, YouTube links, online poker sites, Wikipedia entries, and euthanasia sites. Subsequently, Australia’s third largest internet provider, iiNet, announced that it had withdrawn from the government’s internet censorship trials, saying it could not “reconcile participation in the trial with our corporate social responsibility.” And on SBS’ *Insight* television program on 6/14/09 Communications Minister Stephen Conroy seemed to back down from the censorship policy, saying it would apply only to content that has been refused classification (“RC”), not to R18+ or X18+ sites.

Television documentary. On 12/10/08, Australia’s ABC television network announced that it had purchased the rights to the controversial show *The Suicide Tourist*, which was scheduled to air in Britain. ABC planned to air the show during 2009. The documentary follows the last days of Chris Ewert, who died in Switzerland with the assistance of Dignitas.

Australian Medical Association. The group “Doctors for AMA Neutrality on Voluntary Euthanasia” is urging the Australian Medical Association to change its position against voluntary euthanasia to a neutral stance. The group has a national membership of over 100 physicians.

Christian group. Ian Wood of Port Pirie, South Australia, has helped form a campaign for legal voluntary euthanasia with stringent safeguards, called Christians Supporting Choice for Voluntary Euthanasia. The group now has supporters from South Australia, elsewhere in Australia, and overseas.

Advance directive tattoo. On 4/5/09, Vince Phelan, a 78-year-old man from Belmont, New South Wales, who has been told he is a candidate for a stroke or heart attack, had the words “do not resuscitate” tattooed on his chest. New South Wales is one of the few states that does not have specific advance directive legislation. Phelan is an Exit International coordinator and has been involved in the pro-euthanasia movement for 30 years.

Belgium. Amelie Van Esbeen, age 93, sought to end her life by euthanasia but her request initially was denied because her physician felt she was not suffering from a “serious terminal illness” with “constant and unbearable pain that cannot be relieved.” She then went on a 10-day hunger strike that ended on 3/24/09, when she made a written euthanasia request that was accepted by another



and bone cancer, sent a letter addressed to Quebec Health Minister Yves Bolduc to French-language newspapers across Quebec. In the letter, Dion asked the Quebec government to pressure Ottawa to change the federal law on assisted suicide so Dion could end his life with dignity. Bolduc refused to comment on the letter.

China. In October 2008, a Beijing court gave a three-year jail sentence, suspended for five years, to 47-year-old Li Hong, who had given her daughter 200 sleeping pills and then smothered her. Li's daughter was severely disabled with cerebral palsy, and Li was afraid she would become unable to care for her daughter. The court found that Li's actions were an act of mercy.

Colombia. In 1997, Colombia's Constitutional Court issued a 6-3 decision decriminalizing active euthanasia of terminally ill patients who consent. Colombia's Congress has the role of drawing up rules and regulations to prevent abuses, but cannot change the core of the court's ruling. Prior attempts to pass legislation failed in 1999, 2005, and 2007, but Senator Armando Benedetti introduced another bill that would establish standards for euthanasia. The process could only be initiated by the patient and would be limited to Colombians or foreigners who have lived in Colombia for more than a year. The practice of euthanasia would be regulated by the Minister of Protection. On 9/17/08, the issue was debated for the fifth time before a Senate committee, which approved a preliminary draft of the legislation by a vote of 11 to 3. However, three more votes remained, and a judicial strike that could delay legislation was under way. In 2009, Dr. Juan Mendoza, president of the World Federation of Right-to-Die Societies and ADMD-Colombia, testified before the Senate in favor of euthanasia legislation at Benedetti's request.

Croatia. A poll of 1,000 Croatians conducted by the GFK research center in Zagreb early in 2009 found that 54% of respondents supported providing "mercy killing" to terminally ill patients, with those between ages 18 and 35 being particularly supportive but those over age 64 largely opposed. Hrvoje Minigo, a physician who is president of the Croatian assembly, said that euthanasia is banned in Croatia and he believed the Catholic church's position was clear.

### Czech Republic

Proposed legislation. Independent Senator Václava Domšová unsuccessfully proposed a bill giving patients who are in hopeless situations and enduring physical and mental pain the right to have a "dignified death" by active euthanasia. The bill only provided a framework for euthanasia procedures, leaving much to future Health Ministry directives and patients' decisions. Although the draft bill failed and Domšová is no longer in the Senate, the nonparliamentary political party Liberálové.cz presented a second draft bill early in 2009 that is limited to physician-assisted suicide. The new bill would only apply to a terminally ill patient who has exhausted all available methods to improve the patient's condition, and the patient's signature would have to be verified by a notary.

Public opinion poll. According to a poll conducted in May 2009 by the Centre for Public Opinion Research (CVVM), 62% of respondents believed that euthanasia should be legal, as compared to 58% in 2007. Twenty-seven percent disagreed, as compared to 28% in 2007, and 10% were undecided. Roman Catholics disagreed with euthanasia more often than followers of other churches and atheists.

## France

Report to parliament. On 12/2/08, a four-member group of MPs headed by physician Jean Leonetti presented a report to Prime Minister François Fillon concluding that euthanasia should not be legalized in France. The report noted that current legislation allows enough leeway “to absolve or provide leniency on a case-by-case basis” but recommended more observation of end-of-life practices and training of more doctors specializing in hospice care.

Chantal Sébire. In 2008, 52-year-old Chantal Sébire died by taking a fatal dose of barbiturates. Days earlier she lost a legal battle for the right to die by euthanasia. An investigation to find out who supplied the drug was opened in June 2008, but was closed in March 2009 for lack of evidence implicating anyone.

Lydie Debaine. In April 2008, 62-year-old Lydie Debaine was acquitted of charges that she killed her severely mentally and physically disabled daughter Anne-Marie in 2005 by giving her large amounts of anxiety pills and drowning her in a bath. Anne-Marie had been cared for in specialist centers between the ages of six and 22 but had to move home in 2001 due to lack of a place where she could live. In December 2008, the court of appeal in Val d’Oise held that the acquittal was not appropriate because she had killed her daughter in 2005 by giving her large amounts of anxiety pills and drowning her in a bath. The court of appeal in Val d’Oise held that the acquittal was not appropriate because she had killed her daughter in 2005 by giving her large amounts of anxiety pills and drowning her in a bath. The court of appeal in Val d’Oise held that the acquittal was not appropriate because she had killed her daughter in 2005 by giving her large amounts of anxiety pills and drowning her in a bath.



accept the feeding tube. Putz advised the children to cut the feeding tube and then notify the public attorney's office, which they did. The public attorney ordered the nursing home to

appealed the court judgments to the House of Lords, which scheduled a hearing on 6/1-6/2/09. Purdy's only option if she loses in the House of Lords is to appeal to the European Court of Human Rights.

Dr. Philip Nitschke. Dr. Philip Nitschke held several workshops and gave a number of lectures in October 2008, which produced considerable controversy. While in Britain, Nitschke launched the online *Peaceful Pill eHandbook*. In May and June 2009, Nitschke held more workshops and introduced a kit that will allow people to check the strength of barbiturates purchased to commit suicide.

Dr. Ian Kerr. In July 2008, 61-year-old Glasgow physician Ian Kerr appeared before a General Medical Council (GMC) panel in connection with the 2005 death of "Patient A," an 87-year-old woman. Kerr was alleged to have prescribed temazepam that the patient used to end her own life two days later. He also was accused of keeping inadequate records regarding prescriptions of sodium amytal sleeping pills for five other patients. At the conclusion of a two-week hearing, the GMC found that Kerr's fitness to practice was impaired by virtue of his misconduct, and suspended him from practicing medicine for six months. On 1/31/09, the GMC decided that Kerr's fitness to practice was still impaired but allowed him to return to work subject to 12 conditions to remain in effect for 18 months, including practicing under supervision and not prescribing certain medications.

Dr. Michael Irwin. Dr. Michael Irwin resigned as chair of the Voluntary Euthanasia Society after admitting that he had planned to help end the life of Patrick Kneen in the Isle of Man, although Irwin was not charged with any crime. On 9/27/05, the General Medical Council struck Irwin off the medical register. On 1/25/06, Irwin told BBC Radio 4's *Today* program that Surrey police had interviewed him about his links to the Swiss organization Dignitas. Irwin also admitted that he had accompanied a Glasgow woman to Switzerland in August 2005 and was present when she committed suicide. Late in 2008, Surrey Police finally told Irwin that they were dropping the investigation over May Murphy's death because they did not possess any evidence to take the case further.

Daniel James. Twenty-three-year-old Daniel James, a former rugby player who was paralyzed in March 2007, died on 9/12/08 at a Dignitas clinic in Switzerland. The Director of Public Prosecutions considered prosecuting Daniel's parents, Mark and Julie James, for accompanying their son to Switzerland, but decided against prosecution in December 2008 because it was "not needed in the public interest" even though there was "sufficient evidence for a realistic prospect of conviction."

Kay Gilderdale. In December 2008, 54-year-old Kay Gilderdale of Stonegate was arrested on suspicion of murder in connection with the death of her 31-year-old daughter from a suspected morphine overdose. Lynn Gilderdale was diagnosed with myalgic encephalitis in May 1992 and spent the majority of her life bedridden, unable to walk, talk, swallow food, or even hold her head up, and requiring 24-hour care from her mother. On 4/16/09, Kay was charged with attempted murder and released on bail pending her appearance before Brighton Magistrates' Court the next week.

End-of-life care. Lord Darzi, the Health Minister, conducted a year-long review of the National Health Service (NHS) showing that most terminally ill patients died in the hospital, rather than at home as they preferred. He promised that steps would be taken to change the arrangements for patients facing death. The NHS was to publish its first End of Life Care Strategy by the end of 2008, and a new NHS care program was to provide support for hospitals trying to help patients who want to die at home. In November 2008, however, the Public Accounts Committee reported to the British Parliament that the situation had not changed, due to a lack of training for staff and inadequate support for hospices. Spending on palliative care also varied widely for no good reason.

## British physicians

General Medical Council guidelines. In March 2009, the General Medical Council (GMC) published draft guidance advising doctors on how they should approach decisions surrounding end of life. The new advice would update *Withholding or Withdrawing Life-Prolonging Treatment*, which was published in 2002. The draft guidance, which covers clinical decisionmaking in serious and life-threatening conditions and disabilities, advises doctors for the first time that the wishes of patients or their loved ones should be given much greater weight where there is a chance to prolong or save life, and that acting against a patient's wishes "should be deemed to be causing harm." On 6/3/09, the GMC held a conference to discuss the draft guidance document, which is available on-line.

Association of Anaesthetists of Great Britain and Ireland. The Association of Anaesthetists of Great Britain and Ireland also issued guidelines in March 2009, which focused on providing enough information for patients to make an informed decision about the degree of support they will receive during surgery.

British Medical Association. Dr. Kailash Chand, a GP regional representative with the British Medical Association, is putting two proposals before the group at its meeting in Liverpool on 6/25/09: (1) that physician-assisted death for terminally ill patients should be legalized, and (2) that people who help friends or relatives go to euthanasia clinics abroad should not be prosecuted.

Surveys. A survey of 460 general practitioners across the UK reported by *Healthcare Republic* in February 2009 showed that 38% of respondents believed that the ban on euthanasia should be lifted, and 39% believed that they should be able to assist a terminally ill patient in making plans to end their life; 38% said that they would be prepared to help a patient die if the law was changed to legalize physician-assisted death. The publication *Scotland on Sunday* reported that 35% of British doctors favored assisted suicide, 60% opposed it, and the remainder were unsure.

## British nurses

Consultation launched. On 2/17/09, the Royal College of Nursing (RCN) launched a consultation for members on the debate surrounding assisted suicide. To support the debate, the RCN produced a briefing document describing the current legal and parliamentary positions within the UK and listing current arguments for and against assisted suicide, as well as potential issues relating to nursing practice. Members had until 5/22/09 to express their opinions. The RCN expects to issue guidance for its members this summer.

Survey. A survey of 108 nurses in the UK reported by *Healthcare Republic* in April 2009 showed that 64% of respondents believed that assisted suicide should be legalized and 67% believed that clinicians should be able to assist terminally ill patients who wish to end their lives if they are in chronic pain. However, only 46%

of respondents said they would be willing to help terminally ill patients end their lives if the law allowed it.

Scotland. In late 2008, Margo MacDonald, independent Member of the Scottish Parliament for the Lothians, launched a consultation document seeking views from the public and MSPs about legalization of physician-assisted death. She needed written support from 18 MSPs to introduce her private member's End of Life (Scotland) Bill, which would incorporate the patient's right to choose this option into the principles of palliative care. To gain support, MacDonald narrowed the circumstances in which physician-assisted suicide would be available to (1) terminal illness; (2) progressive, degenerative conditions; and (3) people who suffer a trauma such as accidents or injuries that leave them dependent on others for care. On 4/24/09, MacDonald revealed that a total of 21 members from across all five parties had given their backing. Parliamentary officials will help her draft the formal legislation before it is handed to a Holyrood committee to scrutinize and invite evidence. The Scottish Parliament will probably debate the issue before the end of 2009. In a poll of 841 Scottish adults conducted in March 2009 for STV by Scottish Opinion, 61% of respondents believed doctors should be legally allowed to prescribe drugs to assist suicide. On 12/8/08, George Anderson of Dunfermline lodged a petition with the Petitions Committee at Holyrood on behalf of a group of pensioners, calling for a referendum on assisted death.

Italy. Eluana Englaro has been in a persistent vegetative state since 1992, when at age 19 she suffered severe brain damage in an automobile accident. Her father, Beppino Englaro, repeatedly tried and failed to get court approval to remove her feeding tube until 7/9/08, when Judge Filippo Lamanna of the Milan appeals court finally rule

affirmed the lower court's ruling in May 2009, and the hospital was expected to withdraw life supports in June. A survey of 455 doctors at Samsung Seoul Hospital released on 12/7/08 showed that 80% of respondents supported the court's decision. Another survey conducted by the National Cancer Center in September 2008 showed that 88.5% supported the introduction of a law giving the terminally ill the right to die with dignity.

Luxembourg. On 2/19/08, the parliament of the Grand Duchy of Luxembourg approved the Err/Huss bill No. 4909 decriminalizing assisted suicide



Basescu in November 2008 to allow him to be put to death because he could no longer bear the pain caused by complications from his illness. Basescu responded to the letter by saying that he could understand the suffering but that euthanasia was banned by the criminal code of the country. Eugen



## Switzerland

Swiss laws on assisted suicide. On 7/2/08, the Swiss cabinet instructed the justice ministry and the federal police to prepare a report on assisted suicide by early 2009, in order to help determine whether existing rules should be updated. The cabinet was particularly concerned about the care, counseling, and documentation that groups such as Dignitas provide to people seeking to end their lives. World Radio Switzerland reported in June 2009 that the cabinet remains divided after a preliminary discussion and has decided to open up a consultation process. Two options being examined are introducing stricter legislation on assisted suicide and banning assisted suicide organizations altogether. In April 2009, Dignitas founder Ludwig Minelli told the *London Guardian* that the organization is seeking a change in Swiss law to allow helping healthy people to commit assisted suicide.

Dignitas' challenges. Prosecutors are requiring that Dignitas, which is a nonprofit organization, open its books to reveal how much money it is receiving from its business of assisting suicide. More than 17,000 people have signed petitions calling for the group's centers in Zurich to be closed, and local politicians in Zurich are backing the call. Dignitas still does not have a permanent assisted suicide center, and the municipality of Wetzikon,

EX International. A second group in Switzerland EX International in Bern has announced that it will assist in the self-deliverance of nonresidents of Switzerland.

Public opinion poll. A poll published in the French-language magazine *Hebdo* on 4/11/09 showed that three-quarters of people in Switzerland are “fairly or greatly” in favor of assisted suicide, and that 56% would consider using it if they were suffering from a serious incurable disease. However, opinions were almost equally divided as to whether foreigners should be allowed to travel to Switzerland in order to die.

## Europe

European Association for Palliative Care. At a meeting of the European Association for Palliative Care (EAPC) in Vienna in May 2009, experts said that good medical care to ease the suffering of terminally ill patients makes assisted suicide unnecessary. Physicians also called for improved palliative care services across Europe, where the quality of services varies widely.

European Protestants. European Protestants met in Vienna in October 2008 for a consultation to begin the process of drawing up a common position on euthanasia. The Specialist Group on Ethics of the Community of Protestant Churches in Europe and other Protestant experts on the subject of euthanasia began by looking at existing position papers from member churches to help draw up the common statement. The group planned to present the document to the CPCE Council at its meeting in Oslo in January 2009.

\*Some information obtained from media reports has not been independently verified.