



# Mercy Notes

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## Palliative Care & Assisted Suicide

In August, Gov. David A. Paterson signed into law the New York Palliative Care Information Act, which mandates that doctors offer oral or written information about end-of-life care options to terminally ill patients.

The Medical Society of the State of New York criticized the law, saying it would interfere with the physician-patient relationship and force a “legislatively designed standard of care.” New York is the second state to enact such a law. California passed the Terminal Patients’ Right to Know End-of-Life Options Act in 2008.

Hospice care is designed for people expected to live only months. Palliative care is given to those with life-threatening illness to ease symptoms of the illness and the side effects of treatments. Learn more about palliative care from the Mayo Clinic at [www.mayoclinic.com/health/palliative-care/MY01051](http://www.mayoclinic.com/health/palliative-care/MY01051).

### Assisted Suicide Group Involved

There is no argument in the health care field about the need to improve access to palliative care for terminally ill patients. There is also agreement that many patients suffer needless pain in their last days. Furthermore, many medical providers say they are inadequately trained in palliative care.

The group that lobbied for the laws mentioned above is “Compassion and Choices,” — a merger of two groups formerly known as Compassion in Dying and the Hemlock Society. Though dropping the words “dying” and “hemlock” lends the group a more benign name, it remains an aggressive proponent of physician assisted suicide (PAS) with chapters throughout the United States.

### Assisted Suicide Legal in Three States Thanks to Group

Compassion and Choices successfully lobbied for PAS laws passed in Oregon and Washington. Montana appears to have followed suit. The state’s Supreme Court ruled in December 2009 that PAS is not illegal. But the Euthanasia Prevention Coalition says that under Montana law assisted suicide is still homicide. The Montana legislature plans to clear up the confusion in 2011 by introducing a bill outlawing PAS. Read further at <http://alexschadenberg.blogspot.com/2010/04/physician-assisted-suicide-is-not-legal.html>.

Compassion and Choices continues to look for inroads throughout the country, though its pro-suicide agenda has met with resistance. The group’s director of legal affairs pours over state constitutions, looking for those that do not address assisted suicide. When she finds a state that does not appear to specifically bar the act in its statutes, she considers that state as allowing assisted suicide and follows up with aggressive lobbying efforts. Read more at [www.ncregister.com/register\\_exclusives/selling-assisted-suicide-state-by-state/](http://www.ncregister.com/register_exclusives/selling-assisted-suicide-state-by-state/). Her most recent targets include Idaho ([www.lifesitenews.com/ldn/2010/jul/10072309.html](http://www.lifesitenews.com/ldn/2010/jul/10072309.html)) and Connecticut ([www.nhregister.com/articles/2010/06/26/news/aa3ctsuicideend062610.txt](http://www.nhregister.com/articles/2010/06/26/news/aa3ctsuicideend062610.txt)). The group tried to soften



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the term “assisted suicide,” now calling it “aid in dying.”

## “Death Panels” Connection

Compassion and Choices was reportedly heavily involved last year in writing section 1233 of the Affordable Care Act, the health care reform bill signed into law March 23 by President Obama. That section prompted former Alaska Gov. Sarah Palin’s “death panel” remark, raising so much alarm it was ultimately dropped from the bill. Read further at [www.lifesitenews.com/ldn/2009/09082015.html](http://www.lifesitenews.com/ldn/2009/09082015.html).

Palliative care advocated by pro-suicide Compassion and Choices distracts attention from its primary agenda and lends it a more beneficent reputation. The following article ([www.healthcommentary.org/?page\\_id=3622](http://www.healthcommentary.org/?page_id=3622)) discusses the New York State Medical Society’s opposition to the new palliative care law. In the second paragraph, Compassion and Choices is not mentioned by name, but only as “(2) . . . the public advocacy group that drove the legislation. . . .”

Wesley J. Smith, a Discovery Institute Senior Fellow and respected author in the field of euthanasia and assisted suicide, says the goal of Compassion and Choices is to become “the Planned Parenthood of assisted suicide.” He believes the group hopes to eventually reap taxpayer funding for end-of-life counseling and facilitation of assisted suicide ([www.discovery.org/a/12391](http://www.discovery.org/a/12391)). Here ([www.truecompassionadvocates.org/news-art090304.html](http://www.truecompassionadvocates.org/news-art090304.html)) is a look at how many Oregon deaths Compassion and Choices helped orchestrate from 1998-2008.

## Perspective of the Disabled

Leading disability rights groups have been working with state and community advocacy groups to fight the efforts of Compassion and Choices to nationalize assisted suicide. They say newly disabled individuals struggling with the adjustments they must make could easily fall prey to a worldview that assumes they would rather be dead.

Disability advocates remind us that loss of control of bodily functions and feeling like a burden on others are issues some disabled individuals — and some older adults — live with. They wonder what effect it will have on the training and ethics of medical professionals, health care policy decisions, and insurance coverage if assisted suicide becomes a socially acceptable “treatment” for incontinence or physical weakness. Even more ominous, when would an option to die, rooted in a philosophy of self-determination, become a societal expectation? Read further at [www.ct.gov/opapd/cwp/view.asp?Q=452674&A=3862](http://www.ct.gov/opapd/cwp/view.asp?Q=452674&A=3862).

## Study on Oregon Physician Assisted Suicides

According to the group, Religious Tolerance, over 75 bills were introduced to legalize PAS in 21 states from 1994 through 2010. All failed until 1997, when Oregon enacted its Death with Dignity Act.

Research was conducted with Oregon family members whose loved ones requested PAS. On a scale of 1 to 5, with 5 representing the most important reason, patients requesting assisted suicide feared future pain and loss of control more than any current discomfort. The highest rating given for pain at the time assisted suicide was requested was a median of 2. Oregon clinicians involved in the study reported surprise at the lack of

pain in patients requesting PAS.

The researchers concluded that increasing support for patients and fully addressing their concerns about the future would result in fewer considering assisted suicide. Clinicians could also better provide information on accessing hospice and palliative care, as well as other issues rated as important: pain reduction, quality of life, not burdening loved ones, and remaining at home. Read the study at [www.ncbi.nlm.nih.gov/pmc/articles/PMC2265314/?tool=pubmed](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2265314/?tool=pubmed).

## Worsening Palliative Care and Secretive Assisted Suicide

Oregon Health & Science University researchers say since passage of Oregon’s law, terminally ill patients in acute care facilities suffer more from poorly treated pain. The Oregon Board for Medical Examiners found Oregon does not provide adequate palliative care, while a Robert Wood Johnson Foundation study reported Oregon lacks state policies on pain relief and palliative care.

According to an article in the *Disability and Health Journal*, Oregon began rationing health care for the poor the same year PAS was legalized, cutting over 150 Medicaid services for the disabled, the elderly, and the terminally ill. Dying Oregon patients are now twice as likely to suffer moderate to severe pain during the last week of life compared to before the law passed. Read “Killing us

## Further Reading

- For a discussion of end-of-life issues, including death with dignity, from a Lutheran perspective, read [www.lutheransforlife.org/article/ventilators-feeding-tubes-and-other-end-of-life-questions/](http://www.lutheransforlife.org/article/ventilators-feeding-tubes-and-other-end-of-life-questions/).
- Read a statement from the LCMS Sanctity of Human Life Committee on end-of-life issues at [www.lcms.org/?14625](http://www.lcms.org/?14625).
- Pastor Walter Wangerin explores death from a Christian viewpoint in “Confronting Death.” The DVD shares Wangerin’s experience with terminal illness. Learn more at [www.lcms.org/?13654](http://www.lcms.org/?13654).
- The International Task Force on Euthanasia and Assisted Suicide, an advocacy group for the protection and compassionate care of patients, provides updates on assisted suicide and palliative care in the U.S. and other nations. Visit their website at [www.internationaltaskforce.org/](http://www.internationaltaskforce.org/) to learn more.

softly: the dangers of legalizing assisted suicide” at [www.dredef.org/PIIS1.pdf](http://www.dredef.org/PIIS1.pdf).

The Oregon law has been copied in Washington and in proposals pushed in other states. Disability rights advocates cite alarming problems, including excessive secrecy about assisted suicide deaths, lack of oversight, and no investigation of patient abuse or coercion. Though Oregon physicians are advised to refer patients requesting PAS for psychiatric evaluations, referrals actually dropped after the law passed. The Oregon Public Health Division (OPHD) does not even collect data on patients requesting suicide who are declared mentally incompetent. Critics say the OPHD, which oversees the Death with Dignity Act, behaves more as defender of the suicide law than protector of patients. Read a critique in the Michigan Law Review [www.spi.org/publications/Hendin-Foley\\_MichiganLawReview.pdf](http://www.spi.org/publications/Hendin-Foley_MichiganLawReview.pdf).

Oregon’s law has grimly altered the state’s view on health care for the terminally ill. Wesley Smith recounted the plight of two Oregon patients struggling with cancer. In both cases Medicaid bureaucrats refused to pay for chemotherapy treatments. Instead, they offered to pay for these individuals’ assisted suicides.

Washington’s assisted suicide law was enacted in 2008. Though current economic circumstances may be the cause, Medicaid patients there are about to experience health care cuts similar to those in Oregon. Gov. Chris Gregoire recently announced social services cuts, including \$4.6 million to be cut from the care of dying patients ([http://seattletimes.nwsourc.com/html/local-news/2013032324\\_dshs30m.html](http://seattletimes.nwsourc.com/html/local-news/2013032324_dshs30m.html)).

## A New Focus on Palliative Care

There is a new focus on palliative medicine because experience shows its superiority in both cost effectiveness and patient quality of life. A recent study on lung cancer patients found those who received palliative care soon after diagnosis lived longer and enjoyed a better quality of life than those who did not. Read further at [www.kaiserhealthnews.org/Daily-Reports/2010/August/19/Palliative-Care.aspx](http://www.kaiserhealthnews.org/Daily-Reports/2010/August/19/Palliative-Care.aspx).

The Affordable Care Act calls for providing children enrolled in Medicaid or the Children’s Health Insurance Program (CHIP) with concurrent curative and hospice care beginning in 2013. In addition, concurrent care demonstration programs for elderly and disabled Medicare patients will begin in 15 areas nationwide. At present, patients must stop curative treatments to enter hospice care, a move many patients and families believe means giving up.

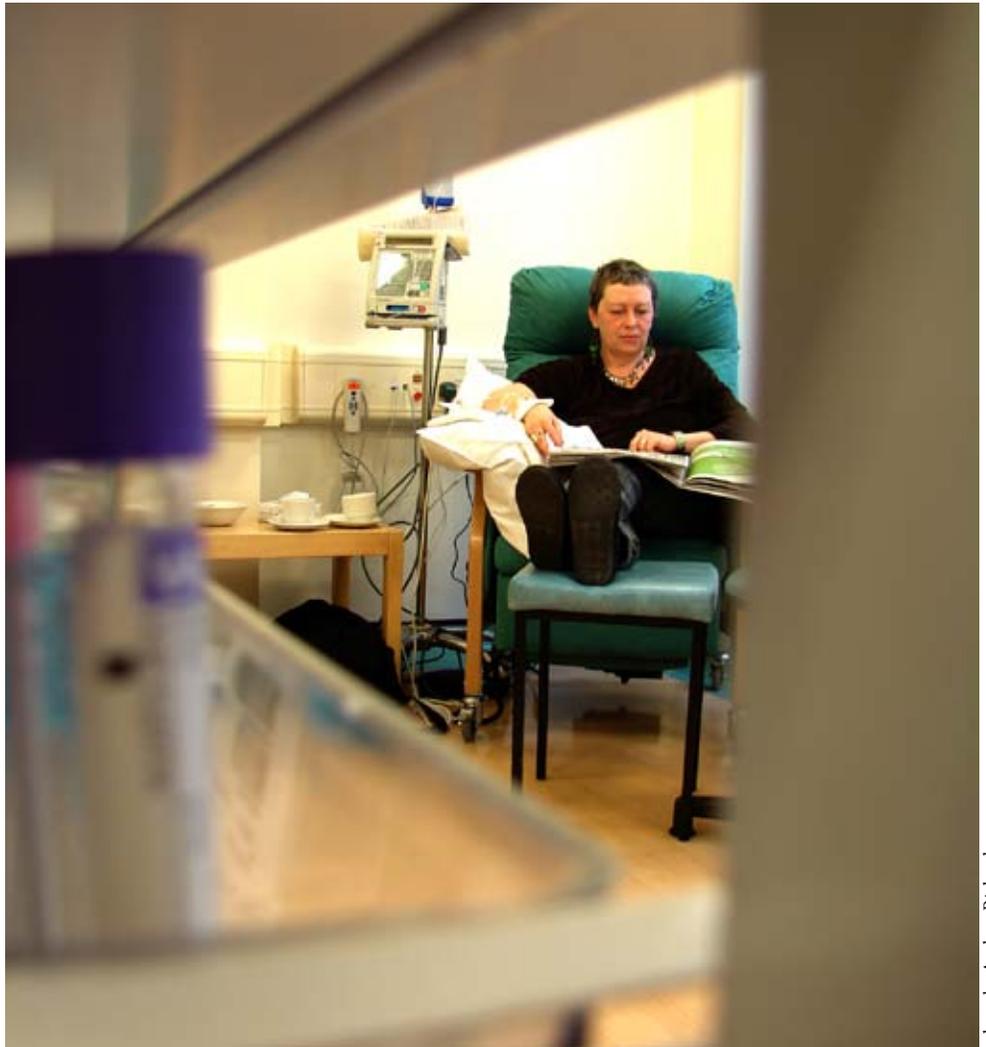


photo by Andrew Richards

## From the Hill

- Pro-family legislative action groups FRC Action and CitizenLink published a vote scorecard for the first 18 months of the 111<sup>th</sup> Congress. It is a snapshot of the “change” wrought by this administration and Congress. You can read their

assessment chronicle of how legislators voted on important issues at <http://downloads.frcaction.org/EF/EF10129.pdf>.

- Democratic leaders plan to cram the

post-election lame-duck session with bills they have been unable to pass, even if they lose majority control of Congress. On the table are second attempts at repealing the “Don’t Ask, Don’t Tell” pol-

icy and passing the DREAM Act. Read more at <http://thehill.com/homenews/senate/121223-dems-stuff-lame-duck>.

- When the U.S. Department of Health and Human Services (HHS) withheld a taxpayer funded survey showing parents and teens favored abstinence, the National Abstinence Education Foundation encouraged citizens to contact HHS and request the report. Within days, the agency website was inundated by requests. HHS subsequently released the report, just in time for 30 governors to apply for federal abstinence education funding by deadline. Read further at [www.ifrl-blog.blogspot.com/2010/09/30-governors-applied-for-abstinence.html](http://www.ifrl-blog.blogspot.com/2010/09/30-governors-applied-for-abstinence.html).

- Rep. Patrick Kennedy (D-R.I.) introduced the **SAMSHA Modernization Act (H.R. 5466)**, which would bar religious hiring exemptions for faith-based mental health and substance abuse agencies. The National Religious Broadcasters fear Congress would try to expand the ban to all faith-based non-profit groups. Read about the issues at [www.christianpost.com/article/20100927/faith-based-hiring-bill-an-assault-on-religious-charities-says-nrb-leader/](http://www.christianpost.com/article/20100927/faith-based-hiring-bill-an-assault-on-religious-charities-says-nrb-leader/).

## State Watch

- Three Iowa Supreme Court judges up for retention votes were tossed off the bench Nov. 2 [www.usatoday.com/news/politics/2010-11-03-gay-marriage-iowa-election\\_N.htm](http://www.usatoday.com/news/politics/2010-11-03-gay-marriage-iowa-election_N.htm). The Iowa Supreme Court unanimously forced same sex marriage onto the Corn Belt in 2009. Conservative activists propose judges be held accountable by selection through popular elections rather than appointments. Former U.S. Supreme Court Justice Sandra Day O'Connor disagrees, saying that would result in "politicians in robes." An Alabama Supreme Court Associate Justice says if people believe appointing judges is not tainted by the influence of special interests, he has a bridge he would like to sell them. Read

- The U.S. Department of Education plans to provide "substantive" oversight of public and private colleges and universities, over and above the existing state accreditation requirements. Critics say it will open even religious schools to federal interference with curriculum, textbooks, faculty, and more. Read further at [www.ccu.edu/centennial/blog/post/2010/09/20/Political-oversight-of-private-colleges-called-unacceptable.aspx](http://www.ccu.edu/centennial/blog/post/2010/09/20/Political-oversight-of-private-colleges-called-unacceptable.aspx).

- The **Health Care Bureaucrats Elimination Act (S.3653)** was introduced July 27 by Sen. John Cornyn (R-Texas). S. 3653 would repeal the Independent Payment Advisory Board (IPAB), a panel created under the Affordable Care Act. IPAB will oversee Medicare spending and cut program costs. Its proposals could be overruled by Congress only under strict rules. Read more about IPAB at [www.nejm.org/doi/pdf/10.1056/NEJMp1005402](http://www.nejm.org/doi/pdf/10.1056/NEJMp1005402). The bill has 12 cosponsors.

his comments at [www.iowafreedom.com/index.php/news/elect\\_judges\\_so\\_they\\_can\\_be\\_held\\_accountable/](http://www.iowafreedom.com/index.php/news/elect_judges_so_they_can_be_held_accountable/).

- A new sex education curriculum proposed by the Helena, Montana, school board stirred community outrage. The program would begin in kindergarten and become quite graphic by fifth grade. The curriculum was approved by SIECUS (Sexuality Information and Education Council of the United States), a sexual freedom advocacy group founded in 1964 by a former Planned Parenthood medical director. Planned Parenthood helped draft the new curriculum. Read further at [www.cwfa.org/articledisplay.asp?id=19392&department=FIELD&categoryid=family](http://www.cwfa.org/articledisplay.asp?id=19392&department=FIELD&categoryid=family).

## Learn More

Log onto <http://thomas.loc.gov> for the complete text of bills and for further information, including the current status of any bill and the names of sponsoring representatives.

To find out how your representatives voted on recent legislation, log onto [www.vote-smart.org](http://www.vote-smart.org).

## Contact Your Elected Officials

For the name of your U.S. representative or senator, contact your local elections officer or call the **Federal Citizen Information National Contact Center** at (800) 333-4636.

For the most recent information about elected national officials, log on to these Web sites or call the following Capitol switchboard numbers:

### Senators

(202) 224-3121 • [www.senate.gov](http://www.senate.gov)

### Representatives

(202) 225-3121 • [www.house.gov](http://www.house.gov)

### LCMS Representatives

- Dave Reichert (R-WA-08) [www.reichert.house.gov](http://www.reichert.house.gov)
- John Shimkus (R-IL-19) [www.shimkus.house.gov](http://www.shimkus.house.gov)
- Debbie Halvorson (D-IL-11) [www.halvorson.house.gov](http://www.halvorson.house.gov)
- Erik Paulsen (R-MN-3) [www.paulsen.house.gov](http://www.paulsen.house.gov)
- Cynthia Lummis (R-WY-AL) [www.lummis.house.gov](http://www.lummis.house.gov)

### To contact the White House

Comments (202) 456-1111  
Switchboard (202) 456-1414  
Fax (202) 456-2461  
[www.whitehouse.gov](http://www.whitehouse.gov)

### TTY/TDD phone numbers for hearing impaired only:

Comments (202) 456-6213  
Visitor's office (202) 456-2121

**President Barack Obama**  
[president@whitehouse.gov](mailto:president@whitehouse.gov)

**Vice President Joe Biden**  
[vice.president@whitehouse.gov](mailto:vice.president@whitehouse.gov)

- The Virginia legislature may vote to propose a constitutional amendment during its January session. The “Repeal Amendment” would bypass the courts, allowing two thirds of the states to repeal a federal law for policy concerns. Proponents say it would allow thousands of elected representatives across the na-

tion “to check the will of 535 elected representatives in Washington, D.C.” Read further at [http://voices.washingtonpost.com/virginiapolitics/2010/09/howell\\_says\\_virginia\\_assembly.html?wprss=virginiapolitics](http://voices.washingtonpost.com/virginiapolitics/2010/09/howell_says_virginia_assembly.html?wprss=virginiapolitics).

## Brief Notes

- A judge ordered a Christian counseling student at a public university to choose remediation or expulsion over her views on lesbian, gay, bisexual, and transgender issues. Read her story at [www.onenewsnow.com/Legal/Default.aspx?id=1134520](http://www.onenewsnow.com/Legal/Default.aspx?id=1134520). The faculty found the student’s belief in “binary male-female gender, with one or the other being fixed in each person at their creation, and not a social construct or individual choice ...” particularly unacceptable. Read further at [www.christianpost.com/article/20100722/ga-school-forces-christian-student-to-alter-beliefs-to-graduate/index.html](http://www.christianpost.com/article/20100722/ga-school-forces-christian-student-to-alter-beliefs-to-graduate/index.html).

- The ACLU is urging the government to punish Catholic hospitals for refusing to perform abortions, claiming religious hospitals are denying lawful emergency medical care to pregnant women. A legal firm offering to defend Catholic hospitals says if the ACLU is successful, religious hospitals across the country will close rather than violate their faith and the conscience rights of medical staff. Read more at [www.life-news.com/nat6655.html](http://www.life-news.com/nat6655.html).

- The Family Research Council published a new resource on Planned Par-

enthod. “Planned Parenthood, What Every Parent, Teacher, Woman, Community Leader and Elected Official Needs to Know” explains the group’s founding by eugenics proponent Margaret Sanger. Learn about the taxpayer funding granted Planned Parenthood each year, their efforts to sexualize young children, and how to limit the group’s influence in your community at <http://downloads.frc.org/EF/EF10I10.pdf>.

Sources: CQ Politics, Centennial Institute at Colorado Christian University, Chicago Tribune, Christian Post, Concerned Women for America, *Disability and Health Journal*, Discovery Institute, Euthanasia Prevention Coalition, FRCAction.org, Family Research Council, govtrack.us, Health Commentary, Illinois Federation for Right to Life, International Task Force on Euthanasia and Assisted Suicide, Iowa for Freedom, Journal of General Internal Medicine, Kaiser Health News, LifeNews.com, LifeSiteNews.com, Lutherans for Life, Mayo Clinic, Michigan Law Review, National Catholic Register, New England Journal of Medicine, New Haven Register, New York Times, Office for Protection and Advocacy for Persons with Disabilities, OneNewsNow.com, Religious Tolerance, Seattle Times, State-line.org, The Hill, Wall Street Journal, Washington Post

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Mercy forever.