

## Some Oregon Assisted Suicide Abuses and Complications

*"We are not given the resources to investigate [assisted-suicide cases] and not only do we not have the resources to do it, but we do not have any legal authority to insert ourselves."<sup>1</sup>*

*Dr. Katrina Hedberg, Oregon Department of Human Services (DHS)*

Under Oregon's lax oversight, these are some of the documented abuses and complications that have come to light:

- Kate Cheney,<sup>2</sup> 85, died of assisted suicide under Oregon's law even though she had early dementia. Her personal physician declined to provide the lethal prescription. Her managed-care provider found another physician to prescribe a lethal dose of drugs. When counseling to determine her capacity was sought, a psychiatrist concluded that she was not eligible for assisted suicide since she was not explicitly seeking it, and her daughter seemed to be coaching her to do so. Nevertheless, Kate Cheney soon received and used the lethal drugs.
- Michael Freeland,<sup>3</sup> age 64, had a 43-year history of acute depression and suicide attempts. Yet, when Freeland and his daughter went to see a doctor about arranging a legal assisted suicide, the physician said he didn't think that a psychiatric consultation was "necessary." Oregon's statistics for the last four years show that only 2% of patients were referred for a psychological evaluation or counseling before receiving their prescriptions for lethal drugs.<sup>4</sup>
- Patrick Matheny<sup>5</sup> received his assisted suicide prescription by Federal Express. He couldn't take the drugs by himself so his brother-in-law helped. Commenting on the Matheny case, Dr. Hedberg of Oregon DHS said that "we do not know exactly how he helped this person swallow, whether it was putting a feed tube down or whatever, but he was not prosecuted ...." The state's official annual report on assisted suicide deaths did not take note of this violation of the Oregon law.
- Contrary to proponents' claims, legalizing assisted suicide does not guarantee patients a quick and peaceful death. Speaking at Portland Community College, pro-assisted-suicide attorney Cynthia Barrett<sup>6</sup> described one botched assisted suicide. "The man was at home. There was no doctor there," she said. "After he took it [the lethal dose], he began to have some physical symptoms. The symptoms were hard for his wife to handle. Well, she called 911." He was taken to a local Portland hospital and revived.
- David Prueitt<sup>7</sup> took his prescribed lethal overdose in the presence of his family and members of the assisted-suicide advocacy group Compassion & Choices (formerly the Hemlock Society). After being unconscious for 65 hours, he awoke. His family leaked the failed assisted suicide to the media. Oregon DHS issued a release saying it "has no authority to investigate individual Death with Dignity cases."<sup>8</sup>
- The first known assisted-suicide death<sup>9</sup> under the Oregon law was that of a woman in her mid-eighties who had been battling breast cancer for twenty-two years. Initially, two doctors, including her own physician who believed that her request was due to depression, had refused to prescribe the lethal drugs. Compassion & Choices—then operating under the name Compassion in Dying—became involved in the case and referred the woman to a doctor willing to write the prescription.
- The following cases indicate legal erosion associated with legalized assisted suicide. Wendy Melcher<sup>10</sup> died in August 2005 after two Oregon nurses, Rebecca Cain and Diana Corson, gave her overdoses of morphine and phenobarbital. They claimed Melcher had requested an assisted suicide, but they administered the drugs without her doctor's knowledge in clear violation of Oregon's law. No criminal charges have been filed against the two nurses. The case prompted one newspaper to write, "If nurses—or anyone else—are willing to go outside the law, then all the protections built into [Oregon's] Death with Dignity Act are for naught."<sup>11</sup> Annie O. Jones, John Avery and three other patients were killed from an illegal overdose of medication given to them by a nurse, and none of these cases have been prosecuted in Oregon.<sup>12</sup>

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<sup>1</sup> DHS news release, "No authority to investigate Death with Dignity case, DHS says," March 4, 2005.

<sup>2</sup> Erin Barnett, "A family struggle: Is Mom capable of choosing to die?" *Oregonian*, Oct. 17, 1999.

<sup>3</sup> N. Gregory Hamilton, M.D. and Catherine Hamilton, M.A., "Competing Paradigms of Responding to Assisted-Suicide Requests in Oregon: Case Report," presented at the American Psychiatric Association Annual Meeting, New York, New York, May 6, 2004. (<http://www.pccef.org/articles/art28.htm>)

<sup>4</sup> Oregon Death with Dignity Act Year 9 Report, Oregon Department of Human Services, March, 2007.

<sup>5</sup> Erin Hoover, "Dilemma of assisted suicide: When?" *Oregonian*, Jan. 17, 1999 and Erin Hoover, "Man with ALS makes up his mind to die," *Oregonian*, March 11, 1999.

<sup>6</sup> Barrett made her remarks during a "Physician-Assisted Suicide: Counseling Patients/Clients" presentation at Portland Community College in December 1999. Audiotape on file with author. Also David Reinhard, "The pills don't kill: The case, First of two parts," *Oregonian*, March 23, 2000 and David Reinhard, "The pills don't kill: The cover-up, Second of two parts," *Oregonian*, March 26, 2000.

<sup>7</sup> Associated Press, "Assisted suicide attempt fails," March 4, 2005.

<sup>8</sup> Oregon Dept. of Human Services, Press Release, March 4, 2005.

<sup>9</sup> Erin Hoover and Gail Hill, "Two die using suicide law; Woman on tape says she looks forward to relief," *Oregonian*, March 26, 1998; Kim Murphy, "Death Called 1<sup>st</sup> under Oregon's New Suicide Law," *Los Angeles Times*, March 26, 1998; and Diane Gianelli, "Praise, criticism follow Oregon's first reported assisted suicides," *American Medical News*, Apr. 13, 1998.

<sup>10</sup> "Pressure Increases on Suspected Nurses - Alleged Players in Assisted Suicide May Be Prosecuted; Others, too," *Portland Tribune*, September 7, 2007.

<sup>11</sup> Editorial, "Another case for nursing reform," *Portland Tribune*, July 10, 2007.

<sup>12</sup> "Nursing Chaos - Is Oregon State Board of Nursing Protecting Nurses at the Expense of Public Safety," *Portland Tribune*, May 7, 2006.