

English 1302

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Dying with Dignity, Is it a right or an unlawful doing?

Throughout history there have been great advance in various field such the medical field. As the medical advancements of the 21st Century continue to progress and provide new cure for disease that were once considered “incurable” to treat due to the lack of medication that was available back then. Now, with the innovation and research that has been done in this particular field, patients with various diseases, especially terminally ill patients that are fighting aggressively for their life, are given the distinctive option of what particular treatment they want to submit to. Consequently, the United States keeps implementing new forms of technology and research to treatment for disease such as cancer. As a result, people around the world travel to the United States to have access to these treatments that could potentially improve the patient's' well being. Due to the fact the U.S is one the most advance nation. Although the United States is such an advanced country, with various freedoms given to its citizens, there is one right that is currently not available in all of the fifty states. Dying with Dignity (also know as physician - assisted suicide), is a procedure that enables a doctor to prescribe a medicine to terminally ill patients, who want to die in a peaceful manner. Currently, there are only four states Oregon, Vermont, Washington, California that have a law that grants the legal right to these patients, and Montana is that is legal by the Supreme Court ruling instead of being voted by the citizen. Having the right to die with dignity should be available in all fifty states for terminally ill patients who have ran out of alternatives to cure their diseases, that in most cases has a low factuality of being cured.

Although there are many diseases that affect human beings, there are a couple that stand out due to the difficulty as well as how the diseases are treated among the world. As a result, researchers, along with doctors, are trying to find as many treatments available for these patients. Despite the fact the countless treatments that are now available, it does not take into consideration the pain and suffering the patient undergo during the process. Currently, cancer is one of the most common terminally ill disease people suffer the most from in the United States. According The American Cancer Association Cancer Fact and Figures 2016 it projected that there are going to be 1,685,210 for both sexes new cancer cases and 595,690 estimated death for throughout the United States in 2016 . Comparing it to 2015 data, it estimates that there were 1,658,370 new cases of cancer for both sexes and 589,430 death. In effect it demonstrates that there 26,840 more cases than in 2015 and 6,260. As a result, it be concluded there are different factors that can impact the number of new cases of cancer, especially if it comes to new medication and treatment that are utilize for each particular cancer.

The treatment for lethal cancer such as brain cancer can give the patient more pain. Take for an example a person that has this type of cancer and is going through radiation therapy, the common side effect according to The American Cancer Society can be headaches, hair loss, nausea along with more complex side effects such as hearing loss, skin and scalp changes and most importantly of all seizures and trouble with memory and speech. These side effect stated can be so painful that they would rather have another option available.

Once the physicians diagnosis the patient with terminally ill which means that the individual has less than a year to live and as result that patients have option on choosing what kind of care they want for the rest of the time they have to live. Hospice care according to the American Cancer Society states “treats the person rather than the disease, working to manage

symptoms so that a person's last days may be spent with dignity and quality, surrounded by their loved ones". Meaning that this facility provides various services to the patient such as emotional, psychosocial and spiritually help. By providing this kind of services allows the person to be more comfortable at the time they need it the most. Beside those benefits, clinically wise the medication that are administered differently. The Stanford School of Medicine article Palliative Care states that the medication that is given has to be approved by the hospice. A patient that is in this system can received the medicine in various places such as their home, a hospital or care facility like a nursing home. According to the National Hospice and Palliative Care 2015 study estimated that in 2014 there were around 1,656,353 patients and families that were helped by the hospice system. Even though a hospice might be a good option for patients, not all insurance pay for hospice care, as well not all people get the proper treatment for their disease.

In the past, natural remedies was consider the medicine of that time. Today, these kind of remedies are used as a alternative source to alleviate the pain of patient that have chronic pain or terminally ill. Currently there are natural treatment for cancer patients, according to the article Natural cancer treatments for hospice states the following natural treatment that cancer patients that are available such as: Collect-Budwig Protocol, Cesium Chloride Protocol, Plasma-Beck Protocol and Overnight are the four kind of treatments that are available. Collect- Budwig protocol as an alkaline protocol that slows the cancer from spreading due to the various nutrients such as amino acids that this cure contains. The other option is Cesium Chloride Protocol that uses the same protocol but unlike the first one it could cause temporary swelling or inflammation when first administered. Plasma -Beck is the third option that is not a alkaline protocol instead it uses High RF Frequency protocol plasma in addition to the Bob Beck Protocol. The final choice is overnight cure for cancer creates huge amount of body odor. It creates bad order due to the

fact that patients these are who are not able to digest food, because according to the article "the stomach is blocked (or paralyzed), the colon is blocked(or is paralyzed) or the stomach or colon are so damaged by chemotherapy, radiation and/or surgery that the patient cannot digest foods and supplements very well. In effect this choice may not be the most comfortable for the patients". Even though those are considered natural they are hard to acquire due to the fact most insurance do not cover them.

From the time that Oregon the first state that legalized death with dignity, until this day, there have been testimonies of families that have advocated for the legalization for the right to die with dignity throughout America. Recently, there have been two notable cases that have caused national attention on the subject. Brittany Maynard was a 29 year old woman that was diagnosed with an aggressive brain cancer, which caused doctors to only expect her to live for another six months. In spite of, the news that she only had such a short time, and thinking of the pain she was to experience made Brittany realize that she did not want to die suffering. Instead, she wanted to die in a peaceful manner that would allow her to die in the comfort of her home. At the time she was diagnosed with brain cancer she lived in California, a this state did not have a law for the terminally ill patient to die in a more definite death. Despite the fact that she wanted to have the option, as a result, Brittany and her husband moved to Oregon, a state that had a law that gave this legal right to these patients. Consequently, with not having the option die with dignity in her home state, Brittany started being advocate for the terminally ill patients like her to have the right to choose how they want to die. In effect, Brittany partnered up with Compassion Choices, an organization that advocates for what Brittany stood for, she made a video that talked about her story and how her life was drastically change in such a little time. With Brittany's story, she was able to prove the nation that dying is not unlawful but a right

that all citizens should have. In the 60 Minutes report “Aid in Dying” interview, her husband Dan Diaz and the physician that prescribed that medication to her Dr. Eric Walsh explained why it was Brittany last option in battling her cancer. In the interview, Dan supported the fact that dying with the dignity was not their first option. He said, “and we sent her packet of medical information to Duke and Mayo Clinic and UCLA and everywhere that we possibly could to see what was out there. So you have cancer, you fight “her husband on over fighting her battle with cancer “ in the interview support the fact patient like Brittany have tried so many options and have seen many specialist but of there are no other options. That is the better way the person to have right they they should die. Although Brittany took her life , she was able to take it away in a peaceful manner when you compare it Jennifer Glass case.

Jennifer Glass, like Brittany, was also an advocated of passing the right to die with dignity and was a writer for the Huffington Post, and through the paper, she was able to take a state what she believed, in the article "At last: I want the Last Word as to My Story Ends" reflecting her beliefs on why a person should have the legal right in every state. In the article she said “ I’m at peace with the idea that my life will, end but how it might end,if cancer runs it course, that terrifies me” by Jennifer stating that it caused many conflicts because she was a person that was involved in the public media. Even Though Jennifer Glass was such an advocate, she sadly ended up passing away in a hospice care, a way she did not want.

The opposing side may have a different way of viewing terminally ill disease. Take for an example Maggie Karner, who like Brittany Maynard was also diagnosed with the same type of brain cancer that Brittany had, a glioblastoma grade IV brain tumor. Even though they shared the same condition their views on viewing life with their disease differ. Moved by Brittany story Karner wrote an open letter in response to Brittany videos stating that dying with dignity might

not be the best option. In her writing Karner, she uses pathos to describe the process that Brittany is going through fighting cancer. In effect she states "Brain cancer (stinks) in a really big way. It's a beast that lurks and prowls, just waiting for the chance to pounce and take away more of our faculties, our everyday joys and our very lives." She also backs up her appeal by stating the loss of well known celebrity like Robin Williams by saying "Remember when Robin Williams took his own life? The shock, all the remembrances on TV. The world lost some of its beauty and joy that day." To support the fact that according to Karner if Brittany takes her life away her family is going to mourn her loss. Overall she purpose that Brittany should keep fighting, that this disease should not keep her down instead it should motivate to keep on fighting and support it by the last few sentences are "We haven't squeezed out every drop of life left in us yet" so Brittany, please don't. Please don't leave us yet. Let's choose life for as long as we've got it. L'chaim. (To life.)" Is definitely a powerful way to finish, her argument due to the fact she ended with pathos.

As in any other case, there is always two sides of the story. In this case, the terminally ill patient and the physician that is providing treatment are the two who have different ways of viewing the implication of death with dignity due to the fact that terminally ill patient is seeing it from a moral point which is seeing things the good or wrong consequence of making the decision. At the same time, the physician is seeing it as an ethical decision based on the knowledge they have required studying in the field. Overall, Physicians have to think ethically but morally sometimes. Ethos is a very important trait that is important in many professions such as medicine. In the newspaper America article Physician- Assisted Suicide: Reflection of A Young Doctor deals with a young doctor's perspective on death with dignity. According to the physician he believes that the action challenges three important moral assumptions that are fundamental in the

profession, he states “first, the centrality of the axiom *Primum non nocere* (“First do no harm”): second, the principle of double effect: and third, the moral distinction between actively taking a life and allowing a person to die by choosing not employ artificial means of life-support.”(Vernacchio 14). Now, what he means with his first point is that as physician are expected to try to give the best treatment to their patients and by assisting with suicide is "contradicts this life-respecting and humbling assertion that our first duty is to do no harm". Similar to his first point double effect is the good and evil effect of someone's action. The doctor describes this effect in four point"1) the act itself is either morally good at least neutral; 2) the person acting intends the good effect and sincerely does not intend the evil effect; 3) the evil effect is not a means to the good effect; and 4) the good effect is proportional to the evil one."(Vernacchio 14) Confirms that even though helping out a patients in theory is the right thing to do, some action such assisted suicide can have a good and evil effect due to the fact the doctor has to induce the patient’s death by prescribing the medication. Despite the article was written in 1996 it still gives a good overview of a doctor's perspective on the ethical, logical matter of the issue.

Take for example Dr. Eric Walsh the physician from Oregon who prescribed secobarbital (which is the aid-in dying medication) to nineteen patients, including Brittany Maynard. In the 60 Minutes report “Aid in Dying” the Doctor is question on why prescribed the medication to those patients, and he responded by saying, “ When somebody’s facing the end of their life shouldn’t they be in control? Shouldn’t I be able to help them when they’re suffering, and the burden of living becomes intolerable to them?” His action defies the things that young doctor mention in the newspaper article due to the fact his actions has a double good effect.

Oregon, Vermont, Washington, California are the states that have passed the death and dignity. Even though they are all related with giving the patient this right they differ in certain provision that are described in each a law. The Oregon Death with Dignity Act 1994/1997 was the first law that was passed. Because it was the first states to pass the law it served as a model for the other as far as for the section that describes the general provisions. Some of the general provision included that the person has to be 18 years or older and has to have three kind of physician according to the textbook *Issues In Law & Medicine* Volume 11. The three type of doctors include "Attending Physician" which is the doctor who is primarily responsible for the terminal disease treatment of the patient. Then there is the "Consulting Physician "who is qualified by specialty or experience to make a professional diagnosis and prognosis in regards to the patient's disease." Meaning that the patient primary doctor refers them to specialist to further explain their condition. Besides that section, Section 3 stipulate the safeguards, meaning the procedures that need to be done before authorizing prescription. Some of the safeguards included informing the risk that is correlated with taking medication. In addition, to care alternatives that are available like a hospice.

In 2008 Washington, passed their law Washington Death with Dignity Act like Oregon, the patient that petition the right has to be 18 years and older and has to pass a psychological exam that demonstrates that the person is adequate to make this decision. One thing this law is different from the other one is the written request that needs by the patient. According to the Washington State Legislature it stipulate the follow provisions " (a) a relative of the patient by blood, marriage, or adoption; (b) a person who at the time the request is signed would be entitled to any portion of the estate of the qualified patient upon death under any will or by operation of law; or (C) an owner, operator, or employee of a health care facility where the qualified patient is

receiving medical treatment or is a resident" The main reason these provision are made under this section is to make sure that the patient is not being persuaded to make this decision.

Passing this law is not going to be an easy thing to pass in all of the 50 states but perhaps a Supreme Court ruling in the future will give this right to these patients. By legalizing death with dignity in all 50 states it will continue to prove that the United States continues to be one of the most progressive countries in the world. In addition, it would an option to many patients that well feel better that they have that option available without having to move to another state.

Annotated Bibliography

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“Cancer Facts and Figures 2016 - American Cancer Society.” Corporate Center: American Cancer Society Inc, www.bing.com/cr?IG=AB94D350323B4D22B4059F4322B1566B&CID=151BBD54D4C26C0D3FC7B48AD5F36D7D&rd=1&h=dG61nrRNM7TdZ7rNWvB5CRK6ZT-QI6KWqXEfqxWgElg&v=1&r=http://www.cancer.org/acs/groups/content/@research/documents/document/acspc-047079.pdf&p=DevEx,5084.1 This is an annual study made by the American Cancer Society that provides data of cancer patients. In the data it describes the percentage of people that have certain cancer. It also shows the number of death as well as the age of the Cancer patient. I choose this source due to the fact it gives good factual data related to the

number of new cancer cases . Which is important to state because, it support my argument that with new cases arising there are more people that should have the right to this law. In addition stating the number of death supports is used to show that those people could have had an option to die in peaceful manner in their the fact the number people that could have the right to die in a peaceful manner.

“Chapter 70.245 RCW: THE WASHINGTON DEATH WITH DIGNITY ACT.” *Chapter 70.245 RCW: THE WASHINGTON DEATH WITH DIGNITY ACT*, apps.leg.wa.gov/RCW/default.aspx?cite=70.245&full=true. This is the actual government of Washington website which shows the whole bill. The bill consist of 24 section each one explain in detail the certain provisions such as the waiting period and how the right should be solicited. The reason why I choose to site the bill was because it give credibility that these are the actual provision and definitions of the law. In addition, it allows me to further explain that the written request is different from the other because it asks for more specific things. Not all the states required the witness be know and unknown person.

“Common Terminal Diagnoses.” *Palliative Care: Education & Training*, Stanford School of Medicine, 2013, palliative.stanford.edu/home-hospice-home-care-of-the-dying-patient/common-terminal-diagnoses/. Although this source is not actually an article it does show a table that describes the

Glass, Jennifer. "At Last: I Want the Last Word as to How My Story Ends." *The Huffington Post*, TheHuffingtonPost.com, 27 Apr. 2015, www.huffingtonpost.com/jennifer-glass/i-want-the-last-word-in-h_b_7147716.html. This article from The Huffington post was actually written by brain cancer patients that was very vocal on having the right to die with dignity in the United States. As a result, I chose this source because it makes my claim more reliable due to fact it written by well-known and shows her view to by first person instead by an interview .Lastly this article show a lot of pathos and ethos.

Kehr, Webster. "Natural Cancer Treatments for Hospice Patients." *Natural Cancer Treatments for Hospice Patients*, Cancer Tutor, 22 Nov. 2016, www.cancertutor.com/hospice/. This an article that suggest the Natural treatment that are available for cancer. Although there are four kinds of treatment that are consider reliable not all patients body response properly to it. In addition not many insurance cover making people to rely more on medication. I chose source because it describes the common natural producers in great depth allowing me to elaborate on why some of the alternatives that are available before petition to die with dignity might not be the best. The only things that I stated in the article is the specific effect each treatment.

"The Oregon Death With Dignity Act." *Issues In Law & Medicine* 11.3 (1995): 333. *Academic Search Complete*. Web. 1 Dec. 2016 This journal explains each section of the Death with Dignity Act. The reasons why I choose this source because Oregon was the first state to pass the law in the United States and in effect the Section 1 general provision is the part the other states copied. Beside

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