

Introduction imagine and enduring physical and mental suffering

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Introduction Imagine that you are Nancy Cruzan, you lose control of your car and you spend three weeks in a coma. You will spend the rest of your life as a persistent vegetative state (PVS). Your only relief is physician-assisted death. Physician-assisted death is the voluntary termination of one's life by administration of a lethal substance with the direct or indirect help of a physician (Beauchamp). The government should legalize Physician-assisted death. From the perspective of the Supreme Court ruling of *Vacco v.*

Quill, physician-assisted death is a stepping stone to safeguarding our rights. The four criteria of maintaining these rights are the equal protection clauses of the 14th and First Amendment, disabled Americans, and the physician integrity. 14th Amendment and First Amendment The equal protection clause of the 14th Amendment of the U. S. Constitution prevents states from denying any person within its territories the equal protection of the law. States must treat an individual in the same way as others in similar conditions and circumstances (Canick). Therefore, a competent healthy person has a constitutionally protected right to refuse life-saving medicine.

In the same sense that an unhealthy competent person has a constitutionally protected right to disregard artificial life support and enduring physical and mental suffering have the right to end treatment. According to the Disability Rights which is held up by the equal protection clause of the 14th Amendment. Competent adults who are terminally ill or severely disabled are eligible, while healthy and able are not (Soccia). On " October 27, 1997, Oregon put into effect the Death with Dignity Act which allows terminally ill Oregonians to end their lives through the voluntary self-administration of

lethal medications, expressly prescribed by a physician for that purpose” (Oregon. Gov). Acknowledges the rights of the terminally ill to refuse medical treatment. Also “ The Disability Rights Group (Not Dead Yet) protested the Oregon law on the grounds that it violates the 14th Amendment and the American disability act” (Soccia). The American disability act prohibits the discrimination on the basis of disability in employment, states and local government, public accommodation, commercial facilities, transportation, and telecommunication.

The defense of physician-assisted death is dying patient is to withdrawal from life support and a dying patient receiving a physician help in dying is not when both of these things led to death. The equal protection clause is a fundamental right. “ Its scope extended to a terminally ill patient’s liberty to die with dignity with the passive help of a medical practitioner” (Ball). Both appeal courts in New York and Washington accepted the argument and now it is legal in both states. The 14th Amendment equal protection clause is found in the due process. Due Process law states “ no one shall be deprived of life, liberty or property without due process” (Wellman). In the 14th Amendment, a “ legal obligation of all states”. It is up to the officials and the citizens who choose these officials to uphold these rights.

The right to die affects disabled Americans and it is their inalienable right to choose when and where they can die. In the First Amendment, “ Congress shall make no law about religion or prohibit the free exercise” (Mckenzie). In the Constitution, church and state are separate because it exercises “ free will”. Relating to disability Americans right to choose rather they can live or

die. Also” I will argue that the United States Supreme Court physician assisted-death decision unconstitutionally advance the views of a particular religion”(Mckenzie). Banning physician-assisted death advance the view of Christianity where Baptist believe assisted dying violates human life and its holiness Episcopal believe physician-assisted dying is morally and theologically impermissible because of God’s sovereignty and human life and the sanctity it holds. Banning physician-assisted death on the principle of religion is unconstitutional.

Disabled AmericansHealthcare providers affect Disabled Americans when they want to get physician-assisted death. Healthcare, based on social class.” Doctors there developed a “ quality of life” formula for babies with a spinal bid, taking into account the socio-economic status of the baby’s family to decide what to recommend families about a simple but life-and-death procedure. Better-off families are given a realistic and optimistic picture of their child’s potential. Poor families were given a pessimistic picture.

All of the families who were given an optimistic picture asked for medical care for their children. Four out of five poor families agreed not to treat their children, and twenty-four babies died”(Medical Discrimination Against Children with Disabilities). Health care is an expensive thing to afford especially for someone with a pre-existing illness. Even when their Insurance company confirms their right to die they have been informed about the consent provision. “ Everyone who receives assisted death must first be informed of “ the possible alternatives, including, but not limited to, comfort care, hospice care, and pain control”. These possible alternatives are not

defined in the lengthy definitions section of the law. Nor does the law must that any desired alternatives, feasible or otherwise, be paid for. The law does not even give for payment as a “ last resort,” only when all other payment options prove unavailable” (Coleman) Diane Coleman, the President, and CEO of Not Dead Yet means that even when someone asks the right to die the constituent has been informed about another alternative to staying alive.

This is similar to abortions where the Doctor tells their patient the different option other than an abortion. “ No person shall qualify under the provision of the Oregon Death with Dignity Act solely because of age or disability” (Death with Dignity. org). Being disabled doesn’t mean they a are eligible for physician-assisted suicide. Integrity of the physician These laws are the guidelines to Physician-assisted death, more so it upholds the integrity and rights of the physician.

Physician-assisted death is legal in the states of Oregon, Vermont, Washington, California, Colorado and the District of Columbia. In each state, they have different ways of going about applying for physician-assisted death. “ In Oregon, the physician must be a Doctor of Medicine or Doctor of osteopathic licensed to practice medicine by the Board of Medical Examiners for Oregon. The Physician must also be willing to take part in the Act. In Vermont, only a doctor of medicine or osteopathic licensed to practice medicine in Vermont may write this prescription...A physician, nurse, pharmacist, or another person shall not be under any duty, by law or contract, to take part a lethal dose of medication to a patient.

In Washington “ only a doctor of medicine or osteopathic licensed to practice medicine in Washington may write this prescription...participation is entirely voluntary.

Health care providers are not required to offer prescriptions or medications to qualified patients. In California, An person seeking to get a prescription for an aid-in-dying drug...shall submit two oral requests, a minimum of 15 days apart, and a written request to his or her attending physician. The attending physician shall directly, and not through a designee, receive all three requests required by this section. In Colorado Allows an eligible terminally ill person with a prognosis of six months or less to live to ask and self-administer medical aid-in-dying medication to voluntarily end his or her life; Authorizes a physician to prescribe medical aid-in-dying medication to a terminally ill individual under certain conditions; and Creates criminal penalties for tampering with a person’s ask for medical aid-in-dying medication or knowingly coercing a person with a terminal illness to request the medication. In the District of Columbia to get the medication, a patient shall make 2 oral requests, separated by at least 15 days, to an attending physician.

Submit a written request, signed and dated by the patient, to the attending physician before the patient makes his or her 2nd oral request and at least 48 hours before a covered medication prescribed or dispensed” (Physician Assisted Suicide Fast Facts). All of these states make it difficult but not impossible for a terminally ill patient to have a physician assists in dying. However, only some of the states take into account the physician integrity.

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How can we expect a physician to end a life when they have vowed to save lives. “ No one ethically or legally mandated to aid someone in achieving this alleged right” (Bequchamp). But a Doctor job is to help the sick, well what happens when the sick can no longer be helped. A good Doctor would not let their patient die in agony. Ethics are moral principles that govern a person’s behavior. Everyone has their own morals, we can not judge someone morals that are different from our own but we can ask them to make nonpartisan decisions.

To consider not just their views but the terminally ill patient who we have to live there life in pain. Personal Story In the case of Brittany Maynard where she brought the spirit back to this dead movement. She describes her detail journey to “ dying with dignity”. “ I considered passing away in hospice care at my San Francisco Bay-area home. But even with palliative medication, I could develop potentially morphine-resistant pain and suffer personality changes and verbal, cognitive and motor loss of almost any kind. Because the rest of my body is young and healthy, I am likely to physically hang on for a long time even though cancer is eating my mind..

. I quickly decided that death with dignity was the best option for me and my family.... I’ve had the medication for weeks. I am not suicidal. If I were, I would have consumed that medication long ago. I do not want to die.

But I am dying. And I want to die on my own terms.... Having this choice at the end of my life has become incredibly important.

It has given me a sense of peace during a tumultuous time that otherwise would be dominated by fear, uncertainty, and pain. Now, I'm able to move forward in my remaining days or weeks I have on this beautiful Earth, to seek joy and love and to spend time traveling to outdoor wonders of nature with those I love. And I know that I have a safety net....

When my suffering becomes too great, I can say to all those I love, " I love you; come be by my side, and come say goodbye as I pass into whatever's next." I will die upstairs in my bedroom with my husband, mother, stepfather and best friend by my side and pass peacefully. I can't imagine trying to rob anyone else of that choice (Maynard). Maynard is a prime example of the positive way physician-assisted death viewed. That it is not a legal tool for able-bodied Americans to end their life when they are suffering from mental illness. But it used to make a terminally ill person feel more comfortable and responsible for their final decision on this earth. That it diminishes their worry of the discomfort that they will face for the rest of their short life if they are anything like Maynard (Yale). Conclusion Physician-assisted death has relieved thousands of Americans with a terminal illness.

Physician-assisted death is covered under the 14th Amendment of the United States Constitution, handicapped Americans, ethics of the physician and religion. Ideally the " legal duty of others not to coerce or exert undue influence on a qualified patient to use or not use medical help to commit death"(Wellman). Wellman states that it is not our say to influence another into physician-assisted death only their own. Sue Rodriguez, Canadian advocates of assisted death once said " If I cannot give consent to my death,

whose body is this? Who owns my life? (Rodriguez). Lastly the "right to die" is the right of the person who has chosen to die, It is their inalienable right.

Bibliography (10)Ball, Howard. "Physician- Assisted Death in America: Ethics, Law and Policy and Policy Conflicts". *The Last Choice: Death and Dignity in the United States*. 10 Dec. 2012. *A Journal of Debate*. 17 Dec.

2017. (2)Bequchamp, Tom L. "The Medical Ethics of Physician-Assisted Suicide".

Journal of Medical Ethics. Dec. 1999. British Medical Association. 18 Sept.

2017. (9) Canick, Simon M. "Constitutional aspect of physician-assisted suicide after *Lee v Oregon*". *American Journal of Law & Medicine*. Spring 1997. American Society of Law Medicine & Ethics. 25 Oct. 2017.

(12)Coleman, Diane. "Another Perspective". Disability Rights Education & Defense Fund. 17 Dec. 2017. [https://dredf.](https://dredf.org/public-policy/assisted-suicide/assisted-suicide-and-disability/)

[org/public-policy/assisted-suicide/assisted-suicide-and-disability/](https://dredf.org/public-policy/assisted-suicide/assisted-suicide-and-disability/)(6)Kamisar, Yale. "Are the distinctions drawn in the debate about end-of-life decision making "principled" If not, how much does it matter?" *Journal of Law Medicine & Ethics*. Spring 2012. American Society of Law, Medicine & Ethics. 25 Oct. 2017.

(13) Maynard, Brittany. "My right to death with dignity at 29". 2 Nov. 2014.

17 Dec. 2017. <http://www.cnn.com/2014/10/07/opinion/maynard-assisted-suicide-cancer-dignity/index.html>(3) McKenzie, David. "Church, State, and Physician-Assisted Suicide". *Journal of Church and State*.

2004. Oxford University Press. 18 Sept. 2017.(14) "Physician-Assisted Suicide Fast Facts".

17 Dec. 2017. <http://www.cnn.com/2014/11/26/us/physician-assisted-suicide-fast-facts/index.html>

(4) Soccia, Danny. "Physician-Assisted Suicide, disability, and paternalism".

Social Theory and Practice. July. 2010. Florida State University. 18 Sept.

2017.(11) "Washington v. Glucksberg". Oyez, 17 Dec. 2017, www.oyez.org/cases/1996/96-110

(5) Wellman, Carl.

"A legal right to Physician-Assisted Suicide defended". *Social Theory and Practice*. Jan. 2003. Florida State University. 18 Sept.

2017.