

Delaware Considers Legalizing Assisted Suicide, Including for "Intellectually Disabled" Patients

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Delaware lawmakers are considering legislation that would legalize physician-assisted suicide, including that of "intellectually disabled" patients who may not be able to provide meaningful consent.

The Delaware End of Life Options Act was introduced by Representative Paul Baumbach, a Democrat. The bill was voted out of

committee last year, so the full House of Representatives could bring it up for a vote as early as March, when the legislature's next session begins.

Baumbach insists his bill concerns "not a life or death decision" but a "death or death decision" because it authorizes doctors to administer lethal drugs only to patients who have "an incurable and irreversible disease that has been medically confirmed and will, within reasonable medical judgment, produce death within 6 months."

Critics have pointed out one major loophole in this definition: What about someone, such as a diabetic, whose illness is "incurable and irreversible" but nevertheless treatable? If the patient were not treated, his illness could kill him within six months. Would he therefore qualify as having a terminal disease under the bill's terms?

If the legislation only went this far, it would be bad enough. But an amendment Baumbach proposed recently makes it even worse by enabling physicians to kill intellectually disabled patients with supposedly terminal illnesses.

The bill defines "intellectual disability" as "a disability, that originated before the age of 18, characterized by significant limitations in both intellectual functioning and in adaptive behavior, which covers many everyday social and practical skills." And it



authorizes a doctor to terminate that person's life if "a licensed clinical social worker" certifies that the patient understands what assisted suicide entails.

This is truly alarming. As *National Review's* Wesley Smith observed, "These are people who can't legally enter contracts! They can't control where they live! They can't make their own medical decisions! They also can't vote, pursuant to the Delaware Constitution! ... Yet, if they have a terminal illness, they are going to be able to commit assisted suicide if a social worker — who may be ideologically predisposed in favor — confirms that they 'understand' that they are receiving a poison prescription?"

"It doesn't even require approval of a guardian, as would corrective surgery or treatment to cure or palliate," he added.

The interesting thing about the inclusion of the amendment is that, as Alexandra Snyder of Life Legal Defense Foundation told *The Stream*, advocates of assisted suicide usually "start by legalizing suicide for people with a 6-month physical diagnosis, and then expand that in every direction." In this case, though, they're tipping their hand before the initial law has even been passed.

Even without the amendment, the bill would be a terrible idea. It lets doctors "play God" by making predictions about how long patients will live and then fulfilling their own prophecies by seeing to it that death occurs. Moreover, argued Delaware physician Michael DePietro, assisted suicide is rarely requested to end pain and suffering but "to relieve various kinds of emotional and societal problems" patients are experiencing — problems that "can also be effectively addressed using tools available to psychiatrists, palliative care professionals and, not least of all, the love and support of those close to the patient."

DePietro continued:

If we choose to alleviate emotional distress by helping patients die by suicide, we open the door to very disturbing practices. Once we start seeing some people as better off dead, it is a very short step to start to tell those in emotional distress that require care and love that it is really caring and loving to help them die.

I would also note that patients who kill themselves are no longer around to make expensive demands on the health care system, and one wonders when the right to die will become for such people a duty to die.

The American Medical Association's code of ethics prohibits both euthanasia and physician-assisted suicide, noting, among other things, that "euthanasia could readily be extended to incompetent patients and other vulnerable populations," as, indeed, Baumbach's amendment would do.

With any luck, Baumbach's inadvertent honesty in proposing the killing of the intellectually disabled will enable Delaware lawmakers to see his bill for what it is — and then to swiftly assist in its demise.