

Ruling will allow doctors to help patients die

January 14 2014, by Susan Montoya Bryan



This undated file photo provided by Compassion & Choices shows Aja Riggs, of Santa Fe, N.M. Lawyers representing two doctors and Riggs, who has advanced uterine cancer in a case challenging a decades-old New Mexico law that prohibits assisted suicide. New Mexico Second Judicial District Judge Nan Nash ruled Monday, Jan 13, 2014, that the ability of competent, terminally ill patients to choose aid in dying is a fundamental right under the state Constitution. In her ruling, she declared that such a right ensures the liberty, safety and happiness of terminally ill patients. (AP Photo/Compassion & Choices, Desdemona Burgin,

File)

Aja Riggs has undergone aggressive radiation and chemotherapy treatment for advanced uterine cancer. The 49-year-old remembers the feeling of her skin burning, the nausea and the fatigue so immense that even talking took too much energy.

All she wanted was the choice to end her life if the suffering became too great.

She now has that option after a [New Mexico judge's landmark ruling Monday](#), which clears the way for competent, terminally ill patients to seek their doctors' help in getting prescription medication if they want to end their lives on their own terms.

The issue is expected to grow as the country's massive, aging Baby Boomer generation begins to face end-of-life questions. Four other states, including Oregon, allow patients to seek aid in dying if their conditions become unbearable.

The judge, Nan Nash, said such patients have a fundamental right to seek aid in dying because the New Mexico Constitution prohibits the state from depriving a person from enjoying life and liberty or seeking and obtaining safety and happiness.

"This court cannot envision a right more fundamental, more private or more integral to the liberty, safety and happiness of a New Mexican than the right of a competent, terminally ill patient to choose aid in dying," the judge wrote.

Nash also ruled that doctors who provide aid could not be prosecuted

under the state's assisted suicide law, which classifies helping with suicide as a felony. The plaintiffs in the case do not consider physicians aiding in dying a form of suicide.

The New Mexico Attorney General's Office said it is discussing the possibility of an appeal.

The ruling comes after a trial in December in which Riggs and other plaintiffs asked the judge to determine that physicians would not be breaking the law if they wrote prescriptions for competent, terminally ill patients who wanted to end their lives.

The lawsuit had the support of the American Civil Liberties Union of New Mexico, Colorado-based Compassion & Choices and the New Mexico Psychological Association, the largest organization of professional psychologists in the state. The psychologists' group argued that assisted suicide and "aid in dying" for terminally ill patients were fundamentally different.

Kathryn Tucker, director of legal affairs for Compassion & Choices, has said there's growing support for physicians to help [terminally ill patients](#) who want to end their lives.

The New Mexico Conference of Catholic Bishops was disappointed with the ruling, saying there's a difference between fundamental rights guaranteed by the constitution and the ability of someone to take a person's life.

"As long as there is a chance for human error, we can't have that. You can never reverse the decision you've made. It's the finality of it," said Allen Sanchez, executive director of the bishops' group.

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