

Dying vets cannot use life-ending drugs at many state homes

March 7 2018, by Julie Watson

Suffering from heart problems, Bob Sloan told his children he wants to use California's new law allowing life-ending drugs for the terminally ill when his disease becomes too advanced to bear.

But then the 73-year-old former U.S. Army sergeant learned that because he lives at the Veterans Home of California at Yountville—the nation's largest retirement [home](#) for veterans—he must first move out.

Veterans in government-run homes in many parts of the country that have legalized physician-assisted death, including Colorado, Vermont and Washington, D.C., are finding similar restrictions because assisted suicide goes against the policy of the U.S. Department of Veterans Affairs.

Veterans like Sloan say relocating would cause undue hardship during an already painful time. Veterans living at the Yountville home raised the issue in recent weeks with California lawmakers, and one organization is considering taking [legal action](#) if the regulation stays in place.

"I should be able to die peacefully in my home, and this is my home," Sloan said of Yountville, where he has lived since 2013. "If I'm in that state or condition, why should I be forced to move to make use of what has been changed into law? It just doesn't make sense."

Doctors also can legally prescribe lethal medication for [terminally ill patients](#) in Oregon and Washington. Veteran homes in those states do not

require the person be discharged to take the drugs, though staff cannot be involved, and no federal funds can be used. Montana's state Supreme Court ruled in 2009 that doctors could use a patient's request for life-ending medication as a defense against criminal charges.

Opponents say the option could lead to hasty decisions, misdiagnosis and coercion.

Regardless of state laws, the 1997 Assisted Suicide Funding Restriction Act passed by Congress prohibits the use of federal funds for assisted suicides, Veterans Affairs spokesman Curt Cashour said. The VA provides many state homes with money for veterans' care, including the doctors. It leaves it to states to decide their own regulations regarding the homes.

The funding restriction act is the only federal law regarding the issue. The Supreme Court has left it to states to enact legislation permitting or prohibiting physician-assisted deaths.

After California's law took effect in 2016, California's Department of Veterans Affairs, or CalVet, mandated the discharge of residents intending to consume medication to achieve a peaceful death and barred any employees, independent contractors or anyone else from participating in any activities under the End of Life Option Act while on the premises of one of its homes. If a [veteran](#) decides not to go through with it, the person will be re-admitted immediately.

It also promises, like in other states that require veterans move first, to assist them in transferring to hospice, a home or another facility.

"The safety and support of our veterans is our No. 1 priority, and we cannot implement policies or programs that could result in California losing vital federal funding for our veterans," CalVet Secretary Dr. Vito

Imbasciani said in an email to The Associated Press.

Funds from the VA account for more than half of the operating budget for CalVet's eight live-in care facilities, which serve more than 2,600 people.

After veterans at the Yountville home and advocates for the end-of-life option sent a letter protesting the discharge policy, CalVet officials promised to look into the matter. But so far, they have not proposed a solution.

Yountville resident Ed Warren, who signed a protest letter sent to CalVet in October, said he believes there are ways the homes can get around the federal restrictions.

"It is an inhumane act because these people, if they're at such a point of considering ending their life, they are not in a position to go through the mechanics of disenrolling to check out of here," said the 82-year-old who served in the Air Force.

Advocate Kathryn Tucker, of the End of Life Liberty Project, said many [states](#) are interpreting the federal restrictions too broadly. The 1997 law does not bar such deaths from occurring on the premises of state homes if no federal funds are spent.

She is considering legal action if CalVet's regulation remains.

Nationwide, only one veteran in a state home is known to have requested lethal medication. He died at a veteran home in Washington state in 2015.

California requires patients make an oral and written request for a prescription for life-ending drugs to their primary doctors. Two doctors

must determine if the patient has fewer than six months to live.

The state requires the person be able to administer the drugs themselves without help. A common drug used for such purposes, secobarbital, can run up to \$5,000 for a lethal dose.

Tucker recently gave a talk to a small group at Yountville, but the home would not allow the in-house TV station to air the presentation to its more than 900 residents.

CalVet officials said they considered her presentation to be political since it involved changing the home's policy, and state resources, which fund the TV station, cannot be used for political purposes.

Ed Warren's wife, Jac, quit working at the station over what she saw as censorship.

"It was an informational meeting," said Jac Warren, 81. "If you live in a state facility, you should not be disallowed from taking advantage of state legislation."

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