STATEMENT OF JOAN E. T. STEARNS OF HENDERSON, CO, IN SUPPORT OF HB16-1054 2-4-2016

INTRODUCTION My name is Joan Stearns. I live in Henderson, Colorado, and I am here in support of HB16-1054, The End-of-Life Options Act.

I have systemic lupus erythematosus. While I am presently in remission, I have in the past been very sick and, after a particularly bad flare-up, I was forced to take disability retirement from my position as a federal prosecutor. Relapse could mean organ failure. If I am terminally ill from lupus or from anything else, I want the freedom to opt for medical aid-in-dying. I do not want to have to establish residency in Oregon, or in Washington, or in California, or in Montana or in Vermont in order to take advantage of the aid-in-dying that those states offer to their residents. I want the right to choose a gentle death, and I want it here in my own state of Colorado!

NOT ASSISTED SUICIDE If I am terminally ill, I will not be suicidal. Suicidal people want to die and I will be a dying person who wants to live but who must face her own imminent mortality. The bill does not countenance assisted suicide: suicidal people want to die. Rather than view the bill as providing for assisted suicide, you should view it as offering the means to a peaceful death to a person who wants to live but is already dying.

A YES VOTE BY THE COMMITTEE DOES NOTE CONSTITUTE AN ENDORSEMENT OF AID-IN-DYING. It constitutes, rather, a vote for *freedom of choice* to adult, mentally capable Colorado residents who are terminally ill and within six months of death (this is how "terminally ill" is defined under the Act).

Even if you personally oppose aid-in-dying, vote YES to support my right to choose it!

FAMILIARITY WITH THE BILL I HOPE that EVERYONE here today is intimately familiar with the bill. I attended the senate committee hearing yesterday and it was clear to me that many people had either: 1) not read the bill at all; 2) not read it completely; or 3) not read it thoroughly.

THE BILL CONTAINS MULTIPLE SAFEGUARDS TO ENSURE VOLUNTARINESS AND TO PROTECT THE VULNERABLE FROM COERSION

QUALIFIED PERSON The Bill provides that to be a "qualified person" under it, a person must be **terminally ill, capable** of making an informed decision and **voluntarily** request the medication. There must be **two oral requests** separated by 15 days, as well as **a written request witnessed by two persons.**

SELF-ADMINISTRATION OF MEDICATION The bill requires that the medication be self-administered. Where the word "may" appears in the bill, it only means that someone who obtains the medication may not choose to use it.

ATTENDING PHYSICIAN'S RESPONSIBILITIES The attending physician must determine that the patient is: a Colorado resident; **terminally ill and within six months of death; capable of making an informed decision**; and has made the request **voluntarily. To confirm** that the request is voluntary and not the result of coercion or undue influence, the attending physician **must** discuss the request for aid-in-dying medication with the patient **in the absence of anyone else.** In addition, the attending physician must

possible treatment opportunities

advise the patient of **feasible alternatives**, including comfort care, palliative care, hospice care, and pain control.

The attending physician **must** also advise the patient that he/she may obtain the medication but **may choose not to use it** and that the patient may **rescind** his/her request **at any time and in any manner.**

CONSULTING PHYSICIAN'S RESPONSIBILITIES The attending physician must refer the patient to a **consulting physician**, who must **also** make determinations of **terminal** illness and **prognosis**, and that the patient has the **capacity to make an informed decision.**

MENTAL HEALTH PROFESSIONAL **Either physician** may refer the patient to a **mental health professional** for a written determination of **capacity** to make an informed decision. **If the mental health professional determines that the patient is not capable of making an informed decision, the attending physician shall NOT prescribe end-of-life medication.**

MORE SAFEGUARDS

WRITTEN APPLICATION FOR MEDICATION In his/her **written application** for medication, the patient must authorize his attending physician to contact a pharmacist about the requested medication. He must also states that he knows he has the **right to rescind** his request at any time and that he **expects to die** from the medication. Furthermore, he must attest that his request is **voluntary, without reservation,** and **made in the absence of coercion.**

The written request must be signed by **two witnesses, one of whom cannot be a relative,** an **heir,** or the **owner/operator/employee of a care facility where the patient receives medical treatment or is a resident.** Additionally, **the attending physician may not be a witness.** The witnesses must declare that the patient appears to be of **sound mind** and is **not acting under duress, fraud or undue influence.**

Immediately before writing the prescription, the attending physician must **verify that the individual is making an informed decision.**

CONCLUSION Far more than a majority of Coloradans support medical aid-in-dying. This important **non-partisan bill** deserves debate by the full body and it should not be allowed to die in committee.

Please vote **YES for freedom of choice** and **to allow the entire legislative body to consider the End-of-Life Options Act.**

Thank you.