

Vermont Alliance for Ethical Healthcare

JULY 19, 2016 PRESS RELEASE FROM ALLIANCE DEFENDING FREEDOM

Vermont health professionals: Don't force us to help kill our patients

BURLINGTON, VT – Alliance Defending Freedom attorneys filed suit in federal court Tuesday against officials in the Vermont Board of Medical Practice and the Office of Professional Regulation on behalf of health care professionals who wish to abide by their oath to “do no harm.” The state agencies are construing Vermont’s assisted suicide law as requiring them, regardless of their conscience or oath, to counsel patients on doctor-prescribed death as an option.

According to the agency, only physicians may refer patients to others who will counsel for assisted suicide; however, all of the health care professionals filing suit contend it is unethical for them to counsel for, refer for, or in any other way participate in suicide at the hands of medical personnel.

“The government shouldn’t be telling health care professionals that they must violate their medical ethics in order to practice medicine,” said ADF Senior Counsel Steven H. Aden. “These doctors and other health care workers deeply believe that suffering patients need understanding and sound medical treatment, not encouragement to kill themselves. The state has no authority to order them to act contrary to that sincere and time-honored conviction.”

Although Act 39, the State of Vermont’s assisted suicide bill, passed with limited protections for healthcare providers, state medical licensing authorities have construed a separate, existing mandate to counsel and refer for “all options” for palliative care to include the option of assisted suicide. The Vermont Department of Health adopted this expansive reading.

The department’s FAQ page on Act 39 says the following: “Do doctors have to tell patients about this option? Under Act 39 and the Patient’s Bill of Rights, a patient has the right to be informed of all options for care and treatment in order to make a fully-informed choice. If a doctor is unwilling to inform a patient, he or she must make a referral or otherwise arrange for the patient to receive all relevant information.”

Echoing this position, Cindy Bruzzese, executive director of the Vermont Ethics Network, which the state has given authority to speak about the standard of care in Vermont, stated in a [2013 presentation on Act 39](#) that physicians have a duty to inform patients of the availability of assisted suicide.

“This is nothing but the redefinition of ‘palliative care’ to mean providing assisted suicide, an intolerable position for Plaintiffs and other conscientious physicians and healthcare professionals,” the [complaint](#) filed in *Vermont Alliance for Ethical Healthcare v. Hoser* states. “Plaintiffs, state and national associations of conscientious healthcare professionals whose personal and professional ethics oppose the practice of assisted suicide, bring this action on behalf of their members against the operation of Act 39 to force them to counsel and/or refer for the practice.”

Michael Tierney, one of more than 3,000 private attorneys allied with ADF, is co-counsel in the case, which was filed in the U.S. District Court for the District of Vermont.