



compassion & choices
of Montana

Support. Educate. Advocate. Choice & Care at the End of Life.

March 27, 2009

Dear Montana Doctors,

Compassion & Choices is a nonprofit organization working to protect and expand the rights of terminally ill patients. We served as joint lead counsel in *Baxter v. Montana* last December. In this landmark ruling, Montana's First Judicial Court declares that the State Constitution's guarantees of dignity and privacy protect the right of a mentally competent terminally ill patient to seek a prescription from his or her physician for medication which the patient could self-administer to bring about a peaceful death. This intervention is known as "aid in dying."

The State of Montana has appealed this decision, but the court denied the State's request to stay the decision during appeal, leaving the ruling fully effective at this time. Accordingly, terminally ill, mentally competent, adult Montanans now have the right to choose aid in dying. The court's decision set clear boundaries for this intervention: the patient must be terminally ill and mentally competent, and the physician may provide, but not administer, a prescription for life-ending medication. Only the patient may administer this medication. Physicians can provide prescriptions to such patients without fear that doing so could give rise to criminal or disciplinary sanction.

Compassion & Choices will work hard to ensure that terminally ill individuals who wish to access aid in dying are able to do so. Compassion & Choices offers information and support to all terminally ill Montanans about end of life choices, including the choice of aid in dying. We do not charge for our services.

Enclosed are our referral cards. Please distribute them to anyone who has questions about aid in dying, or who might benefit from our consultation service.

We urge that you support your patients who choose aid in dying. In most cases of terminal illness, competent palliative care, often with hospice assistance, adequately addresses patient needs. However, a fraction of dying patients find themselves trapped in an intolerable dying process. Being able to bring about a peaceful death may be important to these patients, who want control over the time and manner of their death.

Enclosed please find a confidential response card that we request you complete and return in the envelope provided.

More information is available at our Web site, at www.compassionandchoices.org.

Sincerely,



Robert V. Brody, M.D.
Clinical Professor, UCSF
Chief, Pain Consultation Clinic
Director, Ethics Services



Barbara Coombs Lee, PA, FNP, JD
President, Compassion & Choices

Enclosures:

Compassion & Choices referral cards;
Return form from physicians; return envelope

*Compassion & Choices advocates for excellent end-of-life care,
patient-centered care and choice at the end of life.*