

MEASURE

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of medications and dosages to be used.

—Injections. The law prohibits lethal injection by a physician or other person but says nothing about terminally ill patients injecting themselves.

—Assistance in dying. Measure 16 prohibits "active euthanasia" but doesn't define what that is. Might a doctor, nurse, or family member help a patient commit suicide, for example, by bringing water?

—Safeguards for the weak and the poor. Any cost-conscious managed health care plan faces a potential conflict of interest when it comes to hastening the death of patients who require expensive treatment to stay alive.

—Liability. Assisted suicide remains manslaughter under Oregon law. To avoid prosecution, health care professionals who help patients to die must adhere closely to the provisions of the act. Many providers are wondering whether they need increased liability protection.

Legal scholars see a whole

new field of law developing around physician-assisted suicide.

"The law is scanty and unclear," said Garrett Epps, an assistant professor of constitutional law at the University of Oregon Law School. "I expect litigation on procedural aspects."

A more fundamental challenge may come from the Roman Catholic Church. Last week the National Bishops' Conference issued directives expressly forbidding Catholic hospitals to participate in doctor-assisted suicide.

"That puts church policy at loggerheads with Oregon law," said Richard Doerflinger of the conference's Secretariat for Pro-Life Activities in Washington, D.C.

Doerflinger speculated that Catholic hospitals enforcing the laws of the church may be sued by physicians protected from discipline under Measure 16.

The first challenge to the new law came last week in U.S. District Court in Eugene. Seven plaintiffs, backed by national anti-abortion money and legal expertise, have asked for an injunction. A hearing date has not been set.

Dr. Kevorkian helps another die

DETROIT (AP) — The possible expiration of Michigan's temporary ban on assisted suicide had no effect on the timing of the death of an ailing woman who inhaled a fatal dose of carbon monoxide, said Dr. Jack Kevorkian's lawyer on Sunday.

"Our position is that the whole thing has been unconstitutional since day one," said attorney Michael Schwartz. "He wasn't waiting for the law to expire. He doesn't time these things. It's up to the patients to decide."

Kevorkian was present Saturday at the death of Margaret Garrish, 72, who suffered from rheumatoid arthritis, colonic diverticulitis, osteoporosis and other ailments. Both legs had been amputated and she had lost an eye.

It was the 21st death at which Kevorkian was present since 1990 but the first since Nov. 22, 1993.

Oakland County Medical Examiner Ljubisa Dragovic ruled Garrish's death a homicide, saying she couldn't have killed herself without someone's help.

Royal Oak police continued investigating the death Sunday but declined to comment. Oakland County Prosecutor Richard Thompson, who has charged Kevorkian with murder in some previous deaths, declined to comment until after police complete their investigation.

Kevorkian left a "certification of medicide" form at Garrish's home, listing her diseases, her diagnosis, her prognosis and her family physician, Schwartz said. Kevorkian wasn't at the house when police arrived.

Kevorkian didn't talk to police Sunday, Schwartz said. He refused to reveal Kevorkian's location but said he was in the Detroit area.

The state's temporary ban on assisted suicide was enacted in February 1993. It set up a commission to determine whether assisted suicide should be legal.

The bill gave the commission 15 months to come up with a report, and said the law would expire six months after the Legislature received the report. Strictly speaking, the 21-month period was up Friday, but the commission report was late and was never formally accepted by lawmakers, so there are questions whether the clock ever started on the Legislature's term for action.

Bills aimed at extending the temporary ban are scheduled for debate in the Legislature this week.

Schwartz said the Legislature should take no action, saying the government doesn't regulate heart surgery or other medical procedures and shouldn't regulate assisted suicides.

In Garrish's case, he said, her "pain just became too unbearable. As a result, her only choice was to end her life or live in pain and suffering. That's not much of a choice, but it was her choice. Government has no business getting involved."

The state Supreme Court is considering several challenges that the ban was unconstitutional, all but one case involves Kevorkian.

The challenges include murder charges against Kevorkian in the Oct. 23, 1991, deaths of Marjorie Wantz and Sherry Miller. Those cases were dismissed by a lower court, then reinstated by the state Court of Appeals.

The last death Kevorkian was present for was the Nov. 22, 1993, death of Dr. Ali Khalili, 61, of Oak Brook, Ill. Since then, Kevorkian was acquitted by a Detroit jury in the Aug. 4, 1993, death of Thomas Hyde, 30, of Novi.

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Dying patients may go to Oregon, Reno doctors say

RENO, Nev. (AP) — Oregon's new "assisted suicide" law will attract terminally ill Nevadans who want to end their lives, local physicians say.

Dr. Calvin Vanreken, an internist of Sparks, said he averages one patient a month who asks for the phone number of Dr. Jack Kevorkian, the Michigan advocate of assisted suicide.

"And what he's doing is illegal" in Michigan, said Vanreken.

But certain patients now will go to Oregon because of the law that will allow doctors to assist in suicides, he said. The measure, passed by voters on Nov. 8,

takes effect on Dec. 8.

The measure allows terminally ill patients with six months or less to live the right to request lethal prescriptions from their physicians.

Dr. Kelle Brogan, director of Reno-based Hospice of Northern Nevada, said she doesn't expect a flood of Nevadans to run to Oregon to take advantage of the law.

"I'd say 1 percent of the people in our particular program would choose that," she said.

Dr. F. Roy Macintosh, a Reno oncologist, said he also foresees Nevada patients going to Oregon.

The Oregon measure gives the rest of the country a chance to see if assisted suicide is practical, he added.

"It's not necessarily an issue of people killing themselves, but of people choosing not to extend the termination process," Macintosh said.

He said he questions whether doctors are prepared to prescribe lethal doses of medicine, but he doesn't have serious moral reservations about the law.

"In a way, we're actively involved in the dying process now," he said.

But Brogan said she believes

the Oregon law raises ethical questions.

"They might as well, in my mind, hand them a gun and say, 'Go ahead and shoot yourself,'" Brogan said. "I feel it devalues life."

The Catholic Church has issued an order to its hospitals, including Saint Mary's, prohibiting them from participating in euthanasia. The church also spent \$1.5 million lobbying against the Oregon measure.

Brogan said she's hopeful the Oregon law will spark a national debate about hospice programs, which she called an alternative to suicide.

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