

**George Risi, M.D. - Stephen Speckart, M.D.**  
**P.O. Box 1348 • Helena, MT 59624**

March 8, 2012

Dr.

RE: BME Position on Aid in Dying

Dear Dr.

As you may be aware, In 2009 the Montana Supreme Court ruled that no basis exists to prosecute a physician for providing aid in dying. Aid in dying refers to the medical practice of a physician providing a prescription to a mentally competent, terminally ill adult patient for medication that the patient may choose to ingest to achieve a peaceful death if they find their suffering unbearable. We were involved in that case, known as *Baxter v. Montana*<sup>1</sup>.

The court's decision did not address the question of whether a physician providing aid in dying had reason to fear disciplinary action. We are writing to share with you the important news that the Board of Medical Examiners recently adopted a position statement on aid in dying, advising:

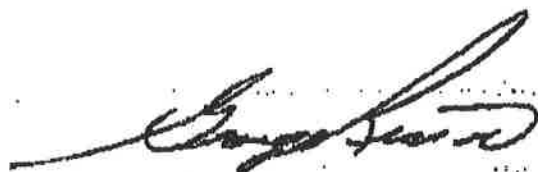
*"In all matters of medical practice, including end-of-life matters, physicians are held to professional standards. If the Board receives a complaint related to physician aid-in-dying, it will evaluate the complaint on its individual merits and will consider, as it would any other medical procedure or intervention, whether the physician engaged in unprofessional conduct..."<sup>2</sup>*

Physicians willing to provide this option can safely do so within the bounds recognized in *Baxter v. Montana* and professional practice standards.

Enclosed please find a copy of the Board of Medical Examiners position statement. If you would like more information or resources to best support your patients at the end-of-life, please contact Compassion & Choices' End-of-Life Consultation program at 800.247.7421.

Sincerely,

Doctors:



George Risi, M.D.



Stephen Speckart, M.D.

<sup>1</sup>Baxter v. State of Montana, 354 Mont. 234, 224 P.3d 1211(2009).

<sup>2</sup>Montana Board of Medical Examiners Position on Aid in Dying.

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## **Physician Aid in Dying**

**In Baxter v. State of Montana, 354 Mont. 234, 224 P.3d 1211, the Montana Supreme Court ruled that the Rights of the Terminally Ill Act, 50-9-101, MCA, et seq., and the consent defense found in 45-2-211, MCA shield a physician from liability for acting in accordance with a patient's end-of-life wishes if an adult, mentally competent terminally ill patient consents to the physician's aid-in-dying. As a result of this decision, the Montana Board of Medical Examiners has been asked if it will discipline physicians for participating in such aid-in-dying. This statement reflects the Board's position on this controversial question.**

**The Board recognizes that its mission is to protect the citizens of Montana against the unprofessional, improper, unauthorized and unqualified practice of medicine by ensuring that its licensees are competent professionals. 37-3-101, MCA. In all matters of medical practice, including end-of-life matters, physicians are held to professional standards. If the Board receives a complaint related to physician aid-in-dying, it will evaluate the complaint on its individual merits and will consider, as it would any other medical procedure or intervention, whether the physician engaged in unprofessional conduct as defined by the laws and rules pertinent to the Board."**