

Report from the 2017 Annual Meeting of the American Medical Association

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In June 2016, at the Annual Meeting of the American Medical Association, longstanding AMA policy opposing physician-assisted suicide was technically reaffirmed in an omnibus format when the AMA accepted the CEJA report to modernize the Opinions in the *Code of Medical Ethics*.¹ Noting the limitations of an omnibus process, CEJA stated that “the Council is prepared to address concerns about existing Opinions, some of which have been in the Code for decades, through the resolution process.”²

In that same meeting, the AMA House of Delegates rejected a resolution from Louisiana reaffirming that the AMA would not “change its policies on opposition to physician assisted suicide or euthanasia to policies of neutrality or endorsement on the issue of physician assisted suicide or euthanasia.”³ Instead, the House of Delegates referred to AMA Board leadership an Oregon resolution which called for the CEJA to “study the issue of medical aid-in-dying with consideration of (1) data collected from the states that currently authorize aid-in-dying, and (2) input from some of the physicians who have provided medical aid-in-dying to qualified patients, and report back to the HOD at the 2017 Annual Meeting with recommendation regarding the AMA taking a neutral stance on physician “aid-in-dying.”⁴

The AMA Board referred the request for a study to CEJA. At the Interim Meeting of the House of Delegates in November 2016 CEJA hosted an informational session on “Physician Aid in Dying” in which former editor of the *New England Journal of Medicine* Dr. Marcia Angell presented arguments for physician-assisted suicide and Dr. Daniel Sulmasy of the University of Chicago presented arguments against. The following day CEJA conducted an open forum in which there was testimony for and against physician-assisted suicide. No formal action was taken by the AMA in the November 2016 Interim Meeting.

In March 2017 CEJA met to consider its initial position on the referral. In May 2017 CEJA posted an interim informational report to the AMA website. This report summarized the June 2016 debate in this way:

Testimony spoke to the fact that many states have proposed or adopted legislation to legalize the practice, introducing a potential conflict for our members in those states. Additional testimony recognized the need for our AMA to respond to this highly relevant and expanding issue that may impact medical practice, looking to the Council on Ethical and Judicial Affairs for guidance.⁵

CEJA also presented the current status of its work in this report, noting that it would not have its final report readied by the previously requested deadline of the June 2017 Annual Meeting:

The question of whether physicians may actively aid death is of extraordinary importance to patients, families, and the medical profession and demands thorough and thoughtful reflection. CEJA has begun reviewing the extensive literature regarding physician aid in dying, along with

numerous communications received to date that reflect diverse views. In addition, CEJA invited interested members of the House to participate in an open house session on June 10th to provide further input to help inform its deliberations.

In light of the complex and deeply contested nature of the issues at stake, CEJA believes it is wisest to proceed cautiously and allow ample time for thoughtful reflection in developing its report.⁶

At the 2017 Annual Meeting of the AMA in June, Dr. David Barbe was inaugurated as President of the AMA. Dr. Barbe is a Family Physician who practices in Mercy Clinic Mountain Grove, in Mountain Grove, Missouri. He serves as Vice-President, Regional Operations, Mercy Health-Springfield MO.⁷ Dr. Ron Clearfield completed his term on CEJA. Dr. Denis Agliano assumed the position of Chair of CEJA and Dr. James Sabin that of Vice-Chair. Newly elected to CEJA were Dr. David Fleming of Columbia, Missouri, and Ms. Laurie Schleimer, Medical Student Member, from Cambridge, Massachusetts. Dr. Fleming was elected to a seven year term and Ms. Schleimer to a two year term. Dr. Fleming is Chairman of the Department of Medicine at the University of Missouri School Of Medicine and is Co-Director of the MU Center for Ethics, where he co-chairs the clinical ethics committee for University of Missouri Health Care.⁸ Ms. Schleimer is a medical student at Harvard Medical School.

On June 10, CEJA conducted a 90 minute *Open House on Aid in Dying*. In introductory remarks, Dr. Clearfield indicated that CEJA was having its first discussion on the final report in its meeting to be conducted during the time of the AMA Annual Meeting. He indicated that CEJA would further discuss the topic and the report in its August meeting, and that the final report would be forthcoming at the AMA Interim Meeting in November 2017. He then turned the meeting over to incoming Vice-chair Dr. James Sabin, who he indicated was the “point person for this topic.” Lengthy testimony for and against physician-assisted suicide then followed. Pro-assisted suicide physicians expressed concerns that current AMA policy against assisted suicide creates an ethical dilemma for those in state jurisdictions that have legalized the act.

Also during the Annual Meeting, Dr. Zuhdi Jasser of the Arizona Delegation presented in his individual capacity a resolution calling on the AMA to develop and use definitions and a clear distinction between the concepts of physician-assisted suicide and aid-in-dying. Lengthy reference committee testimony on this resolution included repeated assertions by pro-assisted suicide physicians that the act of taking a lethal dose of medications in the setting of terminal illness was not an act of suicide. The reference committee recommended that his resolution be referred and incorporated in to the ongoing work of CEJA on the issue.⁹

¹ Council on Ethical and Judicial Affairs, American Medical Association, *CEJA Report 2 – A-16 Modernized CODE OF MEDICAL ETHICS*, in AMERICAN MEDICAL ASSOCIATION, PROCEEDINGS OF THE HOUSE OF DELEGATES, 165TH ANNUAL MEETING 165-7 (American Medical Association 2016).

² *Id.*, at 165.

³ Louisiana Delegation, American Medical Association, *Resolution 12: Opposition to Physician Assisted Suicide and Euthanasia*, in AMERICAN MEDICAL ASSOCIATION, PROCEEDINGS OF THE HOUSE OF DELEGATES, 165TH ANNUAL MEETING 391 (American Medical Association 2016).

⁴ Oregon Delegation, American Medical Association, *Resolution 15: Study Aid in Dying as End of Life Option*, in AMERICAN MEDICAL ASSOCIATION, PROCEEDINGS OF THE HOUSE OF DELEGATES, 165TH ANNUAL MEETING 392 (American Medical Association 2016).

⁵ Council on Ethical and Judicial Affairs, American Medical Association, *CEJA Report 5 – A-17 Study Aid-in-Dying as End-of-Life Option (Res. 015-A-16)*, in AMERICAN MEDICAL ASSOCIATION, HOUSE OF DELEGATES HANDBOOK 166TH ANNUAL MEETING *687 (American Medical Association 2017).

⁶ *Id.*

⁷ Missouri State Medical Association, *David O. Barbe MD - CV and Credentials*, <http://www.msma.org/dr-barbe-cv-credentials.html>.

⁸ Center for Health Ethics, University of Missouri School of Medicine, *Co-Directors, David A. Fleming*, <http://ethics.missouri.edu/staff.html>.

⁹ American Medical Association House of Delegates A-17, *Report of Reference Committee on Amendments to Constitution and Bylaws 20*.