

WRITTEN TESTIMONY OF A TRIAL LAWYER ON SB 845

I have been a personal injury trial lawyer for over 40 years. This Bill at p 17 allows doctors to process an end-of-life option without any consequences for criminal or civil neglect. In pertinent part, 845 states:

AN INDIVIDUAL'S REQUEST FOR AID IN DYING OR AN ATTENDING PHYSICIAN'S PRESCRIPTION OF MEDICATION MADE IN GOOD-FAITH COMPLIANCE WITH THIS SUBTITLE DOES NOT:

(1) CONSTITUTE NEGLIGENCE FOR ANY PURPOSE OF LAW;

In effect, the administering physician is immunized from liability for a mistake. This protection is unfair and unnecessary.

What if the doctor treats the wrong patient, or prescribes the wrong prescription or dosage, or chooses to overlook obvious signs of money motivated decision-making by those who are encouraging the patient to end life? Fear of consequences serves to keep physicians on the straight and narrow path of careful practices. The opposite is also true. Medical practitioners, like all professionals, can make costly mistakes. If there are no consequences, the practitioner can continue his practices with reckless abandon. And here, we are 100% of the times talking about human life. Why should the doctor in the context of this Bill receive so much more protection than when that same doctor performs his/her services in a different area of medicine?

Immunizing doctors is not only unfair, it is also unnecessary. It is not like they are operating as Good Samaritans. They are getting paid for their services. They expect to be held responsible for mistakes. That is the nature of their profession. One cannot imagine that any worthy professional would refuse to practice end-of-life options just because they are accountable for error. A doctor who refuses to help patients who seek to end their life should be banned from this field of medicine if he or she demands a shield from their acts of neglect.

Admittedly, the Bill also includes a sentence at the very which purports to maintain physician liability for negligence. But this sentence is, at best, confusing and, at worst, meaningless. How can a statute relieve a doctor of liability for neglect in one section but later declare that they can be held responsible for careless mistakes? How can it be both ways? It is totally confusing. Which is it?

We should not have such confusing language in a Bill. Fix this Bill to hold doctors fully accountable for end-of-life processing errors, or kill the Bill altogether.

Matt Paavola, Esq

Workers' Comp Law Firm, LLC

Baltimore

410 574 8000