

2/5/19

IN THE STATE OF NEW JERSEY

IN RE S1072 & A1504

DECLARATION OF WILLIAM TOFFLER, MD

I, WILLIAM TOFFLER, declare the following under penalty of perjury.

1. I am a professor of Family Medicine and a practicing physician in Oregon for over 30 years. I write to provide some insight on the issue of physician-assisted suicide, which is legal in Oregon, and which I understand has been proposed for legalization in New Jersey.

2. Oregon's law applies to persons with a terminal disease who are predicted to have less than six months to live. Our law states:

"Terminal disease" means an incurable and irreversible disease that has been medically confirmed and will, within reasonable medical judgment, produce death within six months.

ORS 127.800 §1.01(12), attached hereto, as Exhibit 1.

3. In practice, this definition is interpreted to include people with chronic conditions such as "diabetes mellitus," better known as "diabetes."

persons with chronic conditions such as insulin dependent diabetes. This is because insulin does not reverse or cure the underlying disease, which is diabetes in its terminal stage and irreversibly fatal. Patients, instead, are able to function. This is especially true with diabetes in which treatment with insulin can allow them to live happy, healthy and productive lives.

Signed under penalty of perjury, this 5TH day of February 2019



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Oregon's Death With Dignity Act

- (b) His or her prognosis;
- (c) The potential risks associated with taking the medication to be prescribed;
- (d) The probable result of taking the medication to be prescribed; and
- (e) The feasible alternatives, including, but not limited to, comfort care, hospice care and pain control.

(8) "Medically confirmed" means the medical opinion of the attending physician has been confirmed by a consulting physician who has examined the patient and the patient's relevant medical records.

(9) "Patient" means a person who is under the care of a physician.

(10) "Physician" means a doctor of medicine or osteopathy licensed to practice medicine by the Board of Medical Examiners for the State of Oregon.

(11) "Qualified patient" means a capable adult who is a resident of Oregon and has satisfied the requirements of ORS 127.800 to 127.897 in order to obtain a prescription for medication to end his or her life in a humane and dignified manner.

X (12) "Terminal disease" means an incurable and irreversible disease that has been medically confirmed and will, within reasonable medical judgment, produce death within six months. [1995 c.3 §1.01; 1999 c.423 §1]

(Written Request for Medication to End One's Life in a Humane and Dignified Manner)

(Section 2)

127.805 §2.01. Who may initiate a written request for medication. (1) An adult who is capable, is a resident of Oregon, and has been determined by the attending physician and consulting physician to be suffering from a terminal disease, and who has voluntarily expressed his or her wish to die, may make a written request for medication for the purpose of ending his or her life in a humane and dignified manner in accordance with ORS 127.800 to 127.897.

(2) No person shall qualify under the provisions of ORS 127.800 to 127.897 solely because of age or disability. [1995 c.3 §2.01; 1999 c.423 §2]

127.810 §2.02. Form of the written request. (1) A valid request for medication under ORS 127.800 to 127.897 shall be in substantially the form described in ORS 127.897, signed and dated by the patient and witnessed by at least two individuals who, in the presence of the patient, attest that to the best of their knowledge and belief the patient is capable, acting voluntarily, and is not being coerced to sign the request.

Exhibit 1

Characteristics	2017	1998-2016	Total
	(N=143)	(N=1,132)	(N=1,275)
Residence			
Metro counties (Clackamas, Multnomah, Washington) (%)	55 (38.5)	484 (43.1)	539 (42.6)
Coastal counties (%)	12 (8.4)	80 (7.1)	92 (7.3)
Other western counties (%)	65 (45.5)	471 (41.9)	536 (42.3)
East of the Cascades (%)	11 (7.7)	88 (7.8)	99 (7.8)
Unknown	0	9	9
End of life care			
Hospice			
Enrolled (%)	130 (90.9)	989 (90.1)	1119 (90.2)
Not enrolled (%)	13 (9.1)	109 (9.9)	122 (9.8)
Unknown	0	34	34
Insurance			
Private (%)	36 (31.3)	569 (53.8)	605 (51.6)
Medicare, Medicaid or other governmental (%)	78 (67.8)	474 (44.8)	552 (47.1)
None (%)	1 (0.9)	14 (1.3)	15 (1.3)
Unknown	28	75	103
Underlying illness			
Cancer (%)	110 (76.9)	883 (78.0)	993 (77.9)
Lung and bronchus (%)	23 (16.1)	193 (17.0)	216 (16.9)
Breast (%)	6 (4.2)	86 (7.6)	92 (7.2)
Colon (%)	6 (4.2)	73 (6.4)	79 (6.2)
Pancreas (%)	15 (10.5)	74 (6.5)	89 (7.0)
Prostate (%)	10 (7.0)	48 (4.2)	58 (4.5)
Ovary (%)	4 (2.8)	41 (3.6)	45 (3.5)
Other cancers (%)	46 (32.2)	368 (32.5)	414 (32.5)
Neurological disease (%)	20 (14.0)	114 (10.1)	134 (10.5)
Amyotrophic lateral sclerosis (%)	10 (7.0)	90 (8.0)	100 (7.8)
Other neurological disease (%)	10 (7.0)	24 (2.1)	34 (2.7)
Respiratory disease [e.g., COPD] (%)	2 (1.4)	59 (5.2)	61 (4.8)
Heart/circulatory disease (%)	9 (6.3)	40 (3.5)	49 (3.8)
Infectious disease [e.g., HIV/AIDS] (%)	0 (0.0)	13 (1.1)	13 (1.0)
Gastrointestinal disease [e.g., liver disease] (%)	0 (0.0)	8 (0.7)	8 (0.6)
Endocrine/metabolic disease [e.g., diabetes] (%)	1 (0.7)	7 (0.6)	8 (0.6)
Other illnesses (%)²	1 (0.7)	8 (0.7)	9 (0.7)

X

X

Exhibit 2

1 providing information about the provisions of P.L. , c. (C.)
2 (pending before the Legislature as this bill) to a patient upon the
3 patient's request; or providing a patient, upon the patient's request,
4 with a referral to another health care provider.

5 "Patient" means a person who is under the care of a physician.

6 "Qualified terminally ill patient" means a capable adult who is a
7 resident of New Jersey and has satisfied the requirements to obtain
8 a prescription for medication pursuant to P.L. , c. (C.)
9 (pending before the Legislature as this bill). A person shall not be
10 considered to be a qualified terminally ill patient solely because of
11 the person's age or disability or a diagnosis of any specific illness,
12 disease, or condition.

13 "Self-administer" means a qualified terminally ill patient's act of
14 ingesting medication that has been prescribed pursuant to
15 P.L. , c. (C.) (pending before the Legislature as this bill).

16 "Terminally ill" means that the patient is in the terminal stage of
17 an irreversibly fatal illness, disease, or condition with a prognosis,
18 based upon reasonable medical certainty, of a life expectancy of six
19 months or less.

20
21 4. (New section) A terminally ill patient may make a written
22 request for medication that the patient may choose to self-
23 administer pursuant to P.L. , c. (C.) (pending before the
24 Legislature as this bill), if the patient:

25 a. is an adult resident of New Jersey as demonstrated pursuant
26 to section 11 of P.L. , c. (C.) (pending before the
27 Legislature as this bill);

28 b. is capable and has been determined by the patient's
29 attending physician and a consulting physician to be terminally ill;
30 and

31 c. has voluntarily expressed a wish to receive a prescription for
32 medication pursuant to P.L. , c. (C.) (pending before the
33 Legislature as this bill).

34
35 5. (New section) a. A valid written request for medication
36 under P.L. , c. (C.) (pending before the Legislature as this
37 bill) shall be in substantially the form set forth in section 20 of
38 P.L. , c. (C.) (pending before the Legislature as this bill),

Exhibit
3

1 "Medically confirmed" means that the medical opinion of the
2 attending physician has been confirmed pursuant to section 7 of
3 P.L. , c. (C.) (pending before the Legislature as this bill)
4 by a consulting physician who has examined the patient and the
5 patient's relevant medical records.

6 "Mental health care professional" means a psychiatrist,
7 psychologist, or clinical social worker licensed pursuant to Title 45
8 of the Revised Statutes.¹

9 "Participate in this act" means to perform the duties of a health
10 care provider in accordance with the provisions of P.L. ,
11 c. (C.) (pending before the Legislature as this bill), but does
12 not include: making an initial determination that a patient is
13 terminally ill and informing the patient of the medical prognosis;
14 providing information about the provisions of P.L. , c. (C.)
15 (pending before the Legislature as this bill) to a patient upon the
16 patient's request; or providing a patient, upon the patient's request,
17 with a referral to another health care provider.

18 "Patient" means a person who is under the care of a physician.

19 "Qualified terminally ill patient" means a capable adult who is a
20 resident of New Jersey and has satisfied the requirements to obtain
21 a prescription for medication pursuant to P.L. , c. (C.)
22 (pending before the Legislature as this bill). A person shall not be
23 considered to be a qualified terminally ill patient solely because of
24 the person's age or disability or a diagnosis of any specific illness,
25 disease, or condition.

26 "Self-administer" means a qualified terminally ill patient's act of
27 '[ingesting] physically administering, to the patient's own self,'
28 medication that has been prescribed pursuant to P.L. , c. (C.)
29 (pending before the Legislature as this bill).

30 "Terminally ill" means that the patient is in the terminal stage of
31 an irreversibly fatal illness, disease, or condition with a prognosis,
32 based upon reasonable medical certainty, of a life expectancy of six
33 months or less.

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36 request for medication that the patient may choose to self-
37 administer pursuant to P.L. , c. (C.) (pending before the
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Exhibit
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