

MASSACHUSETTS GENERAL COURT
JOINT COMMITTEE ON PUBLIC HEALTH
PUBLIC HEARING ON S.1208 & H.1926 (JUNE 25, 2019)
LIMITED ORAL STATEMENT – FOR PRO LIFE LEGAL DEFENSE FUND, INC.

Chairman Mahoney, Chairwoman Comerford, and Honorable Members:

Thank you for this opportunity to speak today.

My name is Robert Joyce. I am a Massachusetts attorney, in good standing, and I am testifying in opposition to S.1208 & H.1926. This testimony is presented in my capacity as President of the Pro Life Legal Defense Fund, a non-profit corporation which has been providing pro bono legal services protecting human life for over 44 years.

Because this testimony is limited to three minutes, and my colleagues have addressed other concerns about the bills, I would like to focus on several reasons I believe these bills would negatively affect the human rights of terminally ill patients and other disabled persons.

I have been lead counsel, in five pro bono cases which required legal intervention to prevent three major Boston hospitals from denying care to vulnerable elderly patients. Four required court or institutional hearings. All were successful, but our request whether payments for medical care had been suspended, or threatened, went unanswered. There is documented information about terminally ill patients in Oregon and California being denied coverage for treatment by insurance providers and, instead, being told that doctor-prescribed suicide would be covered. This bill would empower hospitals and insurers to deny treatment in order to maximize profits.

The so-called “counseling” requirement in the bill is nothing but an assessment of impaired judgment. You all know that “counseling” is much more than that. And you all know that it is vital to protect elders from abuse. Reported cases of elder abuse in Massachusetts grew nearly 40% from 2015 to 2017, and research shows that only 1 out of 24 cases is ever reported to

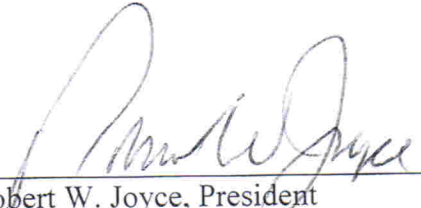
authorities. There are not enough courts, social workers or lawyers to meet the present elder abuse challenges in Massachusetts. This bill invites elder abuse, especially for elders who have lost their circle of friends. The only way to effectively prevent this foreseeable increase in elder abuse in Massachusetts is to refuse to empower it.

The broad definition of “licensed mental health professional” could even include volunteer coordinators, and there is no assurance that anyone will discuss whether the patient will have the ability to access the “feasible alternatives and additional treatment opportunities,” and nothing to help them do so.

Furthermore, a third party, with a financial interest in the death of a patient, could request assisted suicide on behalf of a client without any oversight to determine the accuracy of the request. And there are no safeguards that the lethal dose will be voluntarily taken.

I urge you to report this bill “Ought Not to Pass”.

Dated: June 25, 2019



Robert W. Joyce, President
Pro Life Legal Defense Fund, Inc.