Research Protocol for State Death with Dignity Laws

Prepared by the Elizabeth Ann Glass Geltman, JD, LLM

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RESEARCH PROTOCOL
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State Death with Dignity Laws

I. Date of Protocol: June 1, 2016

II. Scope: The purpose of this study was to compile statutes, regulations, and standards governing death with dignity. This dataset includes coding questions about aid in dying legislation, such as laws governing assisted suicide, penalties, ability of a patient to obtain a prescription for a lethal dose of medication, and states considering aid in dying legislation.

III. Primary Data Collection

a. Project dates: January – May 2016


c. Data Collection Methods:

- Coders conducted a preliminary literature review of assisted suicide laws, death with dignity statutes and pending death with dignity legislation. The coders then collected the laws for each of the 50 states and Washington, D.C. This was done using LexisNexis and Legiscan. To do so, researchers used various search terms to find all current statutes and pending legislation for each state and jurisdiction. After the laws were collected, the questions in the LawAtlas Workbench were coded. Citations and legislative material were added where necessary. Coding was reviewed by a naïve coder and verified by a supervisor.

d. Search terms: “Aid in Dying”, “assisted suicide”, “physician assisted suicide”

IV. Coding

After completing a detailed literature review, the coders and a supervising professor developed a preliminary set of questions to be used for coding based on those results. Multiple coders independently evaluated the data set to ensure consistent data collection, refining the questions as needed. Once the questions for coding were finalized, the coders entered the questions and legal text into the LawAtlas Workbench and coded the individual states.
Coding Methods:
The final six questions used for coding were as follows:

1) Does the state have a statute that allows a terminally ill adult the ability to obtain a prescription for a lethal dose of medicine from a physician?
The purpose of this question is to establish whether each state has a statute allowing lethal doses of medication to be obtained by patients, and if not, if there are any cases that allow exceptions. This was answered with "yes, by statute", "yes, by case law", or no.

2) Does the state expressly ban the practice of physician-assisted suicide?
The purpose of this question is to identify laws and statutes that specifically prohibit physician-assisted suicide. This was answered with yes or no. This question is followed by three child questions, which are as follows:
   a. Is assisted suicide a crime in the state?
The purpose of this questions is to identify whether all cases of assisted suicide are considered to be a crime. This was answered with yes, no, or unclear.
   b. If so, what is the type of crime and punishment specified?
The purpose of this question is to expand on the previous question, if the answer is yes. This question is answered by indicating which type of crime assisted suicide is considered to be, and what the ensuing punishment would be. This was answered with “Felony,” “Misdemeanor,” “Fine,” “Injunction and professional discipline,” “Liable for damages and possible cease and desist order,” and “Common Law determines.”
   3) Is the state considering aid-in-dying legislation?
The purpose of this question is to identify all current aid-dying-legislation that is being considered by each state and jurisdiction’s legislative body. This was answered with yes or no.

V. Quality Control

After coding was completed, other coders reviewed the data set to ensure consistency and accuracy of the coding in all states. Further, a naïve coder and a supervising professor reviewed the records and verified coding as well.