

FOR IMMEDIATE RELEASE
Friday, May 1, 2009

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Disability Rights Montana Uncovers Series of Failures and Non Compliance with Montana Law Regarding the Withdrawal of Life-Sustaining Treatment of Persons With Disabilities

Disability Rights Montana (DRM), Montana's designated program for protecting and advocating for the civil rights of people with disabilities, is calling for a reexamination of decision making where the withdrawal of life-sustaining treatment to persons with disabilities is concerned. In two reports issued this week, DRM provides an overview of eleven cases in which it has been involved since 2006 including a detailed examination of one of those cases. The reports demonstrate that in many circumstances, Montana law – *the Montana Uniform Rights of the Terminally Ill Act* – has not been followed. Tragically in many of these cases, people with disabilities were not terminally ill when doctors and family members considered withholding or withdrawing life support as the Act requires.

“These cases have been a shocking revelation to us as disability advocates.” said Bernadette Franks-Ongoy, Executive Director of DRM. “ In these cases we intervened to ensure that Montana law was being followed. Although in each of eleven cases, the withdrawal of treatment was being actively planned or even in place, ten of the patients were not terminally ill. Eight of the ten are still alive today due to our intervention.”

DRM is releasing these reports to educate the community about its experience with these cases. DRM hopes to stimulate public conversation about the implications for people with disabilities of the expansion of Montana law to allow physicians to assist patients in hastening their deaths.

The *Cora Report* details the first case where DRM became aware of the withholding of life-sustaining treatment that led observers to question its legality. The case was the first of a series where DRM encountered a general lack of understanding and the misapplication of the state law that safeguards and limits the circumstances under which treatment can be withheld or withdrawn to allow a person to die. The second report, *Withdrawal of Life-Sustaining Treatment: Eleven Case Summaries*, reviews the facts of eleven cases and common problems, including the failure to find the patient terminally ill as required by law prior to withholding or withdrawing life-sustaining treatment.

“Some of the issues identified in these cases have since been addressed by legislation enacted in 2007 and 2009,” says Franks-Ongoy. “However, a more troubling issue, the premature withdrawal of life-sustaining treatment, is more problematic given that a finding of terminal condition is already required by Montana law before treatment can be withdrawn.”

Disability Rights Montana’s reports are available online at www.disabilityrightsmt.org under RESOURCES.

The link for the *Cora Report* is:

http://www.disabilityrightsmt.org/janda/articles/UploadFile/1241130439_Cora%20Report%20Final%20with%20Exhibits.pdf

The link for the *Withdrawal of Life Sustaining Treatment Report* is:

http://www.disabilityrightsmt.org/janda/articles/UploadFile/1241129820_Case%20Summaries%20Final.pdf

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Disability Rights Montana is the federally mandated civil rights Protection & Advocacy System for Montana. Our mission is to protect and advocate for the human, legal and civil rights of Montanans with disabilities while advancing dignity, equality, and self-determination.