Letter to HHS: Prioritize Regulatory Action on Disability Discrimination in Assisted Suicide

Sending Office: Honorable Brad R. Wenstrup
Sent By: Luke.Graeter@mail.house.gov

Deadline Friday December 11th, COB

Dear Colleague,

I invite you to join me in sending a letter to the Department of Health and Human Services (HHS) Office for Civil Rights (OCR) asking for a regulation to require nondiscrimination in suicide prevention services in the context of assisted suicide policy. Although physician assisted suicide is promoted as a way to relieve suffering, I have strong concerns that this practice undermines the integrity of the healthcare system, is inherently discriminatory against people with disabilities, and puts everyone, especially the most vulnerable among us, at risk for deadly harm. I am especially concerned that people with disabilities are routinely discriminated against with respect to suicide prevention and intervention services, and the current “safeguards” established in state-level assisted suicide laws are inadequate and fail to protect patients.

In October 2019, the National Council on Disability (NCD), an independent Federal agency that makes policy recommendations to enhance the lives of all Americans with disabilities, released a report entitled, “The Danger of Assisted Suicide Laws.” It states, “Legalizing assisted suicide means that some people who say they want to die will receive suicide intervention, while others will receive suicide assistance. The difference between these two groups of people will be their health or disability status, leading to a two-tiered system that results in death to the socially devalued group.”

The NCD report recommends that HHS OCR issue a regulation specifically stating that physicians must treat a request for assisted suicide or any other form of hastened death the same, regardless of whether the patient as a disability. In December 2019, I led a letter with 39 members of the House asking HHS to issue such a regulation.

HHS is currently considering a broad disability-focused regulation, which would include the proposed language on preventing discrimination in assisted suicide. However, it’s critical that HHS makes this regulation a priority and issues the regulation before the end of the year. To demonstrate Congress’s strong interest in seeing this regulation issued before the end of the year, I request your support on this letter asking that Secretary Azar redouble efforts at HHS to combat discrimination in suicide prevention services and work with the relevant operating divisions within the Department to ensure expeditious drafting and review processes that will allow for a proposed regulation to be issued promptly.

If you have any questions or would like to sign the letter, please contact Luke.Graeter@mail.house.gov (Rep. Wenstrup).

Sincerely,

Brad R. Wenstrup, D.P.M.
Member of Congress
Hon. Alex M Azar II
Secretary
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Azar,

Thank you for your leadership in enforcing Federal civil rights, conscience, and religious freedom laws at the Department of Health and Human Services (HHS). We write to follow up on our previous letter dated December 19, 2019, and to inquire about the status of ongoing efforts at HHS to combat discrimination in assisted suicide.

As you will recall, our previous letter urged the Department to heed the recommendations of the National Council on Disability’s (NCD) report, “Dangers of Assisted Suicide Laws,” by issuing a regulation requiring nondiscrimination in suicide prevention services, in the context of assisted suicide policy, as soon as possible.

To reiterate our concerns and reemphasize the need for quick action from HHS, recall that the NCD report states, “Legalizing assisted suicide means that some people who say they want to die will receive suicide intervention, while others will receive suicide assistance. The difference between these two groups of people will be their health or disability status, leading to a two-tiered system that results in death to the socially devalued group.”

Such a system of discrimination must never be allowed to exist in the United States of America. Oversight of these policies falls squarely under the jurisdiction of the HHS Office for Civil Rights (OCR), which enforces disability rights laws, including the Americans with Disabilities Act, Sections 504 and 508 of the Rehabilitation Act, and Section 1557 of the Patient Protection and Affordable Care Act.

In Director Severino’s response to our letter, dated February 4, 2020, he noted that the OCR has reviewed the NCD report and shares “NCD’s concerns about potential discrimination on the basis of disability in the area of assisted suicide.” Furthermore, Director Severino said that OCR is “carefully considering all of NCD’s recommendations in the report.”

In the time since our December 2019 letter and Director Severino’s response, Congress has demonstrated even further interest in ensuring that the recommendations of the NCD report are faithfully implemented. On July 13, 2020, the House Appropriations Committee approved the Fiscal Year 2021 Labor, Health and Human Services, Education, and Related Agencies Appropriations bill. In the Committee Report, the Committee adopted report language strongly encouraging OCR to implement the recommendations of the NCD report.

In light of the strong, bipartisan congressional interest demonstrated over the past year, we request that you redouble efforts at HHS to combat discrimination in suicide prevention services by issuing a regulation. While we recognize that HHS has rightly been focused on responding to the unprecedented public health challenges associated with the COVID-19 pandemic, we strongly believe this is a matter of the utmost importance.
We urge that regulatory action be taken before the end of the year. We ask that you work with the relevant operating divisions within the Department to ensure expeditious drafting and review processes that will allow for a proposed regulation to be issued promptly.

Sincerely,

Brad R. Wenstrup, D.P.M

Related Legislative Issues

Selected legislative information: Civil Rights, Family Issues, HealthCare