

Should Correctional Physicians Participate in Lethal Injection?

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Death Penalty

- Highly controversial
- Allowed in 36 states and by federal government
- SCP, AMA consider physician participation to be unethical
- US District Court mandated physician oversight of lethal injection

Professional Society Opinions

- Society of Correctional Physicians opposes any involvement in execution
- AMA allows ordering sleep aid the night before, and signing death certificate
- ANA says nurse involvement is unethical
- American Pharmaceutical Association says pharmacist involvement is ethical

Competing Ethical Principles

- Non-Maleficence – Do no harm; “Primum Non Nocere” (Sydenham)
- Beneficence – Act to benefit the patient
- Beneficence – Act to benefit society
- Fairness – Act toward all relevant parties in an equivalent manner; “giving to each that which is his due” (Aristotle)

Baze v. Rees

- Heard by Supreme Court 7 January 2008
- Three-chemical protocol claimed to cause “torturous, excruciating pain”
- Plaintiffs’ attorney “said the risk of pain could be eliminated if medically trained personnel, rather than the prison warden, monitored the anesthesia.” (NY Times)

Prior Physician Opinion Survey

- Farber, NJ, Aboff, BM, Weiner, J, Davis, EB, Boyer, EG, and Ubel, PA
- “Physicians’ Willingness To Participate in the Process of Lethal Injection for Capital Punishment”
- Ann Intern Med. 2001; 135: 884-888.
- Accompanying editorial

Prior Physician Opinion Survey

- Surveyed 1000 randomly chosen physicians
- No correctional experience required
- Included states with no death penalty
- 41% of respondents claim to be willing to perform at least one action considered unethical by SCP and AMA

Survey Instrument

- Ten questions concerning possible involvement in lethal injection
- Six questions concerning physician involvement in lethal injection
- Opinions about death penalty, effect of death penalty, and assisted suicide
- Demographic questions

Should Study Be Repeated?

- Opinions of correctional physicians may be more informed
- Correctional physicians may understand legal/ethical issues better
- Funding agencies may not think the opinions of correctional physicians are of interest

How Study Might Differ

- Different respondent sample
- Ask about methods of injection
- Ask about levels of compensation (current compensation up to \$20,000)
- Ask about correctional experience
- Ask opinion on abortion

Audience

- Questions
- Suggestions