

WRONGFUL DEATHS BY ASSISTED SUICIDE OR EUTHANASIA

A WRONG DIAGNOSIS

If a person dies by assisted suicide or euthanasia following **a mistaken diagnosis that the person has a terminal illness** then that is a wrongful death – with no remedy.



It was only after the family of retired Italian magistrate Pietro D'Amico, aged 62, insisted on an autopsy that he was found not to have a terminal illness at all, despite being given such a diagnosis by both Italian and Swiss doctors prior to undergoing assisted suicide in Switzerland.¹

Peter Sefton-Williams, aged 71, began planning his assisted suicide with Dignitas in Switzerland after two specialists diagnosed him with motor neurone disease. He was told not to make any plans beyond six months. A few months later further tests showed that he had been misdiagnosed. He did not have motor neurone disease but Multifocal Motor Neuropathy, a mild condition that is not terminal and which, in most cases, is treatable.²



¹ <https://www.thelocal.ch/20130711/assisted-suicide-in-question-after-botched-diagnosis>

² <https://www.spectator.co.uk/article/my-false-diagnosis-exposes-a-key-flaw-in-the-assisted-dying-bill/>

According to [evidence given by Dr Stephen Child](#), Chair of the New Zealand Medical Association to the New Zealand parliamentary inquiry into the practice of euthanasia:

"On diagnosis, 10 to 15 per cent of autopsies show that the diagnosis was incorrect. Three per cent of diagnoses of cancer are incorrect".

Dr Child said this scope for error was too large, when weighed against the outcome. *"This is an irreversible decision in which the consequences are final."*³

[Ten per cent of cases in Australia are misdiagnosed](#) according to Peter McClennan, chief executive at Best Doctors.⁴

An [August 2018 report on Missouri resident Pasquale Michael Fatino](#), aged 52, who is suing three doctors at his former primary care clinic for a misdiagnosis of terminal cancer that caused him and his family unnecessary pain and suffering last year, illustrates that such mistakes do happen.⁵

Simply having two doctors diagnose that a person has a terminal illness is an illusory safeguard. There is no remedy for a wrongful death by assisted suicide based on misdiagnosis.

How many wrongful deaths from assisted suicide following misdiagnosis of a terminal illness are too many?

³ <http://www.stuff.co.nz/national/politics/84252580/euthanasia-too-fatal-when-the-risk-of-error-is-too-great--doctors>

⁴ <https://amp.afr.com/business/insurance/insurance-companies/mlc-life-to-expand-best-doctors-service-20170827-gy4zfk>

⁵ <https://www.kansascity.com/news/business/health-care/article216764080.html>