Objectives

Define VSED, PAS/PAD, Death with Dignity

Comprehend the legal, ethical, and regulatory issues involved

Identify our feelings and beliefs around these issues

Discuss how to honor both patients’ needs and our own

Overview

The History
VSED, PAS, DwD

Our Current Culture
Legal, ethical, regulatory issues

Ethical and Emotional Struggles
Autonomy, dignity, palliation, the power of power
Overview

Who can decide?
- R/S views for and against
- Cultural views for and against

Best Practices
- Honoring patients
- Honoring the law
- Honoring ourselves

Discussion and dialogue

The History

Euthanasia—Greek for “good death”

PAS—Physician Assisted Suicide

PAD—Physician Aid in Dying

DwD—Death with Dignity

VSED—Voluntarily Stopping Eating and Drinking

Legal, Ethical, & Regulatory Issues

PAS/PAD


Montana (2009)—Baxter v. Montana

Under review in Tennessee, Maryland, New Jersey, New York, Connecticut, Rhode Island

New Mexico—January 2014 legalized in Bernalillo Co., overturned August 2015, under review by state supreme court
Legal, Ethical, & Regulatory Issues

**VSED**

Legal in all 50 states.

Patients who have decision-making capacity can make a considered choice to stop eating and drinking.

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Legal, Ethical, & Regulatory Issues

**Personal autonomy**

“There every human being of adult years and sound mind has a right to determine what shall be done with his own body; and a surgeon who performs an operation without his patient’s consent, commits an assault.”

*Scholendorff v. Society of the NY Hospital, 1914*

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Legal, Ethical, & Regulatory Issues

**Self determination**

A decisionally capable person is allowed to refuse any unwanted treatment, even if that refusal will result in death.

“It is the individual who is the subject of a medical decision who has the final say” (Right of pt to refuse potentially life-saving blood transfusion upheld.)

*Erickson v. Dillgard, 1962*
## Ethical & Emotional Struggles

**Starting from Common Ground**

- Autonomy
- Dignity
- Palliation
- The power of power

*“But sometimes, my ethics and my morality conflict”*

## Who can decide?

**Religious, Spiritual, Cultural views for & against**

- Sanctity of life
  - What defines “life”?  
  - Quality vs. Quantity?  
  - Who defines “quality”?  

- Suicide viewed by some as “sin”  
  - Where does suicide end and VSED choice begin?  
  - Choosing to refuse life-prolonging “treatment”?  

## Who can decide?

**Concerns about motives**

- Depression? Grief? Reasoned choice?  
  - Adequate palliative care?  

- Autonomy and choice  
  - Exceptions? Duty to warn?  

- Gifts/Meaning in suffering

- Conscientious objection  
  - Slippery slope or reasonable respect?
Best Practices

Honoring patients

Honoring families

Honoring the law

Honoring ourselves

Discussion and dialogue

Ground rules:

Purpose of dialogue is to increase understanding, not “win”

Presume good will

Pay attention to assumptions and judgments

Look for common ground

Be willing to agree to disagree

Monitor and tend to physical indicators of overwhelm

Straw Poll

If you were asked to care for a patient who has chosen VSED, what would you do?

1. I would conscientiously object

2. I would be willing to serve, but would hope they would change their mind

3. I would be willing to serve, and would completely honor their choice
Discussion of Case Study


VSED and Hospice Care: A Case Study

By Patrick T. Smith; Elizabeth Collins; Tim Cox; Deborah Jacques; Bonnie Meyer; and Kate Pepin (NHPCO Newsline, September, 2013)

If a patient decides to forgo eating and drinking in order to hasten his or her own death, how should a hospice respond?

From a legal standpoint, “voluntarily stopping eating and drinking” (VSED) is an option for individuals in all 50 states and distinct from the natural reduction in nutritional intake that accompanies the dying process. It is a voluntary decision by patients with decision-making capacity, with the explicit intention of hastening death(1).

While legal, however, the peer-reviewed literature does not reflect strong ethical consensus about whether, how, and for what reasons hospices should or should not participate in patients’ care decisions about VSED.

The NHPCO Ethics Advisory Council offers the following case study and questions in the spirit of fostering robust discussion on this difficult ethical issue. The Council also encourages each hospice to explore these questions in their organizational ethics committees, with the ultimate goal of establishing a policy or guidelines to address VSED so staff is prepared when such situations arise. Some resources that may help inform these internal discussions are provided at the end of this article.
The Case of Dr. S

1. Given the hospice philosophy of supporting the goals of the patient, what ethical issues do you think emerge in the case of Dr. S?

2. When he began his fast, Dr. S’s death was not imminent; his functional decline was accelerating, but he had a prognosis of several months until death. Is a patient’s projected time until death ethically relevant when considering if and how hospice teams should support a choice to begin VSED? Why or why not?

3. The hospice staff in this case honored the wishes of Dr. S by not placing trays of food in front of him. However, the staff did ask him three times a day if he wanted food just in case he changed his mind. Does this response by the care team cross the line in not respecting Dr. S’s wishes? Why or why not?

Check-in

Right now, how's your breathing, heart rate, body temperature (face, hands, feet, etc), muscle tension?

Regarding the process (not content), what was the most challenging part of that discussion?

Regarding the process (not content), what was the easiest part of the discussion?

Where do we go from here?

Education

Development of policies

Dialogue

On-going reflection and practice
Resources


Resources

KNMG Article, “Caring for people who consciously choose not to eat and drink so as to hasten the end of life”

http://www.knmg.nl/Over-KNMG/about-knmg.htm

On right hand banner under articles in English, look for VSED/voluntary stopping eating and drinking: Caring for people who consciously choose not to eat and drink so as to hasten the end of life (2015)

Resources


http://law.hamline.edu/WorkArea/DownloadAsset.axd?id=4294999578
Resources


http://widenerlawreview.org/files/2011/07/03-pope2.pdf&embedded=true