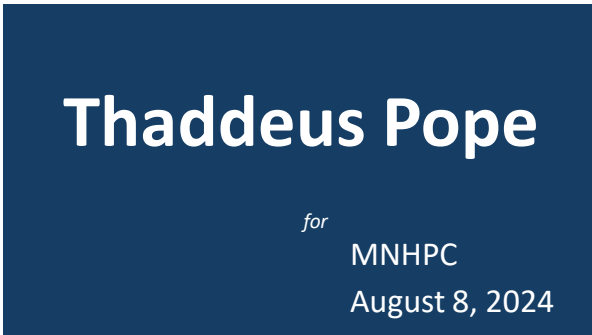




1



2



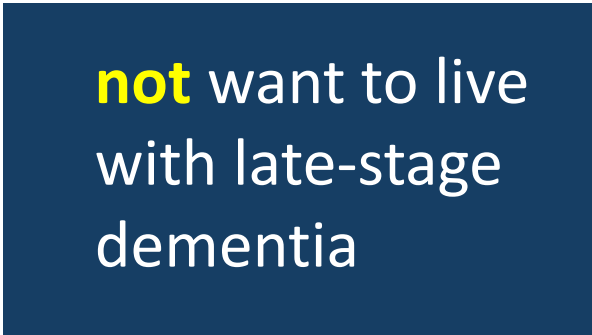
3



4



5



6

SO ...

7

June 2023  
VSED

8



9

# StarTribune

A good death for a Minnesota woman who championed the right to die with dignity

Cheryl Hauser showed us how to face the one part of life no one wants to talk about — the end.

JUNE 24, 2023 — 1:00PM

10

## MPRnews

Stay Curious. Stay Connected.

Minnesota Now with Cathy Wurzer

Cathy Wurzer and Julia Franz · November 19, 2021 12:29 PM

### A Minnesotan with Alzheimer's plans for death on her own terms

11

## 5 KSTP.COM News Weather Watch Live Traffic Sports

EYEWITNESS NEWS

### Family celebrates life of woman who voluntarily passed after Alzheimer's diagnosis

Joe Schmitt KSTP

Updated: June 30, 2023 - 10:44 AM

Published: June 29, 2023 - 10:45 PM

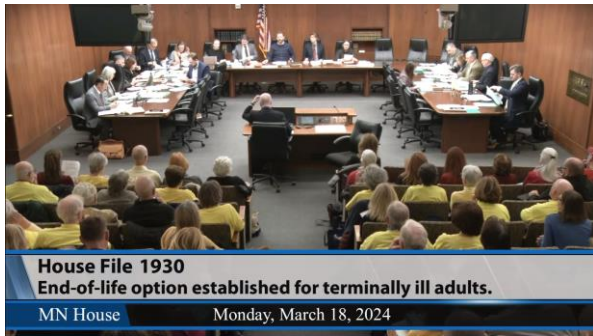
12



13



14



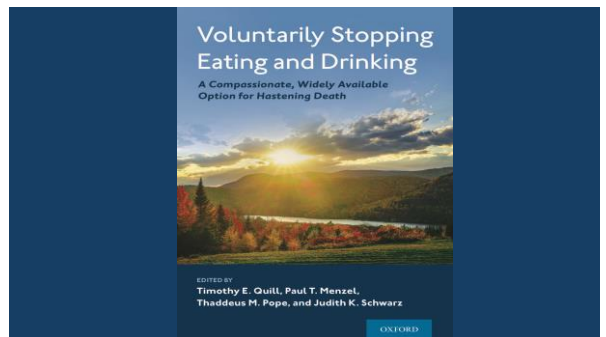
15



16



17



18



19



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21



22



23



24

VSED is  
**legal**

25

hospice  
eligibility

26

VSED  
by **AD**

27

VSED by AD  
is **legal**

28

what is  
VSED

29

**V**oluntarily  
**S**topping  
**E**ating &  
**D**rinking

30

patient **with**  
capacity

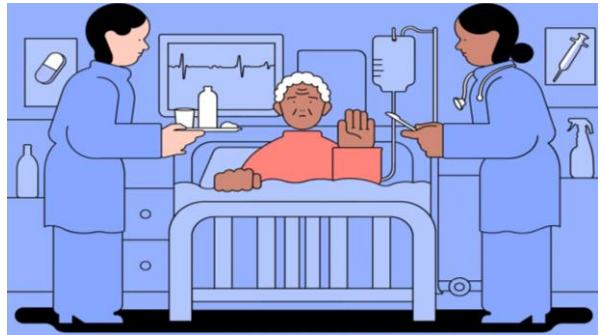
31

**able** to take food  
& fluid by mouth

32

voluntary  
**decision**  
to stop

33



34

**≠** ANH

35

**≠** natural loss  
appetite

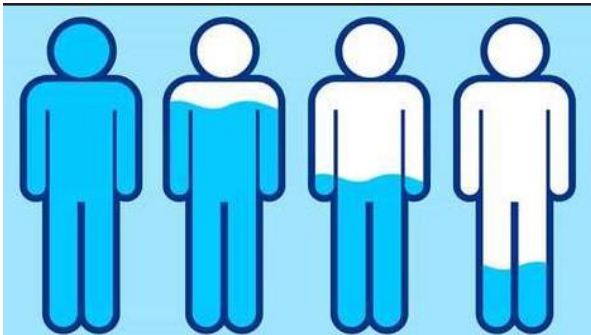
36

**deliberate** choice  
stop fluids  
by **mouth**

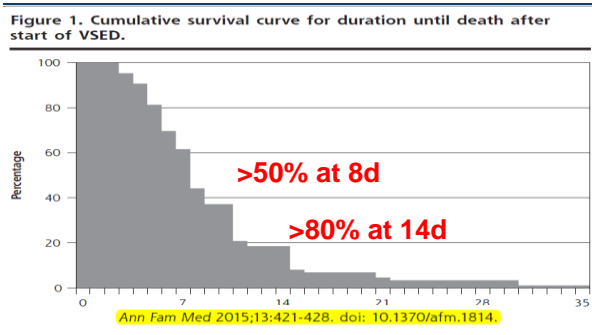
37

**goal** = death  
from dehydration

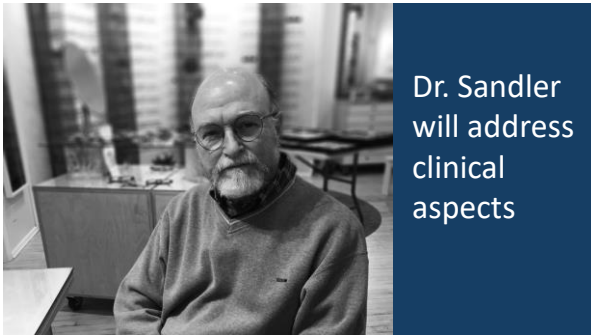
38



39



40



41

**VSED is  
legal**

42

sizable, settled,  
and stable  
**consensus**

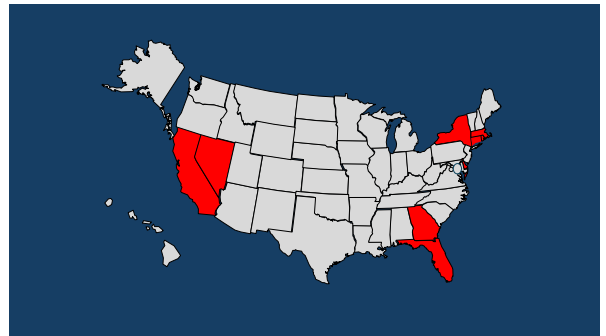
43

court  
precedent

44

**multiple**  
appellate  
decisions

45



46

**same** in other  
common law  
countries

47

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

Citation: *Bentley v. Maplewood Seniors Care Society*,  
2014 BCSC 165

Date: 20140203  
Docket: S135854  
Registry: Vancouver

Between:

**Margaret Anne Bentley,  
by her Litigation Guardian Katherine Hammond,  
John Bentley and Katherine Hammod**

Petitioners

48



**SUPREME COURT OF SOUTH AUSTRALIA**  
(Applications Under Various Acts or Rules: Application)

DISCLAIMER - Every effort has been made to comply with suppression orders or statutory provisions prohibiting publication that may apply to this judgment. The onus remains on any person using material in the judgment to ensure that the intended use of that material does not breach any such order or provision. Further enquiries may be directed to the Registry of the Court in which it was generated.

**H LTD v J & ANOR**

[2010] SASC 176

Judgment of The Honourable Justice Kourakis

15 June 2010

49

is VSED legal?  
asked &  
answered

50

plus

51

**no need** for  
direct, explicit  
authority

52

**already** legal  
**existing** rules

53



**Combined Minnesota and Federal Hospice  
Bill of Rights**

MINNESOTA HOSPICE BILL OF RIGHTS PER MINNESOTA STATUTES,  
SECTION 144A.751

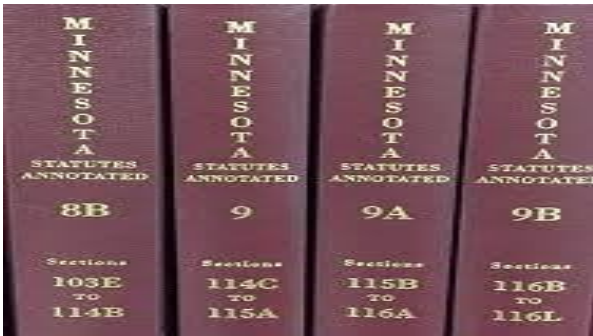
54

“patients ... have the **right to refuse** ... treatment”

55

In the Matter of the CONSERVATORSHIP OF Rudolfo TORRES, Conservatee.  
No. C1-84-761.  
Supreme Court of Minnesota.  
Nov. 2, 1984.

56



57

right to refuse treatment

58

ventilator  
dialysis  
CPR  
antibiotics  
feed tube

59

right to refuse treatment **VSED**

60

**not** DIY

61

part of a broader  
**treatment** plan

62

**supervised** by  
licensed healthcare  
professionals

63

**recognized** as  
healthcare by  
medical profession

64

Compassion  
in Dying.  
Your end of life. Your way.

Voluntarily stopping eating  
and drinking (VSED):  
A call for  
guidance



November 2022

65

Voluntarily stopping eating and drinking—lack of guidance is failing  
patients and clinicians

Patients and physicians need clear information to navigate the complex processes in end-of-life care,  
say Linda Dykes and colleagues

Linda Dykes,<sup>1</sup> Simon Hodes,<sup>2</sup> Sarah Malik<sup>3</sup>



66

# Voluntary stopping of eating and drinking in the age of medical assistance in dying: ethical considerations for physicians

Peter Allatt, Daniel D.M. Kim and Philip Hébert

Palliative Care & Social Practice  
2022, Vol. 16: 1-10  
DOI: 10.1177/2632352421112170  
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68



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## POSITION STATEMENT



### Nutrition and Hydration at the End of Life

Effective Date: 2017  
Status: Revised Position Statement  
Written by: ANA Center for Ethics and Human Rights  
Adopted by: ANA Board of Directors

70



American Medical Women's Association

71



72



AMERICAN ACADEMY OF  
HOSPICE AND PALLIATIVE MEDICINE

73

JOURNAL OF PALLIATIVE MEDICINE  
Volume 20, Number 1, 2017  
Mary Ann Liebert, Inc.  
DOI: 10.1089/jpm.2016.0290

Position Statement

International Association for Hospice  
and Palliative Care Position Statement:  
Euthanasia and Physician-Assisted Suicide

74

Austrian Palliative Society (OPG)

themenschwerpunkt

Wien Med Wochenschr  
<https://doi.org/10.1007/s10354-018-0629-z>



**Freiwilliger Verzicht auf Nahrung und Flüssigkeit um das Sterben zu beschleunigen**

Eine Stellungnahme der österreichischen Palliativgesellschaft (OPG)

Angelika Feichtner · Dietmar Weidner · Alois Birkbauer

Eingegangen: 6. September 2017 / Angenommen: 7. Februar 2018  
© Springer-Verlag GmbH Austria, ein Teil von Springer Nature 2018

75



e-SPEN guideline

ESPEN guideline on ethical aspects of artificial nutrition and hydration

Christiane Druml<sup>1,2,\*</sup>, Peter E. Ballmer<sup>3</sup>, Wilfried Druml<sup>4</sup>, Frank Oehmichen<sup>4</sup>

76

Position Paper



**Ethical Aspects of Artificially Administered Nutrition and Hydration: An ASPEN Position Paper**

Denise Baird Schwartz, MS, RD<sup>1</sup>; Albert Barrocas, MD<sup>2</sup>

Nutrition in Clinical Practice  
Volume 0 Number 0  
January 2021 1-14  
© 2021 American Society for  
Parenteral and Enteral Nutrition  
DOI: 10.1002/ncp.10633  
wileyonlinelibrary.com



77



78


**more** clinical  
practice  
guidelines

79

HANDREIKING  
Zorg voor mensen die stoppen met eten en drinken om het levenseinde te bespoedigen  
Januari 2024

Guide - Caring for People Who Stop Eating and Drinking to Hasten the End of Life

**Jan. 2024**




80

**JPSM** JOURNAL OF PAIN AND SYMPTOM MANAGEMENT  
Advancing Palliative Care, Diagnosis, and Symptom Research  
Issue 2023 • Volume 18 • Number 4  
www.painmanagementjournal.com

Clinical Guidelines for Voluntarily Stopping Eating and Drinking (VSED)

**Nov. 2023**



81

JAMA Internal Medicine | Special Communication | HEALTH CARE POLICY AND LAW


Voluntarily Stopping Eating and Drinking Among Patients With Serious Advanced Illness—Clinical, Ethical, and Legal Aspects

Timothy E. Quill, MD; Linda Ganzhi, MD, MPH; Robert D. Truog, MD; Thaddeus Mason Pope, JD, PhD

JAMA Internal Medicine January 2018 Volume 178, Number 1 123

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Journal of the American Geriatrics Society



SPECIAL ARTICLE:  
PALLIATIVE PRACTICE POINTERS

Voluntary Stopping Eating and Drinking

John W. Wax, MD, Amy W. An, MD, Nicole Kosier, MD, and Timothy E. Quill, MD

83

VSED = Tx  
ONH

84

right to  
refuse **VSED**  
treatment

85

but

86

some  
**challenge**  
premise

87

**oral** N&H =  
“treatment”

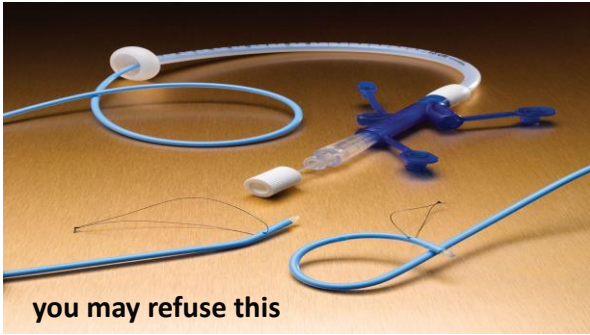
88

oral N&H **≠**  
“treatment”

89

**basic** care

90



91



92



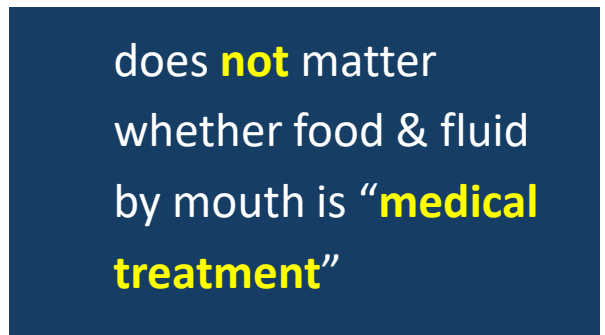
93



94



95



96



right to refuse  
**any** intervention

97

medical  
**or not**

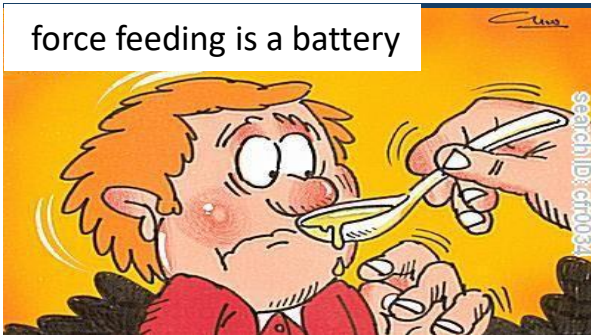
98

healthcare  
**or not**

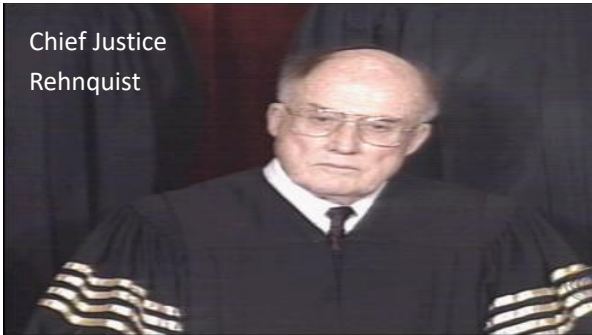
99

right to refuse  
**any**  
**unwanted** contact

100



101



102

“bodily integrity is violated ... by sticking a **spoon in your mouth** ... sticking a needle in your arm”

103



104

Medicare  
Conditions of  
Participation  
for Hospice

105



106

“patient has a right to refuse care **or** treatment”

42 C.F.R. 418.52(c)(3)

107



VNSNY HOSPICE & PALLIATIVE CARE  
POLICY and PROCEDURE

TITLE: VSED: Responding to a Patient’s Desire to Voluntarily Stop Eating and Drinking

108

“ethical and  
**legal** option”

109

“well-settled right  
... to refuse **any**  
unwanted  
intervention”

110

recap

111

VSED is  
legal

112

sizable, settled,  
and stable  
**consensus**

113

assisted  
suicide

114



115

Minn. Stat.  
**609.215**

116

“whoever . . .  
**assists** another  
in taking the  
other’s life ...”

117



118



119

Medical  
Practice Act

120

Minn. Stat.  
147.091(1)(w)

121

“aiding suicide ...  
grounds for  
**disciplinary** action”

122



123

VSED = AS  
AS = felony  
VSED = felony

124

WRONG

125



126

1

127

no assisting

128



129

2

130

palliative care ≠ assisted suicide

131



132

“provider ... who administers,  
prescribes ... medications or  
procedures to relieve another  
person's pain or discomfort . . .  
**does not violate** this section”

133

3

134



135

4

136

**1000s** of  
VSED deaths

137

**no** healthcare  
licensing board  
discipline

138

no criminal prosecutions

139

no medical malpractice

140

VSED ≠ AS

141

hospice

142



143



144



**2** types of cases

145



146

**already** on hospice  
**already** eligible TI  
 → begins VSED

147



148

**not** on hospice  
**not** already eligible TI  
 → begin VSED

149

does VSED  
**make** patient  
 eligible?

150



151



152

“most hospices will not provide direct care to patients with a prognosis greater than six months **prior to ... initiation of VSED**”

153

“However, **many** hospices **will enroll** patients who have **already begun VSED.**”

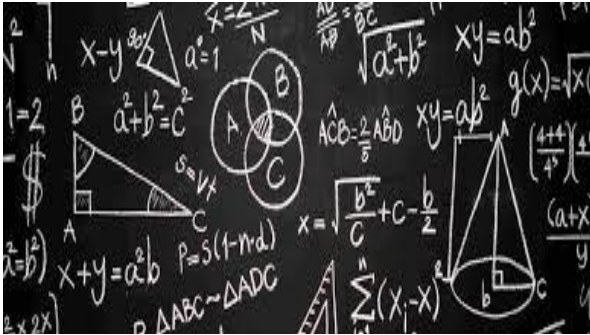
154



155

“As to Hospice eligibility, there was unanimous agreement that any patient who embarks on VSED becomes **one of ours**”

156



157

VSED → death  
 < 14 days  
 14 days < 6 months

158



Hospice ICD-10  
 Coding

159

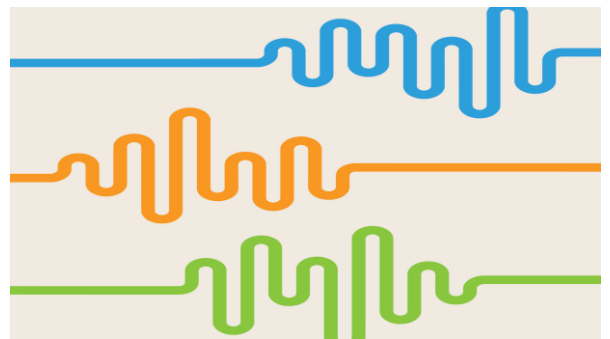
incontinence  
 +  
 underlying  
 medical condition

160

# F50.89

other specified  
 eating disorder

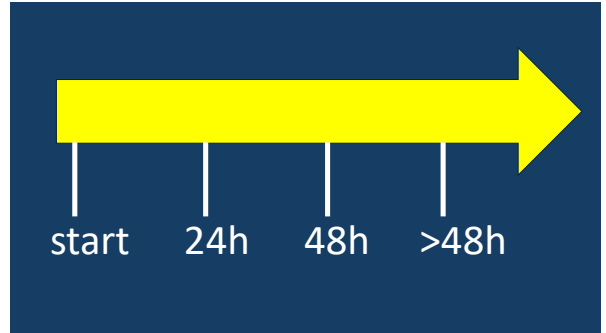
161



162



163



164

**not** assessing  
symptoms

165



166

purely **clinical** basis  
(e.g., weight loss)  
→ later

167



168

VSED by patient  
**with capacity**

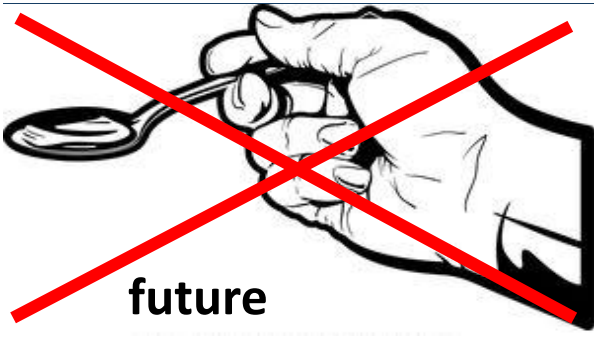
169

VSED by AD

170



171



172

**after** patient  
loses capacity

173

at **point**  
Pt specifies

174



175



176

FUNCTIONAL ASSESSMENT STAGING TEST (FAST) SCALE					
Stage	Stage Name	Characteristic	Stage	Stage Name	Characteristic
1	Normal Ageing	No deficits whatsoever	6a	Moderately Severe Dementia	Needs help putting on clothes
			6b		Needs help bathing
2	Possible Mild Cognitive Impairment	Subjective functional deficit	6c		Needs help toileting
			6d		Urinary incontinence
			6e		Faecal incontinence
3	Mild Cognitive Impairment	Objective functional deficit interferes with a person's most complex tasks	7a		Severe Dementia
			7b	Speaks only 1 word clearly	
4	Mild Dementia	Instrumental activities of daily living (ADLs) become affected, such as paying bills, cooking, cleaning, travelling	7c	Can no longer walk	
			7d	Can no longer sit up	
			7e	Can no longer smile	
			7f	Can no longer hold up head	
5	Moderate Dementia	Needs help selecting proper attire			

177



178



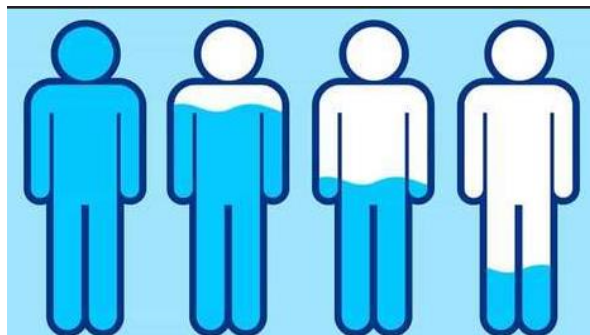
179



180



181



182

prevalence  
VSED by AD

183



184

A Piece of My Mind

My Living Will

588 JAMA, February 28, 1996—Vol 275, No. 8

*I, William Arthur Hensel, being of sound mind, desire that my life not be prolonged by extraordinary means if my condition is determined to be terminal and incurable. I am aware and understand that this writing authorizes a physician to withhold or discontinue extraordinary means.*

basic of comfort and nutritional care. Even a detailed living will that includes the refusal of all active treatments such as cardiopulmonary resuscitation, antibiotics, artificial nutrition, and hydration may be inadequate in such a situation. I do not want to become a vacant-looking body, reflexively swallowing food and water placed in my mouth, my soul frozen inside while my life

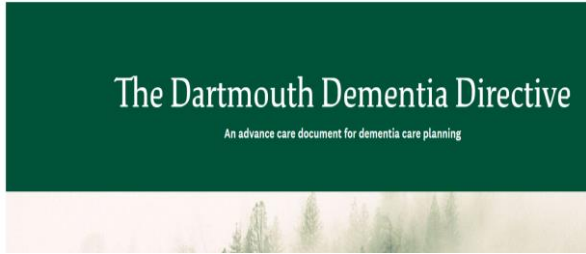
185

> 14 VSED  
ADs

186

DARTMOUTH

EXPL



187



**ABOUT THE ADVANCE DIRECTIVE FOR  
RECEIVING ORAL FOOD AND FLUIDS IN DEMENTIA**


188



189

**Dementia Provision  
Advance Directive Addendum**



 The following document can be added to any advance directive to provide guidance regarding consent to or refusal of certain therapies. Once completed, signed and witnessed, it should be kept with the advance directive.

190



191

*Support and promote life quality*



*lifecircle* | Living will & additional personal statement

192





### Introduction to our Supplemental Advance Directive For Dementia

193

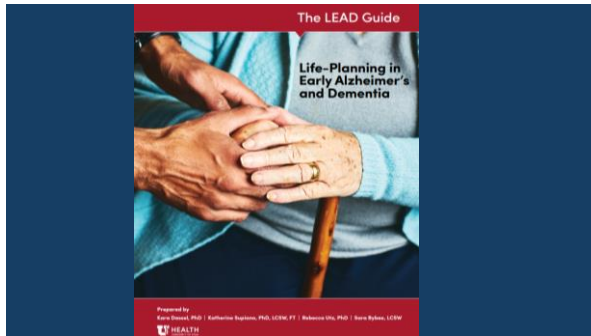


4.  **ASSISTED FEEDING.** If I am unable to feed myself, then spoon feed me whatever I seem to enjoy, and no more. Do not feed me or apply medical interventions, such as tubes and IVs, so that I might live longer.

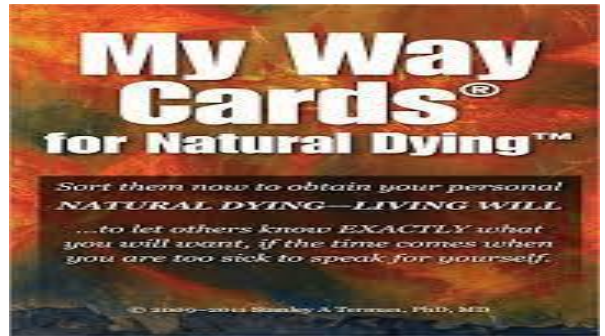
If this sentence is initialed and any of the choices 5, 6, or 7 are initialed, the latter are **not** to be implemented if they put my agent or any of my caregivers at criminal risk.

5.  **WITHHOLD NUTRITION & HYDRATION** if I show no desire to eat and/or drink. This includes medical interventions such as tubes and IVs. Do not encourage or entice me to eat or drink. Keep food odors out of my room.

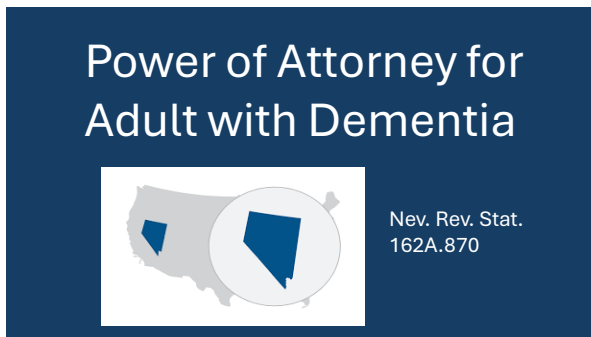
194



195



196



197

NEVADA ADVANCE DIRECTIVE FOR ADULTS WITH DEMENTIA  
PAGE 7 OF 10

---

PART 2. END-OF-LIFE DECISIONS ADDENDUM STATEMENT OF DESIRES.

---

4. I want to get food and water even if I do not want to take medicine or receive treatment. YES  NO

198



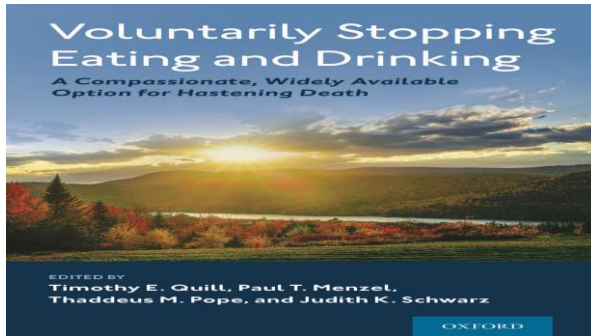
# Making the Case for a Dementia Directive

November 14, 2022

199



200



201



202

## Planning Ahead / Seniors



203



204



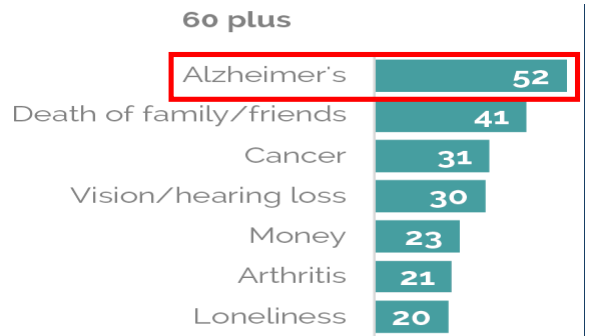
205



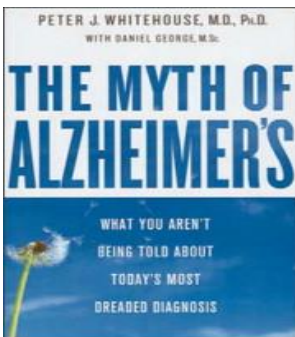
206

fear of  
**dementia**

207



208



209

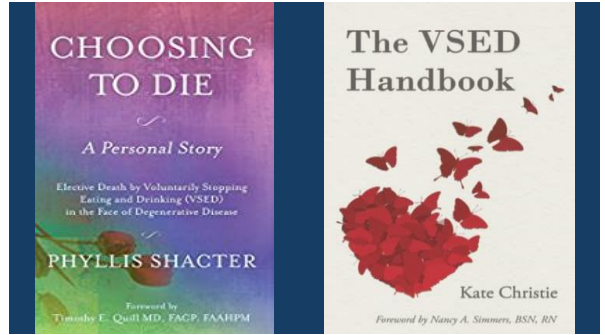
“**most**  
dreaded  
diagnosis”

many **used VSED**  
to avoid late-stage  
dementia

210



211



212

but

213



214

VSED while  
**still** have  
capacity

215



216

too **soon**

217

life **still**  
worthwhile

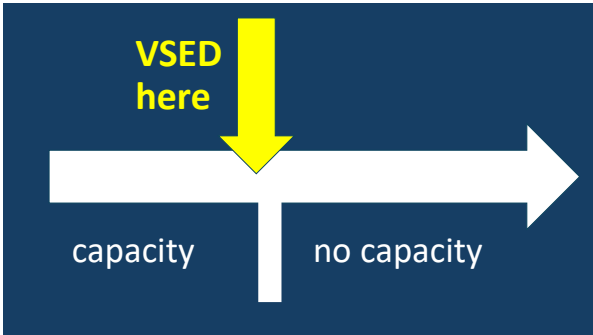
218

earliness  
problem

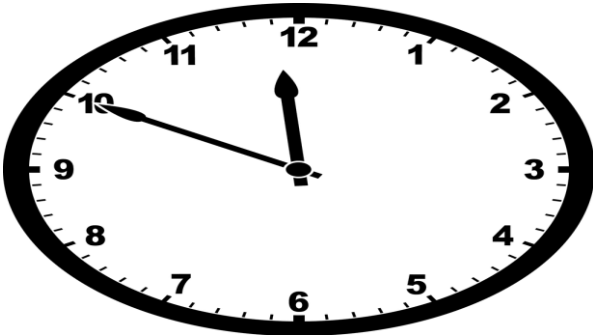
219



220



221



222

but

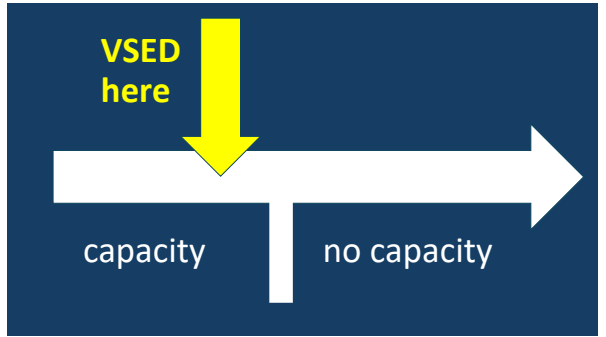
223



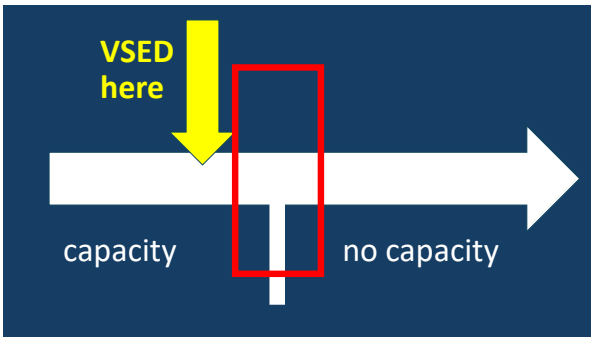
224



225



226



227

premature  
dying

228

**current** situation  
still acceptable

229

VSED **not** a  
good option

230

at **this** time

231

**not** ready  
to die yet

232

concerned  
about **future**  
circumstances

233

**lack** capacity  
at future time

234



235



236



237



238



239



240

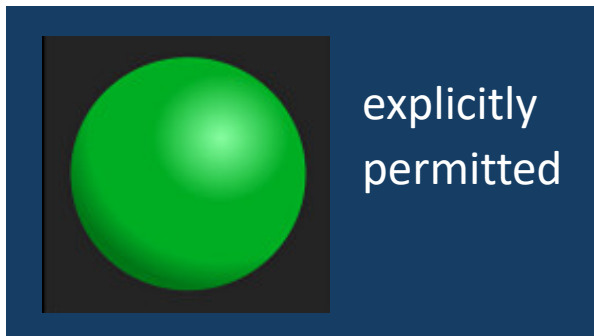




241



242



243



244

**NEVADA ADVANCE DIRECTIVE FOR ADULTS WITH DEMENTIA**  
**PAGE 7 OF 10**

---

**PART 2. END-OF-LIFE DECISIONS ADDENDUM STATEMENT OF DESIRES.**

4. I want to get food and water even if I do not want to take medicine or receive treatment. YES  NO

245



246

“health care”  
 “personal  
 circumstances”  
 Vermont § 9702(a)(12)

247

“services to assist  
 in activities of  
 daily living”  
 Vermont §§ 9702(a)(5), 9701(12)

248



249

State of Arizona  
 House of Representatives  
 Fifty-sixth Legislature  
 Second Regular Session  
 2024

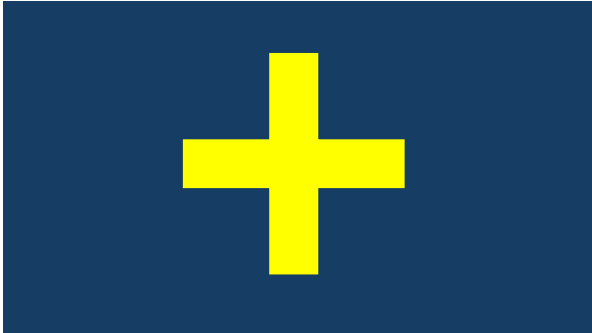
### HB 2254

Introduced by  
 Representative Wilmeth: Senator Burch

250

control health  
 care treatment  
 decisions ...

251



252

“including ... how and under what circumstances the ingestion of **food and liquids** may be limited or discontinued”

253



254

**not** explicit and direct like NV VT AZ

255

1 MINNESOTA STATUTES 2022 145C.01

**CHAPTER 145C**

**HEALTH CARE DIRECTIVES**

145C.01	DEFINITIONS.	145C.10	PRESUMPTIONS.
145C.02	HEALTH CARE DIRECTIVE.	145C.11	IMMUNITIES.
145C.03	REQUIREMENTS.	145C.12	PROHIBITED PRACTICES.
145C.04	EXECUTED IN ANOTHER STATE.	145C.13	PENALTIES.
145C.05	SUGGESTED FORM; PROVISIONS THAT MAY BE INCLUDED.	145C.14	CERTAIN PRACTICES NOT CONDONED.
145C.06	WHEN EFFECTIVE.	145C.15	DUTY TO PROVIDE LIFE-SUSTAINING HEALTH CARE.
145C.07	AUTHORITY AND DUTIES OF HEALTH CARE AGENT.	145C.16	SUGGESTED FORM.
145C.08	AUTHORITY TO REVIEW MEDICAL RECORDS.	145C.17	OPIOID INSTRUCTIONS ENTERED INTO HEALTH RECORD.
145C.09	REVOCATION OF HEALTH CARE DIRECTIVE.		

256

your AD can address **health care**

257

what’s “health care”

258

145C defines  
“health care”  
**broadly**

259

“**any** care ...”

260

“**any care**, treatment,  
service, or procedure  
to ... affect a person's  
physical ... condition”

261

“health care”  
**includes** food  
& fluids

262

SO ...

263

MN ADs **may**  
direct VSED

264

*and ...*

265

clinicians may  
& should  
**honor** them

266

**BIGGEST  
PROBLEM**

267

conflict

268

prior **vs** now  
self self

269

patient **has**  
VSED AD

270

**time** to  
honor AD

271

**but**

272

I'm thirsty



273



274

**whose** wishes  
do we respect?

275

prior self  
*or*  
current self

276

now patient  
*or*  
 then patient

277



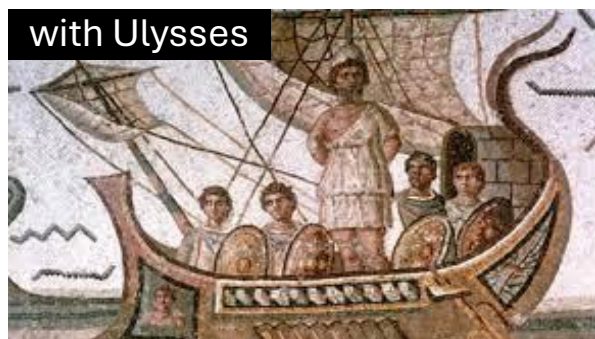
278

**ignore** my  
 future self

279

**stick** to VSED  
 plan in the AD

280



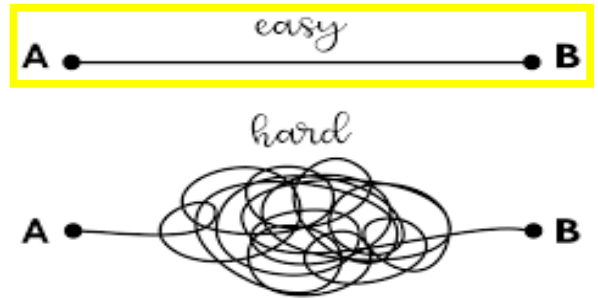
281

**prior self**  
 prevails

282



283



284

**no need** for a  
Ulysses clause  
in the AD

285

incapacitated  
objections are  
already legally  
**irrelevant**

286

1 MINNESOTA STATUTES 2022 145C.01

**CHAPTER 145C**  
**HEALTH CARE DIRECTIVES**

145C.01	DEFINITIONS.	145C.10	PRESUMPTIONS.
145C.02	HEALTH CARE DIRECTIVE.	145C.11	IMMUNITIES.
145C.03	REQUIREMENTS.	145C.12	PROHIBITED PRACTICES.
145C.04	EXECUTED IN ANOTHER STATE.	145C.13	PENALTIES.
145C.05	SUGGESTED FORM; PROVISIONS THAT MAY BE INCLUDED.	145C.14	CERTAIN PRACTICES NOT CONDONED.
145C.06	WHEN EFFECTIVE.	145C.15	DUTY TO PROVIDE LIFE-SUSTAINING HEALTH CARE.
145C.07	AUTHORITY AND DUTIES OF HEALTH CARE AGENT.	145C.16	SUGGESTED FORM.
145C.08	AUTHORITY TO REVIEW MEDICAL RECORDS.	145C.17	OPIOID INSTRUCTIONS ENTERED INTO HEALTH RECORD.
145C.09	REVOCAION OF HEALTH CARE DIRECTIVE.		

287

“health care directive  
... **remain in effect**  
until the principal  
modifies or revokes”

288



“principal  
**with ... capacity**  
... may revoke”

289

patient with late-  
stage dementia  
**lacks** capacity

290

**SO...**

291

patient with late-  
stage dementia  
**cannot** revoke

292

**SO...**

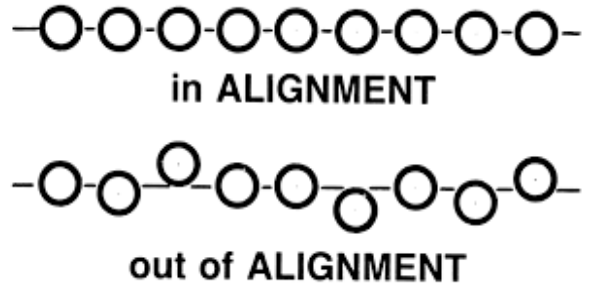
293

AD remains  
in force

294

clinicians may &  
should **follow**  
VSED directive

295



296



297

2019

298

duties to  
**current self**  
are primary

299

**give** water to  
LTC resident

300

**despite**  
VSED directive

301

**but**

302

**2023**

303

JAMDA 24 (2023) 321

ELSEVIER JAMDA journal homepage: [www.jamda.com](http://www.jamda.com)

Editorial  
**AMDA Updated Statement on Stopping Eating and Drinking by Advance Directives (SED by AD)**

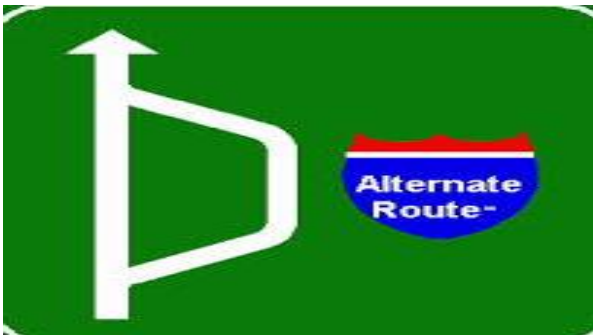
Board of Directors, Christopher E. Laxton CAE\*

AMDA – The Society for Post-Acute and Long-Term Care Medicine, Columbia, MD, USA

304

**honor** the  
VSED AD

305



306

conflict  
now Pt v. then Pt

307



Journal of Social Work in End-of-Life & Palliative Care

ISSN: (Print) (Online) journal homepage: [www.tandfonline.com/journals/wws20](http://www.tandfonline.com/journals/wws20)

“They Make the Will, But They Want the Food:”  
Staff Perspectives on Challenges in Implementing  
Dementia Advance Directives Related to Stopping  
Feeding

Meredith Levine & Mercedes Bern-Klug

308



309



310

CFO  
MCF

311

VSED by  
surrogate

312



313

**not** patient asking VSED

314

legally authorized decision maker

315

agent default surrogate guardian

316



317

but ...

318

“act in  
good faith”

319

SO ...

320



321

conclusion

322

BACK TO 2013



323



324

# NHPCO Ethics Advisory Council

325

“encourage each hospice ... **establish policy or guidelines to address VSED** so staff is prepared ...”

326

**VNSNY HOSPICE & PALLIATIVE CARE POLICY and PROCEDURE**  
**TITLE: VSED: Responding to a Patient's Desire to Voluntarily Stop Eating and Drinking**  
**APPLIES TO:** Hospice  
**PREPARED BY:** Hospice Administration and the Hospice Ethics Committee

**BENTON HOSPICE SERVICE**  
**Voluntarily Stopping Eating and Drinking (VSED)**  
**POLICY:** A person who is not receiving any life-sustaining medical treatments, such as artificial nutrition and hydration, may choose to hasten their death by refusing all further oral intake. This decision, known as VSED, differs from the normally occurring loss of appetite or disinterest in food that often accompanies the dying process.  
 Dying is a natural process which hospice seeks neither to hasten nor to postpone. However, Benton Hospice Service will consider a request for VSED as the moral, professional, legal obligation of

327



328

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