

VSED: A Compassionate, Widely Available Option for Hastening Death

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Canadian Bioethics Society Conference May 2021

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Voluntarily Stopping Eating and Drinking

A Compassionate, Widely Available
Option for Hastening Death

July
2021

EDITED BY
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OXFORD

3

Bill C-7 – Bill C-7 – Bill C-7



New medical assistance
in dying legislation
becomes law

JUSTICE.GC.CA

Canada

4

With expanded
access to MAID,
does VSED still
matter in Canada?

5

Yes

6

2

7

1. Some **prefer** VSED over MAID
2. Some **still** cannot **access** MAID

8



9

600,000
4th cause death

10

Roadmap

11

3

12

Dementia patients
can and do
access MAID

13

But they face
obstacles

14

VSED is an
important
alternative

15

Dementia
patients
get MAID

16



June
2016
C14

17



Ellen
Wiebe

18

High profile cases

19



Gayle Garlock
August 2019

20



Mary Wilson
Oct. 2017


21

BUT

22

Clinicians cautious

23



College of Physicians and Surgeons of British Columbia
300-669 Howe Street
Vancouver BC V6C 0B4
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Telephone: 604-733-7758
Toll Free: 1-800-461-3008 (in BC)
Fax: 604-733-3503

December 6, 2018

DEC 6 2018

College File No.: IC 2018-0034

24

Language
qualified

25



26

“not **flatly**
barred”

27



28

“those with . . .
dementia may
be **disqualified**”

29



30

“Eligibility criteria
... **limit** ... access”

31



32

“**some** . . . may be
eligible in **certain**
circumstances”

33



34

“Dementia **can be** a
qualifying, standalone
diagnosis”

35



36

C7 will allow
some Canadians
 . . . dementia”

37



38

“many people
 with dementia . .
 . **aren’t helped”**

39

**Obstacles
 to access**

40

7 obstacles

41

2 categories

42

1. Eligibility conditions
2. Waiver final consent

43

Eligibility conditions

44

grievous &
irremediable
medical condition

45

Serious & incurable illness,
disease, or disability

Advanced state of irreversible
decline

Enduring & intolerable suffering
that cannot be relieved by
means acceptable to the person

46

1 obstacle

47

“irreversible
decline”

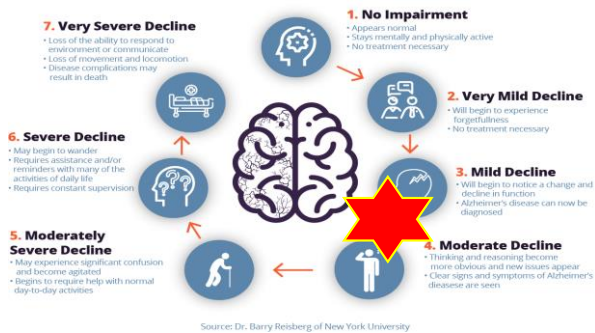
48

Advanced ?

49

Capacity at request

50



51

2 obstacle

52

Experiencing enduring & intolerable suffering

53

Present tense

54



55

BUT

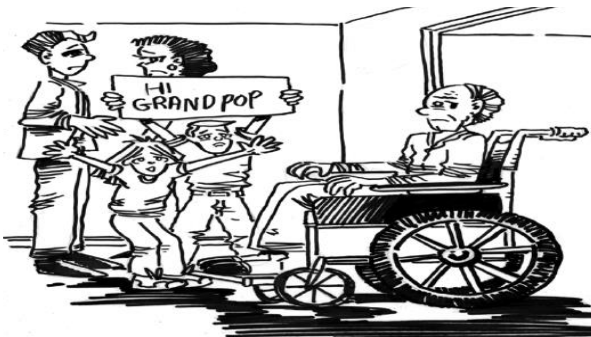
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Concerned with **future** suffering

57



58



59



60



61

Ineligible
 medical condition
not yet grievous &
 irremediable

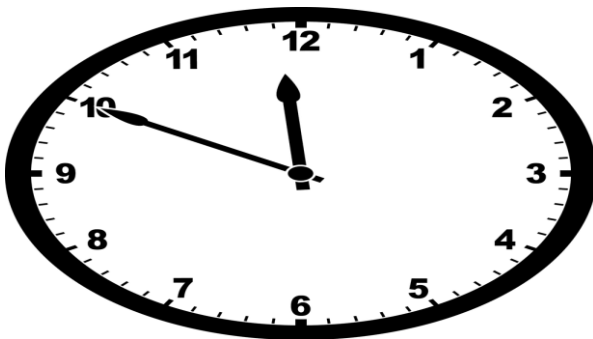
62

3 obstacle

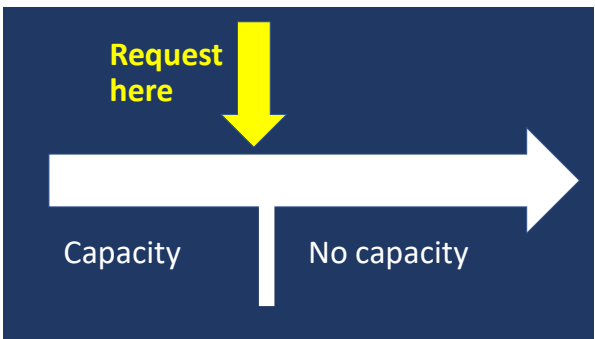
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64



65



66

Advanced state of
irreversible decline

Experiencing enduring
& intolerable suffering

67

BUT

68

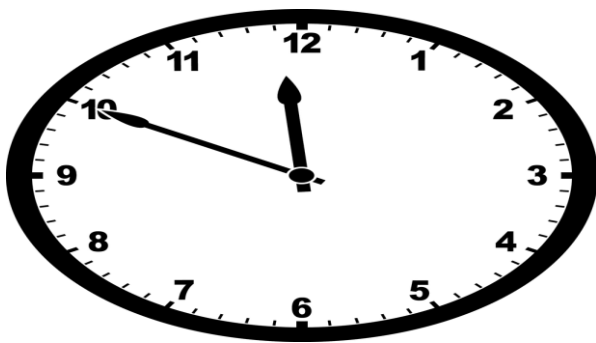


69

4

obstacle

70




71



72

Waiver final consent

73



Audrey amendment
C7

74

Capacity at request
Still get MAID, if later lose capacity

75



BRITISH COLUMBIA | Ministry of Health
1645
2021/03/18
HLTH 1645 PAGE 1 OF 2
Medical Assistance in Dying
WAIVER OF FINAL CONSENT
If the Requestor loses capacity and MAID is administered in accordance to the terms of this agreement, Prescriber must fax this and all required forms to the BC Ministry of Health at 778-698-4678 and to the health authority MAID Care Coordination Service (if required) within 72 hours of confirmation of requestor's death. Retain original in requestor's health records.
Written arrangement between the Requestor named below and the MAID Prescriber na with section 241.2(3.2) of the Criminal Code of Canada (The waiver of final consent is ONLY reasonably foreseeable)
1. REQUESTOR INFORMATION
Last Name | First Name

76

5 obstacle

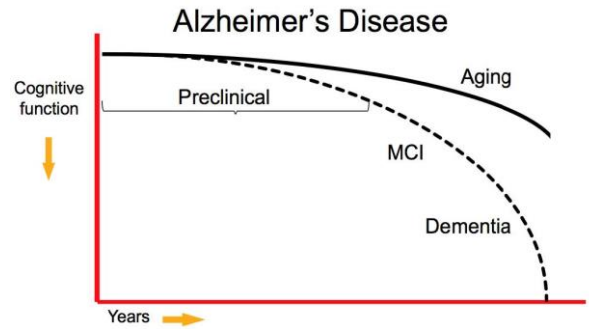
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Reasonably foreseeable

78

Capacity
at time of
request

79



80

5+ years
death

81



82

Reasonably
foreseeable

83

Predictably
fatal, even if
not imminent

84

Progressive
trajectory
to death

85

BUT

86



87

1 in 12

571 / 7336

88

6 obstacle

89

Incapacitated
veto

90



91

While my **future**
demented self may not
seem to want MAID.
Listen to my **now** self.

92



93

“words, sounds
or gestures . . .
refusal”

94

7 obstacle

95

Even if qualified
Even if no veto

96

Advance requests for MAiD in dementia:
Policy recommendations emerging from a mixed-methods study
of the views of the Canadian public and MAiD practitioners

Adrian C. Byram, Ellen R. Wiebe, Sabrina Trembley-Huet,  Peter B. Reiner

doi: <https://doi.org/10.1101/2021.03.28.21254508>

97

At time administration

Consent
Suffering

98

VSED

99

VSED has role
even when
MAiD available

100



101

0.4 to **2.1%**
of **all** deaths

Orwuteaka-Philipsen BD, Brinkman-Stoppelenburg A, Penning C, de Jong-Kruif GJF, van Dalen JIM, van der Heide A. Trends in end-of-life practices before and after the enactment of the euthanasia law in the Netherlands from 1990 to 2010: a repeated cross-sectional survey. *Lancet*. 2012;380(9845):908-915.
Chabot BE, Goedhart A. A survey of self-directed dying attended by proxies in the Dutch population. *Soc Sci Med*. 2009;68(10):1745-1751.

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The NEW ENGLAND JOURNAL of MEDICINE

End-of-Life Decisions in the Netherlands over 25 Years

More than $\frac{1}{2}$ deaths
from euthanasia

103

What is
VSED

104

Voluntarily
Stopping
Eating &
Drinking

105

Able to take food
& fluid by mouth

106

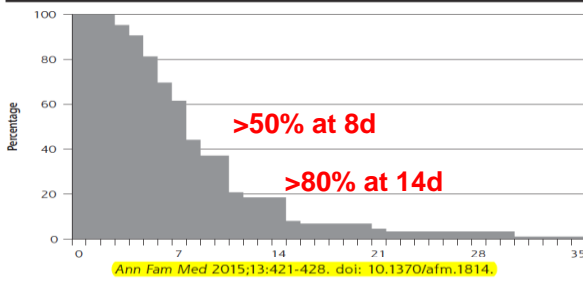
Voluntary
decision
to stop

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Goal = death
from dehydration

108

Figure 1. Cumulative survival curve for duration until death after start of VSED.



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Peaceful
Comfortable

110

<p>POSITION STATEMENT</p> <p>ANA Nurses Association</p> <p>Nutrition and Hydration at the End of Life</p> <p>Effective Date: 2017 Status: Individual Position Statement Written by: ANA Center for Ethics and Human Rights Approved by: ANA Board of Directors</p>	<p>VEVN knms</p> <p>Caring for people who consciously choose not to eat and drink so as to hasten the end of life</p> <p>Journal of Palliative Medicine March 2018, 13(7) Pages 20-24 DOI: 10.1089/jpm.2017.0152</p>	<p>Position Statement</p> <p>International Association for Hospice and Palliative Care Position Statement: Euthanasia and Physician-Assisted Suicide</p>
<p>amda THE SOCIETY FOR POST-ACUTE AND LONG-TERM CARE MEDICINE</p>	<p>Journal of the American Geriatrics Society</p> <p>SPECIAL ARTICLE: PALLIATIVE PRACTICE POINTERS</p> <p>Voluntary Stopping Eating and Drinking</p> <p>Jahn W. Wan, MD, Amy W. Alz, MD, Minko Kozak, MD, and Timothy E. Quill, MD</p>	<p>AMWA The Vision and Voice of Women in Medicine since 1915</p> <p>American Medical Women's Association</p>

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VSED while
still have
capacity

112

BUT

113

Too
soon

114

Life **still**
worthwhile

115

Solution

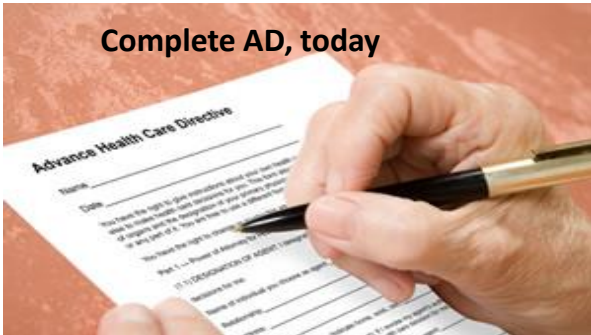
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No advance
request for
MAID

117

Yes advance
request for
VSED

118



119

Direct VSED
in **future**

120



121

Mader & Apold (2020)

VSED as an Alternative to MAiD: Pan-Canadian Legal Analysis

[https:// papers.ssrn.com/ sol3/ papers.cfm?abstract_ id=3500173](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3500173)

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Conclusion

123



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THE STATE OF KNOWLEDGE ON ADVANCE REQUESTS FOR MEDICAL ASSISTANCE IN DYING

The Expert Panel Working Group on Advance Requests for MAiD

CCA | CAC

ASSESSING EVIDENCE. INFORMING DECISIONS.

125

Meantime

VSED matters

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Protocols & guidance

Colleges & professional societies

127

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