



1

Thaddeus Pope

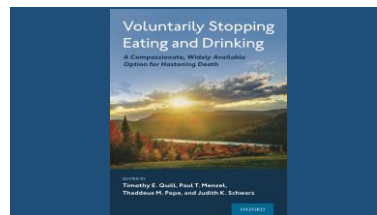
2

Top 10 Things
UK Clinical Ethics
Professionals Must
Know about VSED

3

nothing
to disclose

4



5

JUNE

13

6



7

UK is **not**
alone

8

in almost **all**
jurisdictions

9

most academic
& policy attention
focuses on **MAID**

10

but

11

different
EOL option

12

VSED

13

Voluntarily
Stopping
Eating &
Drinking

14

roadmap

15



16

6 parts

17

what is
VSED?

18

clinical status
of VSED

19

prevalence of
VSED in **UK**

20

VSED is
legal

21

VSED matters
even when MAID
is authorized

22

challenges
when facing
VSED requests

23

**what is
VSED?**

24

patient **with**
capacity

25

able to take
food & fluid
by mouth

26

voluntary
decision
to stop

27



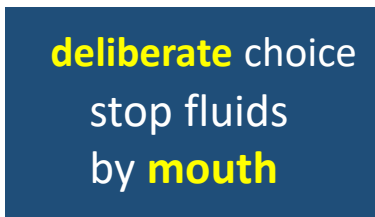
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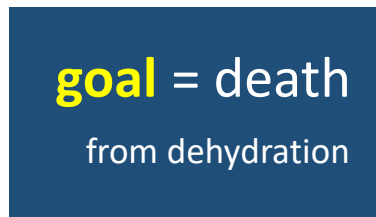
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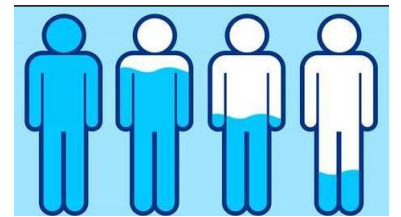
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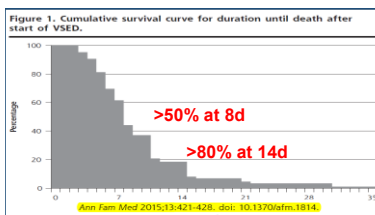
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36

EXCLUSIVE: War hero who begged for an assisted death starved himself for 8 weeks before dying

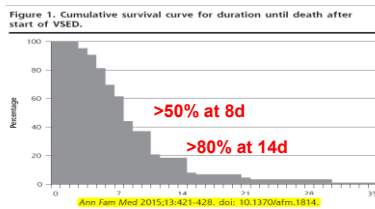
37



38

not VSED

39



40



41

VSED

42



43

**clinical status
of VSED**

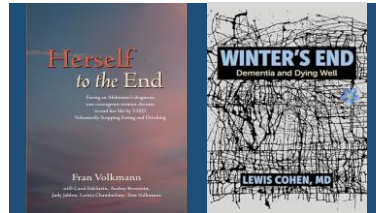
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**1st person
narratives**

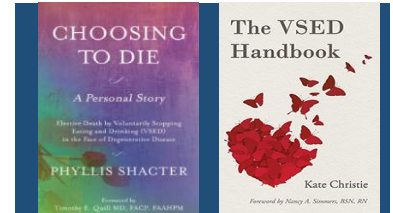
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books

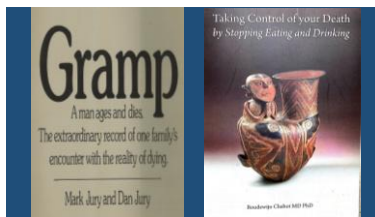
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47



48



49

films

50



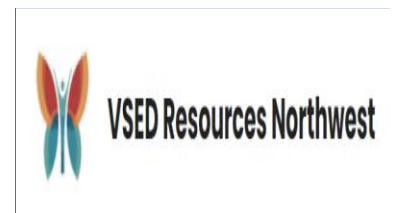
51

many cases

52



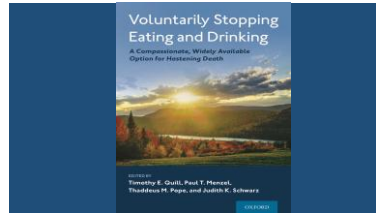
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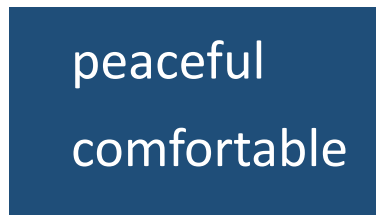
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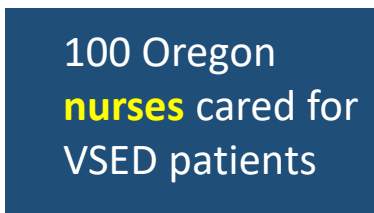
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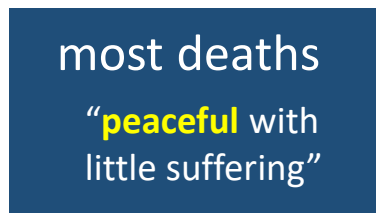
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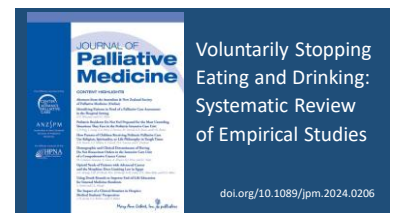
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65



66



67



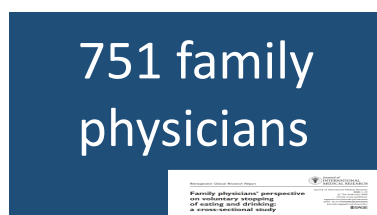
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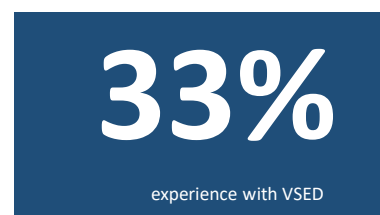
69



70



71



72



73

700 family
physicians

JOURNAL OF FAMILY MEDICINE • WWW.ANNALSOFMEDICINE.COM • VOL. 131, NO. 5 • SEPTEMBER/OCTOBER 2015

74

46%

experience with VSED

75



76

255 palliative
care specialists

Hodkins, N. L., Smith, M. J., & Simon, A. (2011). Reporting on palliative care research and delivery: the Palliative Care Reporting and Delivery (PCRD) project. *Journal of Palliative Medicine*, 24(10), 100-105.

77

61%

experience with VSED

78

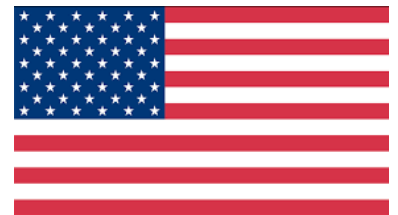
more clinical
experience
with VSED

79

professional society
endorsements



80



81

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

82



83

Position Paper



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

Denise Baird Schwartz, MS, RD¹; Albert Barocas, MD²

Nutrition in Clinical Practice
 Volume 9 Number 6
 January 2021 1-14
 © 2021 American Society for
 Parenteral and Enteral Nutrition
 DOI: 10.1002/cnpr.10023
 wileyonlinelibrary.com
 WILEY

84



85



86



87



88

Wien Med Wochenschr
<https://doi.org/10.1007/s10054-019-0629-z>



Austrian Palliative Society (OPG)

Freiwilliger Verzicht auf Nahrung und Flüssigkeit um das Sterben zu beschleunigen

Eine Stellungnahme der österreichischen Palliativgesellschaft (OPG)

Angelika Felchhofer · Dietmar Weisler · Alois Birkhäuser

Eingegangen: 6. September 2017 / Angenommen: 7. Februar 2018
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89

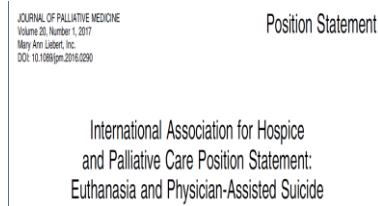


e-SPEN guideline

ESPEN guideline on ethical aspects of artificial nutrition and hydration

Christiane Druml^{1,2}, Peter E. Ballmer³, Wilfried Druml¹, Frank Oehrnichen⁴

90



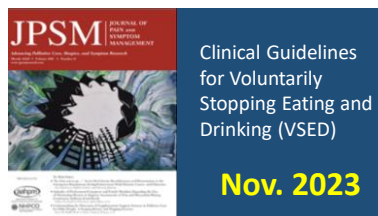
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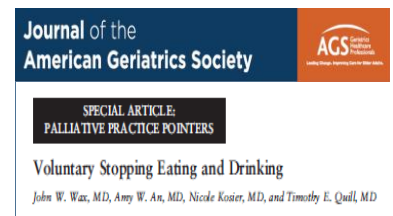
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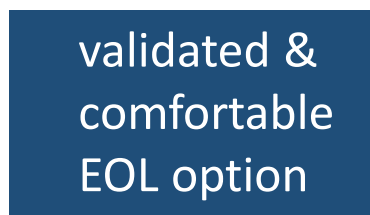
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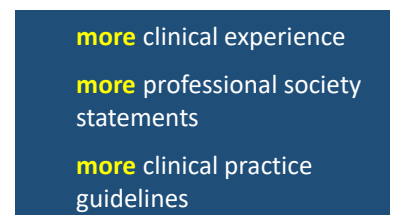
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97



98



99



100

prevalence
VSED in UK

101

backup
option

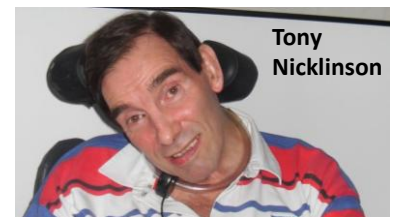
102

2nd choice

103

MAID
advocates

104



105



106



107

VSED

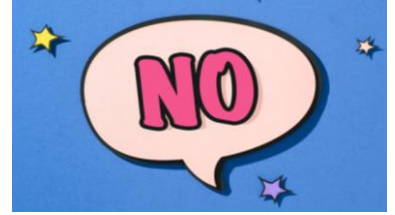
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111



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114



115



116



Paul Groves
father

117



118



119



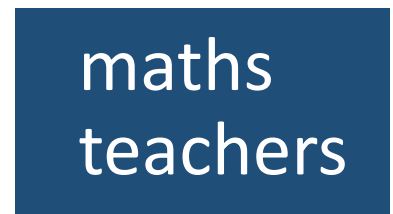
120



121



122



123



124



125



126

physician
leaders

127



128

even the
aristocracy

129



130

many more
very publicly
considered VSED

131



132



133



134



135



136



137



138

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

TERMINALLY ILL ADULTS (END OF LIFE) BILL

139



140



141

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

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

Contact us
Our nurse-led information line is free of cost and free of judgement. We're here for you, whether you're preparing for the years ahead or need us right now.



142



143



144

no MAID available → VSED

145

**VSED
is legal**

146

**right to
refuse
treatment**

147

ventilator
dialysis
CPR
antibiotics
feed tube

148

**right to
refuse
treatment**

VSED

149



Trinity Term
[2014] UKSC 38
On appeal from: [2013] EWCv 961

JUDGMENT

**R (on the application of Nicklinson and another)
(Appellants) v Ministry of Justice (Respondent)**

150

“A person who is legally
and mentally competent
is **entitled to refuse food
and water ...**”

151

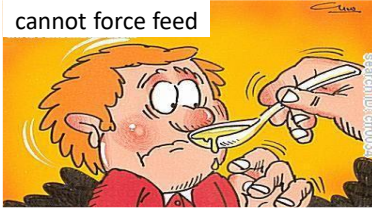
“entitled to refuse
... **even though** ...
he will die”

152

“If he refuses,
medical practitioners
must comply
with his wishes”

153

cannot force feed



154

“doctor is in **no danger** of incurring criminal liability ...”

155

“**no danger** ... merely because he agrees ... to **palliate** the pain & discomfort involved”

156



157

Case No. COP12262006
IN THE HIGH COURT OF JUSTICE
AND IN THE COURT OF PROTECTION
Before:
THE HONOURABLE MR JUSTICE BAKER
IN THE MATTER OF THE MENTAL CAPACITY ACT 2005
AND IN THE MATTER OF DR. A
Between:
A NHS TRUST
- and -
DR. A
Applicant
Respondent

158

“if Dr. A. has the capacity to make decisions as to whether to take food and drink, he **is entitled** to starve himself to death if he so chooses”

159

Secretary of State for the Health Department v. Rub [1995] 1 All ER 677

hunger strike cases



160



161

same in other common law countries

162

court
precedent

163

IN THE SUPREME COURT OF BRITISH COLUMBIA

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

Date: 2014/02/03
Docket: S135854
Registry: Vancouver

Between:

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

Petitioners

164

SUPREME COURT OF SOUTH AUSTRALIA

(Application 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 user remains responsible for 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.

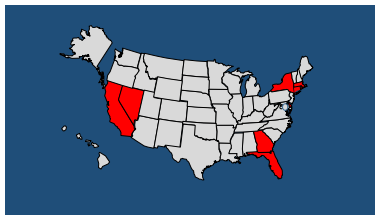
H LTD v J & ANOR

[2010] SASC 176

Judgment of The Honourable Justice Konrakis

15 June 2010

165



166

is VSED legal?
asked &
answered

167

sizable, settled,
and stable
consensus

168



169

many VSED
deaths

170

no healthcare
licensing board
discipline

171

**no criminal
prosecutions**

172

**no medical
malpractice**

173



Trinity Term
[2014] UKSC 38
On appeal from: [2013] EWCv 961

JUDGMENT

**R (on the application of Nicklinson and another)
(Appellants) v Ministry of Justice (Respondent)**

174



**Supporting people who have
eating and drinking difficulties**
A guide to practical care and clinical
assistance, particularly towards the end of life



175

“Some patients with
capacity **may choose
for themselves** to stop
eating and drinking, as
they are **free to do**”

176



**Responding to patient
requests for assisted dying:
guidance for doctors**

Updated January 2025

177

“patient
with capacity
can ... refuse ...
food & fluids”

178

“you **can provide**
symptom relief”

179



General
Medical
Council

In effect: 31 January 2013

**When a patient seeks
advice or information
about assistance to
die**

180

"treatment to address ... pain
& ... distressing symptoms"

≠

encouraging or assisting suicide

181

no assisting

182

only

PALLIATIVE
CARE



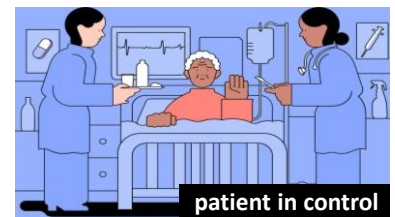
183

clinician does
not cause death

184

clinician does
not intend death

185



186

only

PALLIATIVE
CARE



187



188

VSED ≠ AS

189

UK clinicians **may support** patients who VSED

190

VSED still matters

191



192

even with enactment of the Terminally Ill Adults (End of Life) Bill, **VSED still matters**

193

6 reasons

194

reason **1**

195

Happy New Year
2029

196

2025 2027
2026 2028

197

VSED **only**
legal option

198

reason **2**

199

even if MAID legal
many patients
will be **ineligible**

200

6-month
prognosis

201

**grievous &
irremediable
suffering**

6mo

202

Huntington's
Parkinson's

203

completed
life

204



205

6mo →
no capacity
no self-ingestion

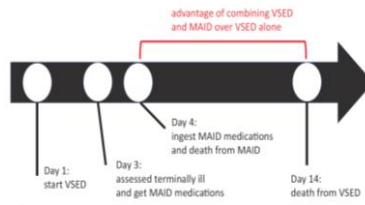
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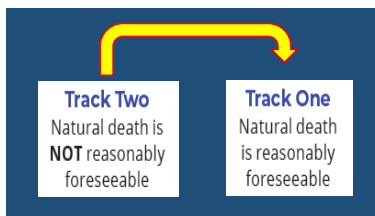
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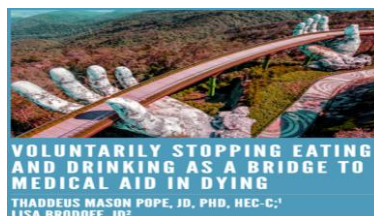
218



219



220



221



222

VSED **bridge**
to MAID

223

reason **4**

224

MAID legal &
patient eligible
not accessible

225



226

waiting
periods

227

available
clinician

228

even if legally
available, not
practically

229

VSED
accessible

MAID
accessible

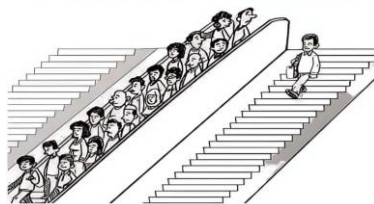
230

reason **5**

231

prefer VSED
over MAID

232



233



234

“If assisted dying
was available ... I
would have chosen
it in a heartbeat”

235

but

236



237

time to say
goodbye

consistent with
with **morals**

238

passive not
active like MAID

more **natural**

239

reason **6**

240

advance
requests

241



242

even if MAID is legal
even if patient is eligible
even if MAID is accessible

243



244

MAID while
still have
capacity

245



246



247

too **soon**

248

life **still**
worthwhile

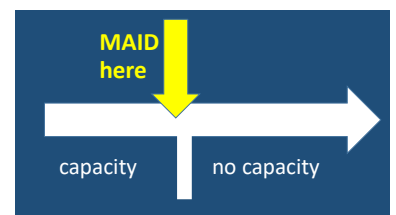
249

earliness
problem

250



251



252



253

but

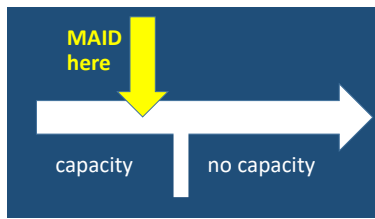
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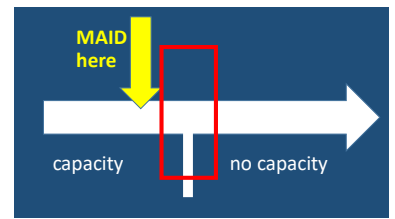
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256



257



258

premature
dying

259

current situation
still acceptable

260

MAID **not** a
good option

261

at **this** time

262

not ready
to die yet

263

concerned
about **future**
circumstances

264

lack capacity
at future time

265



266



267

**Now
or
never.**



268



269

almost **none** permit
advance requests



270

contrast
VSED

271

VSED ADs
accepted

272



273

VSED
AD

MAID AD

274



275

VSED **still matters**
even with MAID

276

even if MAID
enacted,
not yet in force

277

many seriously ill
patients **will not**
qualify for MAID

278

even if they
qualify, many
patients **cannot**
access MAID

279

patients can use
VSED to **bridge**
to MAID

280

some patients
prefer VSED
to MAID

281

Pt can request
VSED **in AD**
(but not MAID)

282



283



284



285

but

286

even with
authorized
MAID

287

VSED **still**
matters

288

challenges with VSED

289

legal questions

290

am I even
allowed to help
a patient VSED

291



292



293

vague
non-specific

294



Association for
Palliative Medicine

Tel: 01480 668332
Email: office@compassionline.co.uk
Website: www.apmonline.org

THE APM'S POSITION STATEMENT ON VSED
AUGUST 2024

295

"VSED ... should be
considered in the
context of the **relevant**
law ... and the legal
precedent"

296



297

what law
what precedent

298

what does it say

299

what does the
law **permit**

300

what does the
law **forbid**

301



302

in addition to
legal questions

303

clinical
questions

304

how to support
& palliate

305

how to **counsel**
& advise

306

can you **raise**
VSED as an option
or only **respond**

307

ethical
questions

308

1 eligibility

309

who is eligible
for VSED

310

patient must
have **capacity**

311

patient does
not need
terminal illness

312

but

313

does patient
need a **serious**
illness

314

what illnesses
are serious
enough

315

must patients
with longer
prognosis meet
higher standards

316

psychiatric consultation
spiritual care evaluation
social work evaluation
ethics consultation

317

those are just
some **eligibility**
questions

318

2 revocation

319

what if patient
asks for water
-- after losing
capacity

320

reassess
mouth care
sprays & swabs

321

remind
patient of
their plan

322

show
patient her
own video

323

what if patient
persists in
requests?

324



325

legal uncertainty
clinical uncertainty
ethical uncertainty

326

those are just **some**
of the issues to
address in policies
& procedures

327



328

conclusion

329

more patients are looking at VSED



330



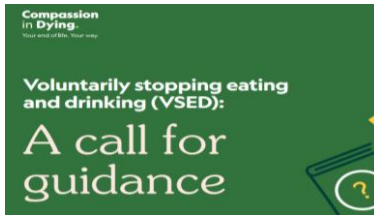
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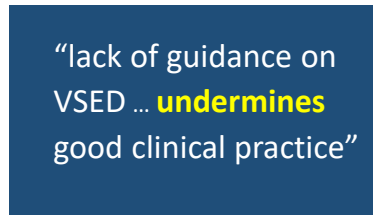
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2022

333



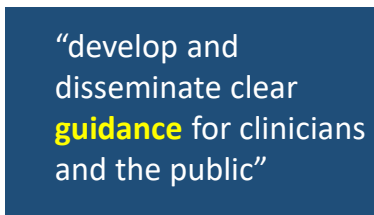
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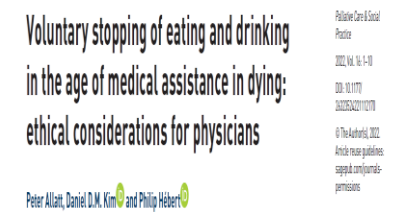
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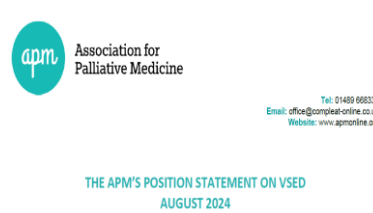
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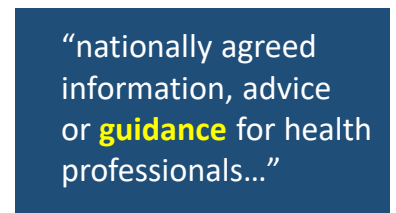
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340



341



342

“... could **help**
clinical teams
navigate clinically
and ethically”

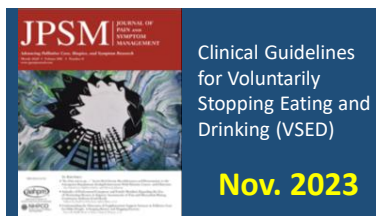
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2024

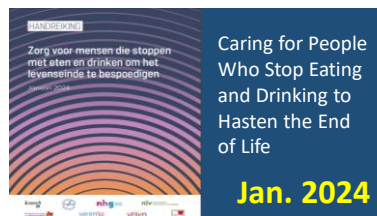
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last 18
months

345



346



347



348

but

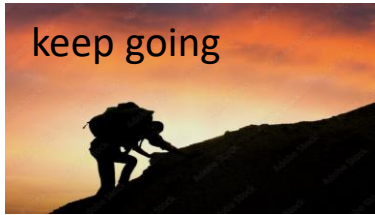
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350

so...

351



352



353



354



355



356



357