

Current status of euthanasia in Belgium

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Euthanasia

Law 28 May 2002: euthanasia is a life ending act by a physician at the request of the patient

Current request
Advance directive

Prerequisites

Currently 1-1,9% of deaths

Current problems

- Requests not honored (or too rapidly?)
- What about children?
- Institutional directives...guidelines...filters...prohibitive measures
- Unacceptable involvement of nurses
- Only $\pm 70\%$ of euthanasia procedures notified
- Absence of 'good clinical practice'
- Is there a need for a 'euthanasia clinic'?
- Euthanasia and organ donation

Current request for euthanasia

- Doctor-patient relationship
- ‘colloque singulier’
- When is a current request valid? When is it really a question for support?
- Who is the best judge of unacceptable suffering?
- Consult of second and third physician
- Role of multidisciplinary team review

Reports of Federal Committee

Year	Number	Flanders (%)	% of mortality	Netherlands
2003	235			
2004	349			
2005	393	86		
2006	429			
2007	495	81	0,4	
2008	704			
2009	822	80	0,7	
2010	953			2910+226
2011	1133	82	1	

Demographics – other data

- Majority of patients 40-79 yrs
- At home 52% - hospital 45% - other 7-8%
- Cancer: initial 83% dropped to 75%
NMD, pulmonary, cardiac, psychiatric
- NMD more frequent in non-terminal pts
- IV injection of barbiturate followed by muscle relaxant 98-99% - oral 1-2%

Legal aspects

- Consultation of 2nd and/or 3rd physician
GP 49-50% - specialist 40-41% - other unclear
3rd 68% psychiatrist
- Non-anonymous part opened in 2-7% of declarations
- In more than 3000 declarations no infractions of euthanasia law observed
- None transferred to prosecutor

Reports of Federal Committee

“Zo acht de Commissie het **niet opportuun "om bij elke euthanasievraag een verplichte «palliatieve filter» in de wet op te nemen** en bijkomende consultatieprocedures te verplichten wanneer de patiënt niet binnen afzienbare termijn zou overlijden", omdat "niets in de onderzochte aangiften erop wijst dat het noodzakelijk of van enig belang zou zijn naast de nu reeds zware verplichtingen door de wet bepaald, aan artsen en patiënten nog bijkomende verplichtingen op te leggen." (eerste verslag, p. 24) “

Reports of Federal Committee

Ainsi la Commission **n'estime-t-elle pas qu'il soit opportun "d'insérer dans la loi l'obligation d'un «filtre palliatif» à toute demande d'euthanasie** ainsi que des procédures de consultation supplémentaires à observer lorsque le décès n'est pas prévu à brève échéance", car "rien dans les déclarations examinées ne suggérerait la nécessité ni même l'intérêt d'imposer aux médecins et aux patients des contraintes supplémentaires à celles, déjà lourdes, qui sont actuellement prévues" (premier rapport, p. 24)

Professional autonomy

- Euthanasia within medical *therapeutic* liberty?
Pro and contra
Legal context vs good practices
- If refusal on moral grounds, obligation to refer?
Moral complicity - Law on patient rights
- Institutional guidelines
Facilitative vs prohibitive - transparency

Hospital as a moral entity?

- Institutional identity – *personification of institution*
- Collective of health care workers
- Development of strategy and vision on ethics
Broader context of health care – end-of-life decisions

Euthanasia clinic

- Euthanasia practice in the Netherlands
“klaar-met-leven-problematiek”
- SCEN artsen - Absence of LEIF artsen network
- Registration of current requests of euthanasia and palliative sedation procedures
- Who would want to work in a euthanasia clinic?

Organ donation after euthanasia

- Mostly patients suffering from MS, NMD and neuropsychiatric disorders
- Increased donor pool
- Potential conflicts of interest
- Non-heart-beating donor procedure versus alternatives
- Ethical reflection urgently needed

Conclusions

- 10 years euthanasia legislation
- No 'slippery slope'
- Registration correct but incomplete in many aspects
- Need for 'good euthanasia practice guidelines'
- Embedded in end-of-life decisions framework and palliative care
- Media debate enhanced by ethical reflection with all stakeholders