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 Ethics

Persistent Vegetative State and Artificial Nutrition and Hydration

Questions for Study and Discussion

Below is a list of questions that have been raised by a group of ethicists after an initial study of the papal allocution delivered March 20, 2004, at the Vatican. These questions highlight the importance of dialogue among bishops, sponsors, and providers on the implications of the papal allocution. They are especially relevant if the allocution applies beyond patients in a persistent vegetative state.

- How is the papal allocution to be understood in relationship to the teachings on this issue found in *Evangelium Vitae* and the *Declaration on Euthanasia*?
- Does the papal allocution apply only to persons in a persistent vegetative state or to a broader population of patients?
- How should the following sentence from the allocution be interpreted: "Its use, furthermore, should be considered, in principle, ordinary and proportionate, and as such morally obligatory, insofar as and until it is seen to have attained its proper finality, which in the present case consists in providing nourishment to the patient and alleviation of his suffering"?
- Does the papal allocution imply that Catholics be told that they may not refuse, either verbally or in their advance directives, artificial nutrition and hydration (ANH) should they come to be in a persistent vegetative state or have a terminal illness?
- Would requests to withdraw ANH, either verbally or in advance directives, not be honored in a Catholic health care facility? How would Catholic health care facilities handle such requests from patients who are other-than-Catholic?
- If a patient or surrogate wished the withdrawal of ANH, would that patient either not be accepted into a Catholic facility or need to be transferred? Would a transfer be complicated by EMTALA, which requires that all patients be stable before being transferred to another facility?
- Would transfer of a patient to another facility for the purpose of withdrawal of ANH be considered cooperation with evil (euthanasia by omission) and morally illicit?
- If a physician continues to provide ANH against the wishes of the patient or surrogate, could that physician be accused of battery or be sued for malpractice?
- Would physicians who refuse to withdraw ANH be violating standards of medical practice?
- What would happen to physicians and administrators in Catholic health care facilities who refuse to comply with the teaching on the basis of

- conscience, professional obligations, or standards of care?
- How might the papal allocution impact palliative care programs in Catholic health care facilities?
 - Would Catholic health care facilities that do not withdraw ANH be at variance with state and federal statutes (e.g., advance directive statutes and the Patient Self-Determination Act) and JCAHO standards?
 - How might Catholic health care facilities that are sole providers in a region deal with requests for the withdrawal of ANH?
 - In some instances, might insurance companies refuse to pay for what they might deem to be "futile treatment"?
 - What will be the likely impact on long-term care facilities and families in caring for patients receiving ANH on a prolonged basis?
 - Would families have to absorb some or most of the costs of prolonged care?
 - What might be the impact on existing and future partnerships with other-than-Catholic organizations?
 - Will the papal allocution fuel the claim of Catholics for a Free Choice and other organizations that in Catholic health care facilities "patients are not allowed to die"?
 - Does the papal allocution imply that ANH would also be required for patients with other conditions in which they are unable to eat (e.g., ALS, Parkinson's, stroke, Huntington's)?
 - What does the allocution imply about the care of patients with anorexia nervosa and bulimia in Catholic hospital psychiatric departments?
 - Could the papal allocution have the unintended consequence of encouraging euthanasia and physician-assisted suicide by engendering a fear of having one's dying or vegetative state prolonged?