

Family decides when to cut off life support: Canada court (Update)

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Family, not doctors, should decide when to cut off life support, the Supreme Court of Canada ruled Friday in the case of a severely-brain damaged man.

In a 5-2 split decision, the justices said Hassan Rasouli's Toronto doctors must obtain consent from his wife to disconnect feeding and hydration tubes, or failing that apply for permission from a quasi-judicial board that addresses matters of consent in healthcare.

Rasouli, 61, fell into a coma after undergoing brain surgery for a benign tumor in 2010.

Since then, the retired engineer has been in a persistent vegetative state with no hope for recovery, according to his doctors.

But his wife Parichehr Salasel, citing their Shia Muslim faith and her belief that his small hand and facial movements showed he is "minimally conscious," refused consent for pulling out the tubes keeping him alive.

Chief Justice Beverley McLachlin, writing for the majority, called the case a "tragic, yet increasingly common conflict."

She noted that modern medicine may keep a person alive for a very long time, but wondered what should happen if there is "no prospect for recovery and only a long progression of complications as the body deteriorates."

In the end, the high court skirted ethical concerns raised by doctors and accepted a definition of life support as a form of medical treatment, whose withdrawal requires consent from a patient or next-of-kin, according to Ontario law.

The ruling applies only to Ontario province, but five other provinces have similar health laws.

Justice Andromache Karakatsanis in a dissenting opinion said Ontario province's health act does not "give patients, or their substitute decision-makers, the right to insist on the continuation of treatment that is futile, harmful, or contrary to medical standards of care."

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