# Passive Euthanasia and Living Will - Doctor's Responsibility

## What is the issue?

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SC guidelines on Living Will place a huge responsibility on the treating physician and hospital.

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## What are the guidelines in this regard?

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- **Living Will** - The responsibility is on the treating doctor to ascertain the “genuineness and authenticity” of a Living Will, from the Judicial Magistrate in whose custody the document is kept.
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- Once satisfied that there is no cure, the doctor should consider the instructions left by the patient in his or her Living Will.
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- **Communicate** - On deciding to act upon the Living Will, the doctor has to convey the medical condition to the guardian or close relative.
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- The availability of care, consequences of alternative forms of treatment and that of being untreated should also be conveyed.
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- The doctor should also ascertain that the relative or the guardian has understood the situation and come to the “firm view” for withdrawal of medical treatment.
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- **Medical Board** - The physician or the hospital concerned has to then constitute a Medical Board.
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- It should consist of the head of the treating department and at least three experts from medical fields.
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- The medical experts should have experience in critical care and a standing of 20 years in the profession.
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- **Procedure** - The Medical Board will visit the patient and release a preliminary opinion on whether or not to withdraw the treatment.
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- In case the Medical Board decides not to follow a Living Will, it can apply to the District Collector concerned.
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- In case it supports the Living Will, the doctor or the hospital has to “forthwith” inform the District Collector.
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- The District Collector will also form a Medical Board with the Chief District Medical Officer as Chairman for endorsement of the decision.
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- They too shall visit the hospital to endorse the Living Will.
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- The Chairman of this Medical Board would then convey the decision to the jurisdictional JMFC before giving effect to the decision.
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- The Magistrate shall also visit the patient and finally authorise the implementation of the decision of the Board.
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- The procedure is the same even for those who do not have a Living Will.
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- **Appeal** - In case of the Medical Board revoking permission for passive euthanasia, the guidelines provide for appeal.
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- The treating doctor has the right to move the High Court, along with the dying person's relatives or guardian.
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- **Independent Committee** - In such a case, the high court is free to form an independent committee of doctors to re-look the case and take a decision.
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- Once the treatment is withdrawn, the Magistrate has to inform the high court.
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### Source: The Hindu

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