

## Passive Euthanasia and Living Will - Doctor's Responsibility

### What is the issue?

\n\n

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

\n\n

### What are the guidelines in this regard?

\n\n

\n

- **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.

\n

- Once satisfied that there is no cure, the doctor should consider the instructions left by the patient in his or her Living Will.

\n

- **Communicate** - On deciding to act upon the Living Will, the doctor has to convey the medical condition to the guardian or close relative.

\n

- The availability of care, consequences of alternative forms of treatment and that of being untreated should also be conveyed.

\n

- 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.

\n

- **Medical Board** - The physician or the hospital concerned has to then constitute a Medical Board.

\n

- It should consist of the head of the treating department and at least three experts from medical fields.

\n

- The medical experts should have experience in critical care and a standing of 20 years in the profession.

\n

- **Procedure** - The Medical Board will visit the patient and release a preliminary opinion on whether or not to withdraw the treatment.  
\n
- In case the Medical Board decides not to follow a Living Will, it can apply to the District Collector concerned.  
\n
- In case it supports the Living Will, the doctor or the hospital has to “forthwith” inform the District Collector.  
\n
- The District Collector will also form a Medical Board with the Chief District Medical Officer as Chairman for endorsement of the decision.  
\n
- They too shall visit the hospital to endorse the Living Will.  
\n
- The Chairman of this Medical Board would then convey the decision to the jurisdictional JMFC before giving effect to the decision.  
\n
- The Magistrate shall also visit the patient and finally authorise the implementation of the decision of the Board.  
\n
- The procedure is the same even for those who do not have a Living Will.  
\n
- **Appeal** - In case of the Medical Board revoking permission for passive euthanasia, the guidelines provide for appeal.  
\n
- The treating doctor has the right to move the High Court, along with the dying person's relatives or guardian.  
\n
- **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.  
\n
- Once the treatment is withdrawn, the Magistrate has to inform the high court.  
\n

\n\n

\n\n

**Source: The Hindu**

\n



**SHANKAR**  
**IAS PARLIAMENT**  
*Information is Empowering*