

Media Release

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Your Body, Your Death, Your Choice?

The Irish Council for Bioethics (ICB) is launching its report entitled *Is It Time For Advance Healthcare Directives? Opinion* in Newman House, 86 St Stephens Green, Dublin 2 on Thursday 22nd February 2007 (1pm).

The report examines a host of issues related to advance healthcare directives (also known as living wills) such as, their legal status in Ireland, the extent and limits of an individual's autonomy, their scope and their implementation.

There have been a number of high profile cases, which have drawn attention to the issue of advance directives. The removal of Terri Schiavo's feeding tube in 2005 was at the centre of a legal, political and religious battle that attracted worldwide attention. Ms Schiavo was in a persistent vegetative state for 16 years. Her husband and family disagreed over the removal of her feeding tube, which would result in her death. As Terri had left no written record (i.e. advance directive) it was unclear what medical care she would want.

The main findings of the ICB's report are as follows:

- The ICB believes there is both a need and an opportunity in Ireland to develop a legal framework for advance directives. Where an individual wishes for his/her advance directive to be considered legally binding, the directive should state in clear and unambiguous terms both the specific treatments to which it relates and the situations to which it would be expected to apply. The ICB also recognises that some individuals may wish to outline general preferences regarding their future treatment, which they would like to be taken into account as opposed to being strictly legally binding. The ICB is of the opinion that both forms of directive should be accepted.
- The ICB acknowledges the right of an individual to refuse any form of medical treatment, including artificial nutrition and hydration in an advance directive. The ICB is of the opinion that positive requests for treatments should be taken into account but that their provision should be based on the relevance of the proposed treatments to the particular situation and the feasibility of providing them, given personnel and the technical and financial resources available. The ICB recognises that the use of treatments deemed to be futile has consequences for the equitable and just allocation of healthcare resources to society as a whole.
- The ICB recognises that an individual's right in healthcare decision-making is not absolute and that an individual cannot compel a healthcare professional to act against his/her conscience to accede to the individual's wishes regarding treatment. Nevertheless, the ICB considers that the healthcare professional still has a duty to provide care for the patient until another healthcare professional can be located who is willing to uphold the patient's treatment decisions. Given the potential emotional and financial consequences linked with certain healthcare decisions the ICB is of the opinion that an individual should discuss the decisions outlined in his/her advance directives with family and loved ones.

- The ICB acknowledges that difficulties may arise when making decisions regarding future medical treatment. For instance an individual's views and values towards his/her treatment may change with age, the onset or progression of an illness or in the face of future medical advances. In recognition of the difficulties of making healthcare decisions in advance, the ICB recommends the nomination of 1 or more proxies (an individual nominated to make medical decisions) who can reiterate and interpret treatment decisions in the future when the author of the directive is no longer competent. Regulation and guidance is required to help avoid possible abuses of an incompetent individual's wishes.

Dr Siobhán O'Sullivan, Scientific Director of the ICB said, "Ireland has no specific legislation relating to advance healthcare directives, and as a result their status remains unclear. We hope that our opinion will facilitate further discussion and debate on this issue and go some way in clarifying this difficult area".

An advance directive is a statement made by a competent adult relating to the type and extent of medical treatments they would or would not want to undergo in the future should they be unable to express their wishes. It may also include a proxy directive, where an individual can nominate someone to make medical decisions on their behalf.

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