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## Euthanasia allowed for dementia patients who gave prior consent: Supreme Court

By Janene Pieters on April 21, 2020 - 13:48



Gavel with lady justice in the background [Photo: SergPoznanskiy/DepositPhotos](#)

A doctor may administer euthanasia to a patient with advanced dementia, even if they no longer have the mental acuity to confirm a previous written request to do so, the Supreme Court ruled on Tuesday in a case brought by the Public Prosecutor in order to get a clearer explanation of the euthanasia law. When a patient is suffering hopelessly and unbearably, "a doctor can follow through on a written request for euthanasia in people with advanced dementia," the Dutch Supreme Court ruled.

The Public Prosecutor requested this clarification following a case against a former doctor who euthanized a woman with advanced dementia in 2016. At a prior date, when she was still lucid, the 74-year-old woman made a declaration that she did not want to end up in a nursing home and wanted euthanasia when she considered it was the "right time". Aside from the ambiguity of the phrase "right time", the woman also gave alternating signals once in the nursing home.

"At certain times she indicated that she did not want to die", the Prosecutor said during [the trial last year](#). The doctor eventually performed euthanasia "in close consultation with the family", and after two independent doctors determined that she was suffering unbearably.

The [court in The Hague acquitted the doctor of all charges](#), ruling that she had met all due care criteria and that there was therefore no criminal offense. The Public Prosecutor argued that the patient was still able to communicate despite her dementia, and that her doctor should have continued speaking with her to remove any doubts about her wish to die. But the court ruled that this additional requirement is not in the law, and in addition, the woman had advanced dementia so asking for reconfirmation was not feasible.

The Supreme Court affirmed this ruling. The doctor acted with due care, it ruled. The Supreme Court also said that the medical [disciplinary judge's ruling](#) was incorrect in ruling that the doctor acted negligently. The disciplinary judge said that the woman's directive was unclear. But according to the Supreme Court, "in addition to words, this involves circumstances that can show the intentions of the patient".

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