



The new draft law defining rights during the process of dying will protect doctors who perform improper sedation and does not ensure that palliative care will become universal.

Madrid, May 13th 2011.

The Minister of Health has presented today at the Cabinet meeting a report on the draft bill of the Law Regulating Persons Rights during the process of dying.

As Profesionales por la Ética anticipated, the new regulations leave out the expression “dignified death” and broadly reproduce the regulations introduced in Andalusia and Aragon, both governed by the socialist PSOE.

Profesionales por la Ética considers that from the perspective of ethics, the most controversial aspects of the law are the following:

- **The right to sedation:**

Sedation is a treatment that should be prescribed in accordance with the professional criteria of the doctor and always in accordance with good medical practice. Demanding it as a right and forcing doctors to prescribe it may put the life of the patient in danger and in any event obliges the doctor to act according to a criterion that does not stem from professional ethics.

- **The obligation of governmental authorities to respect the will of the patient in relation to the process of dying.**

Until now, prevailing legislation ensured this respect and establishes as a limit the framework of good medical practice. In the Report presented to the Cabinet today, no reference is made to any limit, which could oblige medical practitioners to perform actions contrary to protecting the life of patients, such as removing artificial feeding and hydration or attending to requests for euthanasia.

- **The draft mentions *lex artis* (good professional practice) in the section on proposals of medical interventions at the end of life but not in the section on the rights of patients. This provision creates an undesirable conflict between the rights of patients (which could be understood as without limitation) and good clinical practice.**

- **Patients may be considered to be “incapacitated de facto”.**

Patients may be considered to be in a situation in which they are of “in practice incapacitated”, so that doctors and the patient’s relatives will hold the ultimate decision in regards to how and when sedation should be used or when feeding and hydration can be removed. Therefore, **the confidence in doctors until the end is no longer guaranteed.**

- **Reference to palliative care is marginal and scarce.**

There is no reference to budget allocations or to any systematic and standardised implementation throughout the country. Nor is any mention made under the rights of patients or in the preamble of the draft law.

«In conclusion», as explained by Carlos Álvarez, spokesman for the campaign of Profesionales por la Ética *Living with Dignity*, «if the final text of the law reflects what is in the Report, the only medical practitioners whose situation is reinforced are those who perform improper sedations, as there is no rule or control on their activities. On the other hand, those who wish to continue to help patients to live with dignity until the end will have to defend themselves from other doctors' opinions, the patient’s relatives and the nursing staff. Such a difficult situation will undoubtedly ease the path for them to change their attitude».

Profesionales por la Ética considers that with this draft law, ideological criteria in favour of euthanasia prevail over a real decision to extend palliative care with a budget allocation and a systematic plan.

To read the report *Ley de Muerte Digna o Eutanasia encubierta*

<http://www.profesionalesetica.org/wp-content/uploads/downloads/2011/03/Informe-Ley-de-Muerte-Digna-o-Eutanasia-Encubierta-PPE.pdf>

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