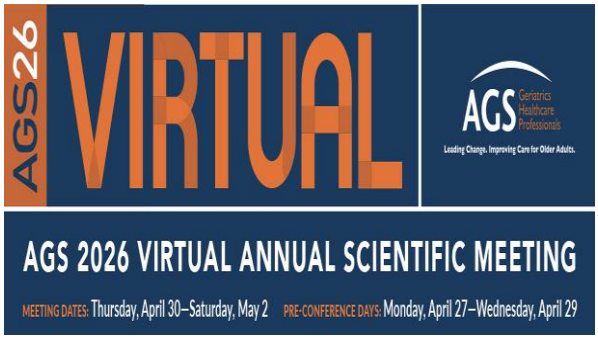


1

Point-Counterpoint

Are Dementia VSED Advance Directives Ethical, and Should Clinicians Honor Them?

2

yes

3

dementia VSED advance directives **are** ethical

and clinicians **should** honor them

4

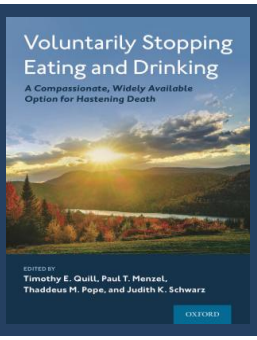
Thaddeus Pope

April 30, 2026

5

1 disclosure

6



royalties

from Oxford University Press

7

50 years

8

1976

9

10

Physician Billing for Advance Care Planning Among Medicare Fee-For-Service Beneficiaries, 2016-2021

Nan Wang, PhD[1]; Changchuan Jiang, MD, MPH[2]; Elizabeth Paulk, MD[3]; Tianci Wang, MS[4]; Xin Hu, PhD[5]

Perm J 2025;29:24.177 • https://doi.org/10.7812/TPP/24.177

11

we **allow** patients to hasten the death of their future selves

12

we permit patients to **avoid** living with conditions that they find intolerable

13

14

what Tx they **want**

15

what Tx they do **not** want

16

we **permit** patients to direct

17

withholding
or
withdrawing

18

dialysis
antibiotics
mech vent

19

CPR
defibrillation
blood products

20

ANH

21

we **allow** patients to direct their death from **dehydration**

22

23

24

25

ANH

26

ONH

27

hand feeding

28

spoon feeding

29

30

only difference is **route** of N&H

31

roadmap

32

4 parts

33

what is

dementia VSED
advance directive

34

demand is big & growing

35

support by healthcare policies

36

support by AD laws

37

what is

dementia VSED advance directive

38

39

40

41

42

never wanted to live like this

43

but

44

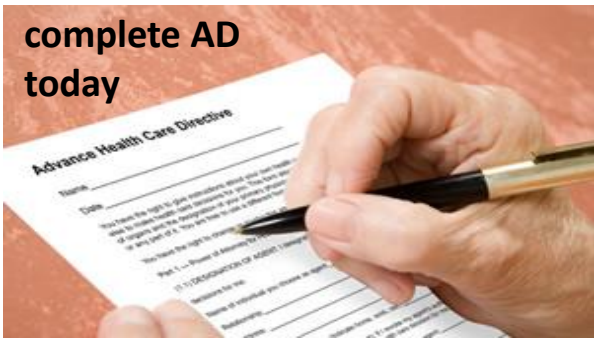
cannot now authorize VSED

45

so…

46

47



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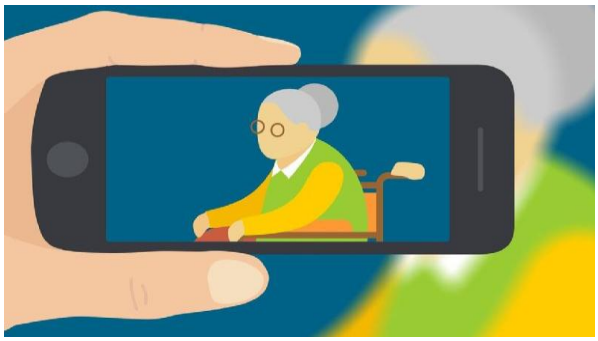
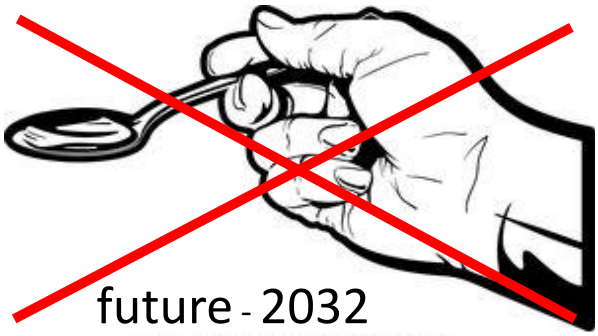


49

c. Additional Specific Instructions Regarding Care That I DO or DO NOT Want:

do not feed me by mouth - when I reach advanced dementia

50



51

when does hand/spoon feeding stop?

52

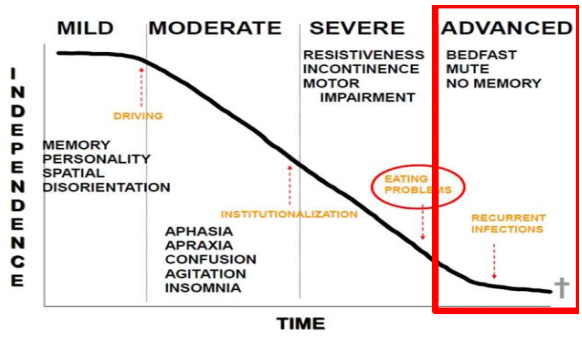
at **point** Pt specifies

53

54

clinical triggers

55



56

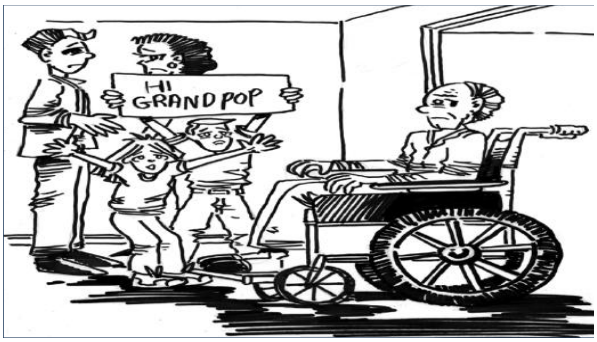
FUNCTIONAL ASSESSMENT STAGING TEST (FAST) SCALE					
Stage	Stage Name	Characteristic	Stage	Stage Name	Characteristic
1	Normal Ageing	No deficits whatsoever	6a	Moderately Severe Dementia	Needs help putting on clothes
2	Possible Mild Cognitive Impairment	Subjective functional deficit	6b		Needs help bathing
3	Mild Cognitive Impairment	Objective functional deficit interferes with a person's most complex tasks	6c		Needs help toileting
4	Mild Dementia	Instrumental activities of daily living (ADLs) become affected, such as paying bills, cooking, cleaning, travelling	6d		Urinary incontinence
5	Moderate Dementia	Needs help selecting proper attire	6e		Faecal incontinence
			7a	Severe Dementia	Speaks 5-6 words during the day
			7b		Speaks only 1 word clearly
			7c		Can no longer walk
			7d		Can no longer sit up
			7e		Can no longer smile
			7f		Can no longer hold up head

57

functional triggers

58

59



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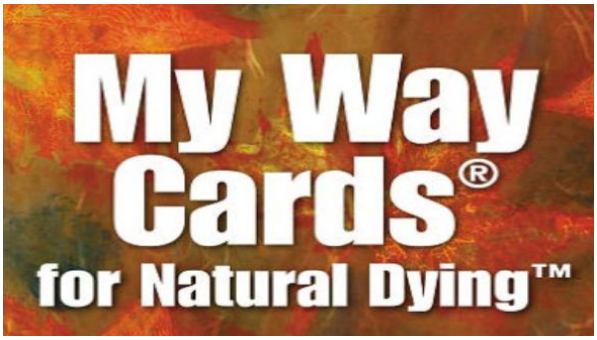
61



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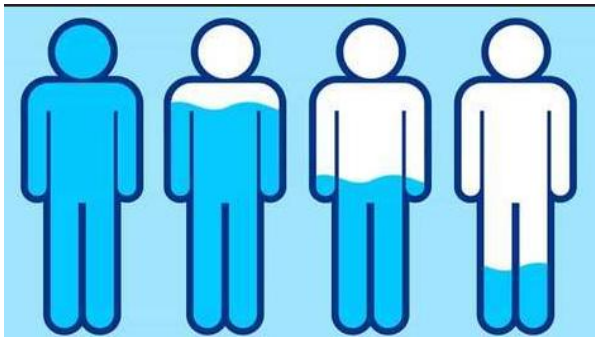
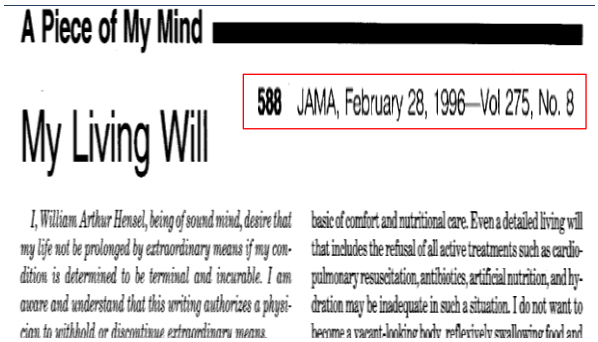


63

big interest

in dementia VSED advance directives

64



A Piece of My Mind

588 JAMA, February 28, 1996—Vol 275, No. 8

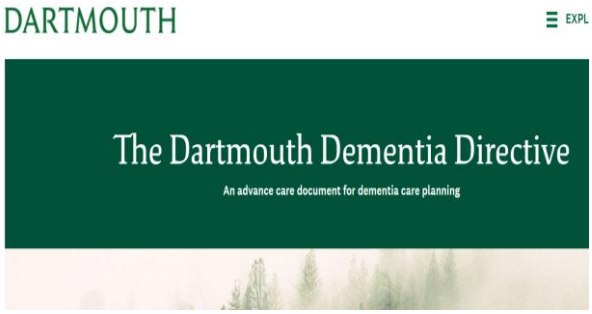
My Living Will

I, William Arthur Hensel, being of sound mind, desire that my life not be prolonged by extraordinary means if my condition is determined to be terminal and incurable. I am aware and understand that this writing authorizes a physician to withhold or discontinue extraordinary means

basic of comfort and nutritional care. Even a detailed living will that includes the refusal of all active treatments such as cardiopulmonary resuscitation, antibiotics, artificial nutrition, and hydration may be inadequate in such a situation. I do not want to

65

66



67

End of Life Choices NEW YORK

ABOUT THE ADVANCE DIRECTIVE FOR RECEIVING ORAL FOOD AND FLUIDS IN DEMENTIA

68

end of life WASHINGTON

Your life. Your death. Your choice.

69

SUPPLEMENTAL ADVANCE DIRECTIVE FOR DEMENTIA CARE

End of Life OPTIONS NEW MEXICO

I make this Supplemental Advance Directive for Dementia Care to inform my health care providers, loved ones, and health care agent of my treatment instructions in the event I lack capacity to give instructions myself. I am fully competent at this time. I have a separate, general advance directive in place. I ask that my general advance directive be maintained in my patient chart and applied according to its terms and that it be supplemented by this Advance Directive for Dementia Care.

70

Dementia Provision
Advance Directive Addendum

compassion & choices
Care and Choice at the End of Life

The following document can be added to any advance directive to provide guidance regarding consent to or refusal of certain therapies. Once completed, signed and witnessed, it should be kept with the advance directive.

71

exit VEREINIGUNG FÜR HUMANES STERBEN DEUTSCHE SCHWEIZ

72

Support and promote life quality

lifecircle

lifecircle | Livingwill & additional personal statement

73

FinalExit NETWORK

Introduction to our Supplemental Advance Directive For Dementia

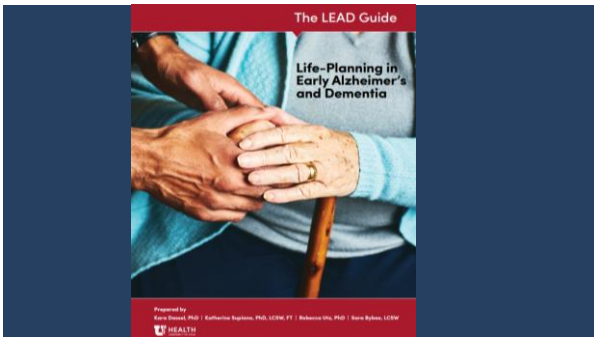
74

4. _____ **ASSISTED FEEDING**. If I am unable to feed myself, then spoon feed me whatever I seem to enjoy, and no more. Do not feed me or apply medical interventions, such as tubes and IVs, so that I might live longer.

_____ If this sentence is initialed and any of the choices 5, 6, or 7 are initialed, the latter are **not** to be implemented if they put my agent or any of my caregivers at criminal risk.

5. _____ **WITHHOLD NUTRITION & HYDRATION** if I show no desire to eat and/or drink. This includes medical interventions such as tubes and IVs. Do not encourage or entice me to eat or drink. Keep food odors out of my room.

75

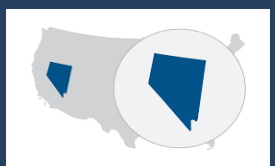


76

My Way Cards®
for Natural Dying™

77

Power of Attorney for Adult with Dementia



Nev. Rev. Stat. 162A.870

78

NEVADA ADVANCE DIRECTIVE FOR ADULTS WITH DEMENTIA
PAGE 7 OF 10

PART 2. END-OF-LIFE DECISIONS ADDENDUM STATEMENT OF DESIRES.

4. I want to get food and water even if I do not want to take medicine or receive treatment. YES ☐ NO ☐

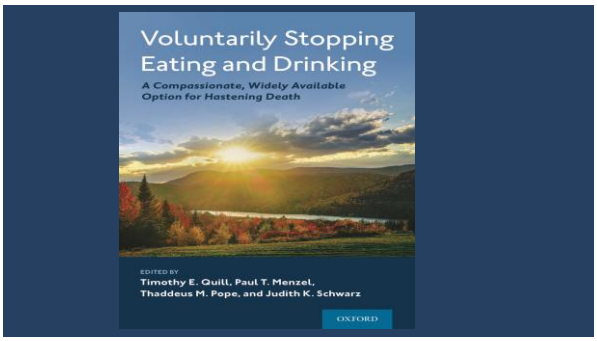
79

APPLEGATE & DILLMAN ELDER LAW

Making the Case for a Dementia Directive

80

81



82

WashingtonLawHelp.org

Maintained by Northwest Justice Project

Legal Topics ▾ Legal Directory ▾ Self-Help Forms Get Legal Help Eviction Help About Us

Home > All Topics > Planning Ahead / Seniors Search for Your Issue

Planning Ahead / Seniors

83

Quicken WillMaker & Trust

Estate Planning You Can Trust

Simple. Easy. Trusted.

Quicken WillMaker & Trust by Nolo is America's #1 estate planning software. Get immediate access to easy-to-use software and create your customized will today. Make a living trust, healthcare directive, power of attorney and so much more. There's never been an easier, more affordable way to protect your family, home and assets.

84

85

why growth & interest

86

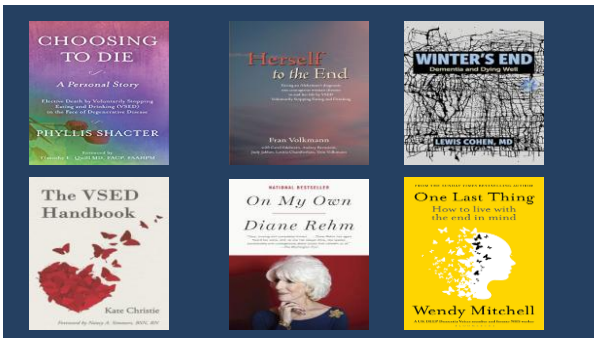
87

88

many **use VSED**

to avoid late-stage dementia

89



90

but

91

92

VSED while **still** have capacity

93

94

too **soon**

95

life **still** worthwhile

96

must be **preemptive**

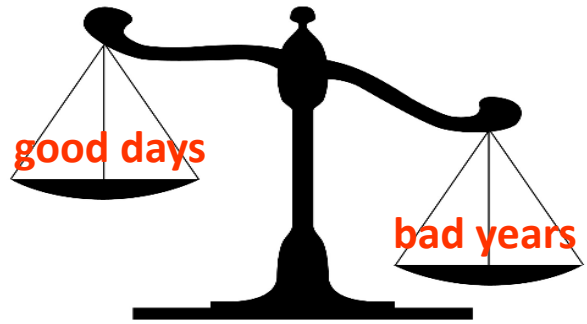
97

98

99

"give up good **days** to avoid bad **years**"

100



101

102

avoids
earliness
problem

103

support
for dementia VSED
advance directives

104

VA | U.S. Department of Veterans Affairs
Veterans Health Administration

105

AMENDED
April 12, 2024

Department of Veterans Affairs
Veterans Health Administration
Washington, DC 20420

VHA DIRECTIVE 1004.03(1)
Transmittal Sheet
December 12, 2023

ADVANCE CARE PLANNING

106

9. NATURALLY ADMINISTERED NUTRITION AND HYDRATION

107

default

108

"**naturally administered** nutrition & hydration (i.e., food and fluids taken by mouth and provided by hand, spoon, cup or straw) are part of … **basic care** offered to **all** patients"

109

but

110

2 opt outs

111

patients **with** DM capacity

112

"have the **right to refuse** to eat or drink"

113

patients who have **lost** DM capacity

114

clinicians need **not** "provide … food and fluids by mouth"

115

"patient … made an informed, voluntary **decision to stop** eating and drinking prior to losing … capacity"

116

VA | U.S. Department of Veterans Affairs
Veterans Health Administration

117

may honor VSED advance directives

118

should honor VSED advance directives

119

amda THE SOCIETY FOR POST-ACUTE AND LONG-TERM CARE MEDICINE

120

2019

121

no

122

duties to
current self
are primary

123

give water to
LTC resident

124

despite
VSED directive

125

but

126

2023

127

JAMDA 24 (2023) 321

JAMDA

journal homepage: www.jamda.com

Editorial

AMDA Updated Statement on Stopping Eating and Drinking by Advance Directives (SED by AD)

Check for updates

Board of Directors, Christopher E. Laxton CAE *

AMDA – The Society for Post-Acute and Long-Term Care Medicine, Columbia, MD, USA

128

honor the VSED AD

129

support

for dementia VSED advance directives

130

VSED legal **all** 56 U.S. jurisdictions

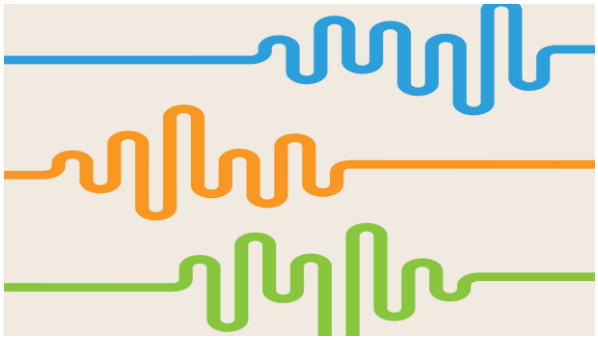
131

but

132

VSED **AD**

133



134

yes	no
California, Vermont	Iowa, Ohio

135

136

137

138

CHAPTER 144A

LIFE-SUSTAINING PROCEDURES

Referred to in §142C.12B, 144B.6, 144D.4, 235B.2, 235E.1, 235F.1, 633.635, 707A.3, 726.24

Policy statement; see 85 Acts, ch 3, §1
See also chapter 144B concerning durable power of attorney for health care

139

"adult may execute a declaration … directing that **life-sustaining procedures** be withheld or withdrawn"

140

"life-sustaining procedure does **not include** …. **nutrition or hydration** except …. parenterally or … intubation"

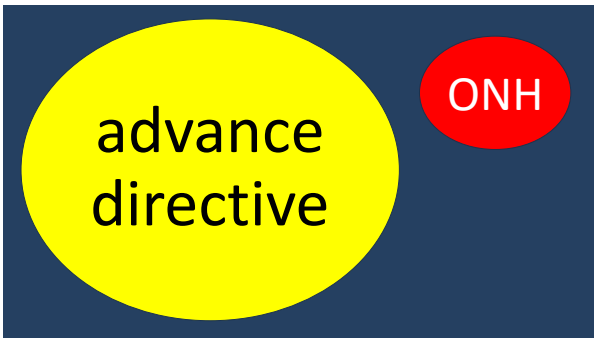
141

SO …

142

Iowa AD may **not** direct VSED

143



144

but

145

explicitly permitted

146

147

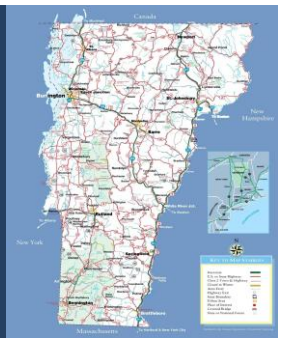
NEVADA ADVANCE DIRECTIVE FOR ADULTS WITH DEMENTIA
PAGE 7 OF 10

PART 2. END-OF-LIFE DECISIONS ADDENDUM STATEMENT OF DESIRES.

4. I want to get food and water even if I do not want to take medicine or receive treatment. YES ☐ NO ☐

148

Vermont



149

“health care”

“personal circumstances”

VT § 9702(a)(12)

150

"services to assist in **activities of daily living**"

VT 9702(a)(5), 9701(12)

151

152

VSED ADs are valid in **many** states

153

advance directive

ONH

154

155

156

"circumstances
… **food & liquids**
… discontinued"

157

158

159

ASSEMBLY, No. 1352

STATE OF NEW JERSEY

222nd LEGISLATURE

"Dementia Dignity and Advance Care Planning Act."

160

BIGGEST PROBLEM

161

conflict

162

prior self *vs* now self

163

patient **has** VSED AD

164

time to honor AD

165

but

166

167

whose wishes do we respect?

168

prior self

or

current self

169

then patient

or

now patient

170

2 fixes

171

fix **1**

172

173

ignore my future self

174

stick to VSED plan in my AD

175

with Ulysses, **prior self** prevails

176

fix **2**

177

minimal comfort feeding

178

216 Journal of Pain and Symptom Management Vol. 69 No. 2 February 2025

Special Article

"Mr. Smith Has No Mealtimes": Minimal Comfort Feeding for Patients with Advanced Dementia

Hope A. Wechkin, MD, Paul T. Menzel, PhD, Elizabeth T. Loggers, MD, PhD, Robert C. Macauley, MD, Thaddeus M. Pope, JD, PhD, Peter L. Reagan, MD, and Timothy E. Quill, MD

179

rather than **zero** N&H (VSED)

just enough to address discomfort

180

address **both**
goals of **then** Pt
and
needs of **now** Pt

181

182

VSED	MCF
10 days	20 days

183

conclusion

184

185

186

more patients are looking at AD-SED

187

so…

188

189

dementia VSED advance directives **are** ethical

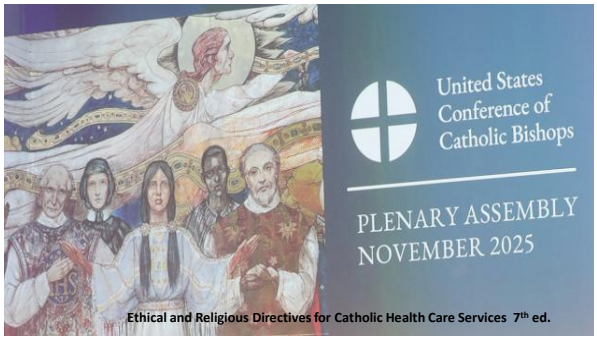
190

just like **other** advance directives

191

value congruent care

192



193

unless they have a conscience-based objection

194

clinicians **should** honor VSED advance directives

195

196

Thaddeus Mason Pope, JD, PhD, HEC-C
Mitchell Hamline School of Law
875 Summit Avenue
Saint Paul, Minnesota 55105
T 651-695-7661
C 310-270-3618
E Thaddeus.Pope@mitchellhamline.edu
W www.thaddeuspope.com
B medicalfutility.blogspot.com

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