

# Frequently Asked Questions about Voluntarily Stopping Eating and Drinking (VSED)

## Is Voluntarily Stopping Eating and Drinking (VSED) legal? We've heard in the media that VSED may not be legal in every state.

Yes, VSED is legal nationwide. The U.S. Supreme Court in *Cruzan v. Director, Missouri Department of Health* stated that "a competent person would have a constitutionally protected right to refuse lifesaving hydration and nutrition."<sup>1</sup>

Therefore, VSED is legal for a person nearing the end of life who has the mental capacity to make their own medical decisions.

This differs from SED (stopping eating or drinking), which is governed by different laws that authorize withdrawal by healthcare professionals of fluids and

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<sup>1</sup> A person's individual liberty (which protects personal autonomy and self-determination) is the legal basis for end-of-life decision making. In *Cruzan v. Director, Missouri Dep't of Health*, 497 U.S. 261 (1990), the U.S. Supreme Court stated: "For purposes of this case, it is assumed that a competent person would have a constitutionally protected right to refuse lifesaving hydration and nutrition."

The right was further emphasized in *Glucksberg v. Washington*: "The constitutionally protected right to refuse lifesaving hydration and nutrition that was discussed in *Cruzan*, was not simply deduced from abstract concepts of personal autonomy, but was instead grounded in the Nation's history and traditions, given the common-law rule that forced medication was a battery, and the long legal tradition protecting the decision to refuse unwanted medical treatment." 521 U.S. 702, 703 (1997) (internal citations omitted).

nutrition authorized by the patient's advance directive. An advance directive is any document that contains instructions pertaining to a person's wishes related to medical treatment if they cannot make care decisions on their own.

It's important not to confuse VSED with the withdrawal by healthcare professionals of fluids or food at the end of life for somebody who is not mentally capable of making their own healthcare decisions. Only mentally capable can opt for VSED. That decision is a constitutionally protected right. The laws that govern the withdrawal by healthcare professionals of food and fluids for a person who is not mentally capable at the end of life vary dramatically by state.

Compassion & Choices and patient-directed hospices typically support VSED with palliative support for patients who are terminal, incurable or very frail. Even though it is legal, individuals may face challenges accessing VSED and getting the support of hospice.

[Compassion & Choices provides information on these barriers to accessing VSED and how to help individuals access this end-of-life option](#)

## **Is VSED limited to people who are terminally ill with a prognosis of six months or less?**

No. VSED is available to a far broader group of people. Compassion & Choices and most patient-directed hospices support VSED with palliative support for individuals with a terminal or incurable disease or who are very frail with a combination of health symptoms at the later stages of life. It may

be more difficult for individuals who are not terminally ill to receive healthcare support through the process. A terminal prognosis means the person is diagnosed with an irreversible and incurable disease and is reasonably expected to result in death.

## **Does Medicare cover VSED?**

Yes. Medicare and Medicare Advantage provide a hospice benefit and support for VSED would fall under that benefit