



## Briefing Notes

December 10, 2012

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The **Canadian Association of Critical Care Nurses** (CACCN) has been granted intervener status before the Supreme Court of Canada in the case of *Mr. Hassan Rasouli v. Sunnybrook Health Sciences Centre, Dr. Brian Cuthbertson and Dr. Gordon Rubinfeld*. CACCN's participation in this proceeding will ensure that the perspective of Canadian critical care nurses regarding end of life decision making will be heard at the highest court in the country.

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### Why did we apply?

Critical care nurses partner with families and the healthcare team during life altering and uncertain times for critically ill patients. We feel we are privileged in our connection with patients, families and colleagues and thus we feel a responsibility to directly contribute to dialogue which defines best care at the end of life. Critical care nurses witness these difficult decisions, operationalize the plans that arise from them and are consistently present with the people who are touched by these decisions. We have an essential perspective to add to this legal process.

### Does CACCN support the physicians' position or the family's position?

There are no "sides" to be taken in this debate. Rather, it is CACCN's position that conflict in end of life situations is best resolved first by a collaborative process, failing which either party should have the ability and option to turn to a third party decision making body for a resolution. CACCN does not support unilateral decision making either by families or physicians, as we do not believe that this approach lends itself to supporting what is the best end of life care for patients.

Although this is an Ontario case, it is our hope that the Supreme Court of Canada hears our suggestion that a process for collaborative decision making, followed by access to a third party decision making body, when necessary, is needed throughout our country as the same issue could arise in any intensive care unit in any province or territory.

### **What about situations when care is deemed futile?**

CACCN advocates strongly for supportive care that ensures that patients are comfortable and free of pain and fear when death is inevitable and supportive care that provides a dignified death. CACCN supports a process that can be accessed by both health care professionals and patients or families when disagreement exists about what constitutes futile care and what plan of care is in the best interests of the patient.

### **Does CACCN support euthanasia?**

This is not a case involving euthanasia. This case involves end of life care and withdrawal of life sustaining treatment. CACCN advocates for respectful end of life care.

### **Does CACCN think the consent of families is required in these types of cases?**

CACCN believes that this must be a shared decision making process. We support a framework and process that allows collaborative decision making and access to a third party decision making body.

### **Does CACCN think physicians have too much power when it comes to this issue in the medical setting?**

This is not an issue of “power”. We respect and acknowledge the expert medical care that physicians provide in the intensive care unit. End of life decisions are complicated. On the rare occasion, when consensus cannot be reached, CACCN advocates for a third party process that helps facilitate an outcome that is in the best interests of the patient.

### **Have you ever witnessed physicians acting against families’ wishes for their loved ones?**

Because critical care nurses are the most constant presence at the bedside we see and feel for both the family and our physician colleagues when disagreement arises over a plan of care at the end of life. In our experience, families and physicians want to do what they feel is in the best interests of the patient, which is why CACCN is advocating for a third party process for both to turn to in assisting the parties with these difficult discussions.

### **You have seen the videos of Mr Rasouli. Do you think that he needs to be given a chance to live rather than have his treatment discontinued as the physicians want?**

Yes, we have seen the videos. The significance of Mr. Rasouli’s condition is part of the debate before the Supreme Court of Canada at this time. We hope that some clear direction will come from their decision. There are no villains in this case, just a lot of people trying to do the right thing for Mr Rasouli.

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