

Dutch doctor is cleared of blame in euthanasia of dementia patient

By Senay Boztas in Amsterdam

A DUTCH nursing home doctor accused of murder by euthanasia on a patient with dementia acted with due care, and the case against her has been dismissed, a court ruled.

Prosecutors had asked for the retired doctor, named as Catharina A, to be tried for murder, but with no punishment. They alleged that she had not done enough to confirm that the woman with advanced Alzheimer's wanted to die at the moment of death.

The woman, 74, had appeared to resist the administration of a lethal injection, even after she was given a sedative in her coffee, and family members were asked to hold her down.

But a court in The Hague ruled yesterday that the woman's dementia was so advanced that a directive she had previously given adequately represented her wishes. This said that she did not want to be admitted to a nursing home with advanced dementia, as her mother had done, and wanted to die "when the time was right".

In her last year of life, her condition rapidly deteriorated, according to a report by the Dutch regional euthanasia review committees. "The patient became very anxious, sad and restless," said the report. "From the start of each afternoon she would be gloomy, emotional and weepy, saying that she wanted to die. At night she was often

awake, phoning all kinds of people and keeping her husband up." She had day-care at home and then, in her last seven weeks of life in 2016, was admitted to the nursing home, where she was frustrated, angry, stressed and tearful. She would wander the corridors looking for her husband at night, knocking on doors, windows and walls.

Drugs seemed to have little effect and although she talked about death, she sometimes added "but not yet". Her husband told the doctor of her living will and asked to "investigate if it was possible to carry out euthanasia on the basis of this," according to the court record.

"The court of The Hague finds that the doctor ended the patient's life through euthanasia, at her own explicit and serious request and has complied with all due care requirements from the ... euthanasia act," the verdict said, adding that the woman was clearly suffering and unable to express any wish to die. The verdict found that guidelines from doctors' organisations on confirming euthanasia at the time of death are more stringent than the 2002 law. Prosecutors had wanted "more clarity" about people who are incapacitated.

This was the first euthanasia court case in the Netherlands, where GPs typically carry out euthanasia in the home and where 2.4 per cent of the 6,126 procedures last year involved people with dementia.