

The Facts about Voluntarily Stopping Eating and Drinking (VSED)

Voluntarily Stopping Eating and Drinking (VSED) is legal in the United States for a person nearing the end of life who has the capacity to make their own medical decisions.

Compassion & Choices and patient-directed hospices typically support VSED with palliative support for patients who are terminal, incurably ill 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](#)

A Constitutionally Protected Right

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."¹

¹ 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

Did you know? Medicare and Medicare Advantage provide a hospice benefit and support for VSED falls under that benefit.

Who Can Access VSED

VSED is not limited to terminally ill people with a prognosis of six months or less. It 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 during the later stages of life.

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

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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).

How VSED differs from SED

VSED differs from SED (stopping eating or drinking), which is governed by different laws that authorize healthcare professionals to withdraw fluids and nutrition authorized by a 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 a person who is not mentally capable of making their own healthcare decisions. Only a mentally capable person can opt for VSED. That decision is a constitutionally protected right. The laws that govern the withdrawal of food and fluids by healthcare professionals for a person who is not mentally capable at the end of life vary dramatically by state.

Further Resources

- [VSED Resources - VSED FAQ](#)
- [Quick Quote - Life Insurance and Death with Dignity](#)