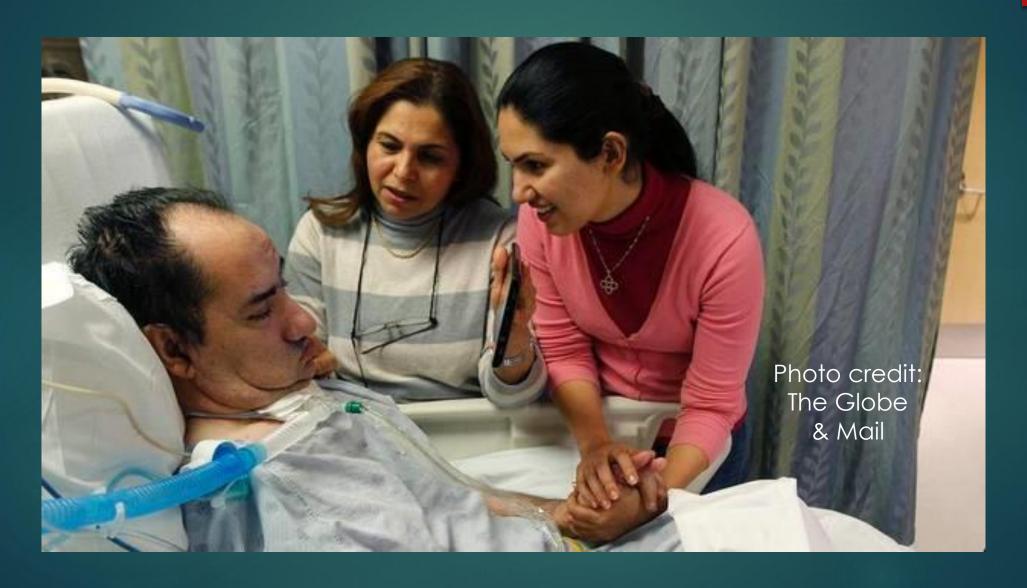
Legal Arguments re: Unilaterally Withholding & Withdrawing Treatment

Definition of unilateral withholding or withdrawal (uww):

where a health care professional refuses to provide or continue treatment on his or her own authority

Cuthbertson v Rasouli



Patient's claim

- ▶ neglect
- ▶ failure to obtain informed consent
- ▶ other: discrimination, breach of fiduciary duty...

Neglect

- Criminal Code s.215 (necessaries of life)
- Adult Guardianship legislation/Child & Family Services legislation
- Negligence law
- ► Rules of professional conduct

Informed Consent

- Provincial statutes (e.g. Ontario's Health Care Consent Act)
- Common law of battery
- Common law of informed consent (negligence)

Other

Constitutional (Charter) right to treatment?

Doctor's claim

Constitutional right to freedom of conscience

Thanks!

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