The Superior Court of Québec Authorizes the Continuation of Care on a Comatose Patient despite the Refusal of her Parents

April 1, 2014

On April 1, 2014, the Superior Court issued an interesting decision respecting consent to care[1]. The Quebec City CHU petitioned the Superior Court in order to be authorized to provide care for a 60-day period to a patient despite the refusal of her parents.

On March 14, the 22 years old patient suffered cardiac arrest following an intravenous drug overdose. She was in a coma since being admitted to the CHU and, despite the various imaging tests performed, neither a diagnosis nor a clear prognosis could be established. It was unfortunately very possible that the patient had suffered permanent cognitive and motor damage due to lack of oxygen to the brain.

The medical team essentially wished to extubate, reintubate if necessary and provide feeding and hydration care to the patient for a 60-day period, which would allow the team to obtain probative clinical signs. For their part, the parents wanted to put an end to nutritional support and all other feeding or hydration care. They maintained that the wish of their daughter had been to end her own life.

The Court stated that it could not infer from the circumstance surrounding the overdose that the defendant knowingly indicated that she did not wish to receive care. It further declared that it was not convinced by a preponderance of evidence that the defendant actually tried to commit suicide. Furthermore, the Court was of the view that the care proposed by the CHU was necessary to the patient's survival. The care sought in the motion was minimal, essential to life and necessary in order to arrive at a more definitive prognosis. If care was stopped, the patient would die. Accordingly, the care was clearly opportune for the 60-day period as requested by the CHU and the Court authorized it to continue the treatment plan, as well as extubate the defendant and reintubate if necessary.

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[1] *CHU de Québec* v. *M.G.*, 2014 QCCS 1404.

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