

SEZNAM POUŽITÝCH ZDROJŮ

Seznam použité literatury

- Abrams, N. Active and passive euthanasia. *Philosophy*. 1978, 53(204).
- American Thoracic Society Bioethics Task Force. Withholding and withdrawing life sustaining therapy. *Am Rev Respir Dis*. 1991, 144.
- Asiag, E. Observing the prohibition on withdrawal of continuous medical treatment in the Dying patient Act. *Medical Law and Bioethics*. 2008, 1.
- Asscher, J. The moral distinction between killing and letting die in medical cases. *Bioethics*. 2008, 22(5).
- Bagheri, A. Regulating Medical Futility: Neither Excessive Patient's Autonomy Nor Physician's Paternalism. *European Journal of Health Law*. 2008, 15(1).
- Batavia, A. Disability versus futility in rationing health care services: Defining medical futility based on permanent unconsciousness—PVS, coma and anencephaly. *Behavioral Sciences & The Law*. 2002, 20(3).
- Bean, G. Nishiasato, S. Rector, M. A. Glancy, G. The psychometric properties of the competency interview schedule. *Canadian Journal of Psychiatry*. 1994, 39.
- Berlinger, N. Jennings, B. Wolf, S. M. *The Hastings Center guidelines for decisions on life-sustaining treatment and care near the end of life*. Oxford: Oxford University Press, 2013.
- Billon, R. Acts and omissions, killing and letting die. *British Medical Journal*. 1986, 292(6513).
- Birnbacher, D. *Tun und Unterlassen*. Stuttgart: Philipp Reclam, 1995.
- Boas, H. et al. *Bioethics and Biopolitics in Israel. Socio-legal, political and empirical analysis*. Cambridge University Press, 2018.
- Bosslet, G. T. Baker, M. Pope, T. M. Reason-giving and medical futility: Contrasting legal and social discourse in the United States with the United Kingdom and Ontario, Canada. *Chest*. 2016, 150(3).
- Bosslet, G. T. et al. An Official ATS/AACN/ACCP/ESICM/SCCM Policy Statement: Responding to Requests for Potentially Inappropriate Treatments in Intensive Care Units. *American Journal of Respiratory and Critical Care Medicine*. 2015, (191)11.
- Brody, B. A., Halevy, A. Is futility a futile concept? *Journal of Medicine & Philosophy*. 1995, 20(2).
- Bruera, E. et al. Parenteral hydration in patients with advanced cancer: a multicenter, double-blind, placebo-controlled randomized trial. *Journal of clinical oncology*. 2013, 31(1).
- Burns, J. P. Edwards, E. et al. Do not resuscitate order after 25 years. *Crit Care Med*. 2003, 31(5).
- Callahan, D. *The Roots of Bioethics: Health, Progress, Technology, Death*. Oxford – New York: Oxford University Press, 2012.

- Carney, M. T. Neugroschl, J. Morrison, R. S. Marin, D. Siu, A. L. The development and pilot-ing of a capacity assessment tool. *The Journal of Clinical Ethics*. 2001, 12.
- Císařová, D. Sovová, O. a kol. *Trestní právo a zdravotnictví*. Praha: Orac, 2004.
- Claessens, P. Genbrugge, E. Vannuffelen, R. Broeckaert, B. Schozsmans, P. Menten, J. Pallia-tive Sedation and Nursing: The Place of Palliative Sedation Within Palliative Nursing Care. *Journal of Hospice and Palliative Nursing*. 2007, 9(2).
- Coggon, J. On acts, omissions and responsibility. *Journal of Medical Ethics*. 2008, 34(8).
- Davidson, A. I. The definition of euthanasia. *Journal of Medicine and Philosophy*. 1979, 4(3).
- Davis, M. Does Palliative Sedation Always Relieve Symptoms? *Journal of Palliative Medi-cine*. 2009, 12(10).
- Delden, J. J. M. Terminal sedation: source of a restless ethical debate. *Journal of Medical Ethics*. 2007, 4.
- Diem, S. J. Lantos, J. D. Tulsky, J. A. Cardiopulmonary resuscitation on television Miracles and Misinformation. *N Engl J Med*. 1996.
- Doležal, A. *Eutanazie a rozhodnutí na konci života*. Praha: Academia, 2017.
- Donnelly, M. Best Interests, Patient's Participation and the Mental Capacity Act 2005. *Me-dical Law Review*. 2009, 17.
- Doron, I. Shalev, C. Between the Patient Rights Act and the Dying Patient Act: A progress or walking backwards? *Medicine and Law*. 2011, 43.
- Dresser, R. Missing Persons: Legal Perceptions of Incompetent Patients. *Rutger Law Review*. 1994, 46(2).
- Dubler, N. N. Liebman, C. B. *Bioethics Mediation: A Guide to Shaping Shared Solutions*. Revi-sed and Expanded Edition. Nashville: Vanderbilt University Press, 2011.
- Dy, S. M. Enteral and parenteral nutrition in terminally ill cancer patients: a review of the literature. *American Journal of Hospice and Palliative Medicine*, 2006, 23(5).
- Eliáš, K. K pojetí dispozitivního práva v občanském zákoníku. *Bulletin advokacie*. 2015, 9.
- Etheridge, Z. Gatland, E. When and how to discuss "do not resuscitate" decisions with pa-tients. *BMJ*. 2015.
- Etchells, E. Darzins, P. Silberfeld, M. Singer, P. A. McKenny, J. Naglie, G. Katz, M. Guyatt, G. H. Molloy, D. W. Strang, D. Assessment of patients capacity to consent to treatment. *Jour-nal of General Internal Medicine*. 1999, 14.
- European Association for Palliative Care recommended Framework for the use of sedation in palliative care. *Palliative Medicine*. 2009, 23(7).
- Fortin, J. *Children's Rights and the Developing Law*. Cambridge: Cambridge University Press, 2005.
- Fritzson, A. Tavelin, B. Axelsson, B. Association between parenteral fluids and symptoms in hospital end-of-life care: an observational study of 280 patients. *BMJ supportive & palliative care*. 2015, 5(2).
- Gampel, E. Does professional autonomy protect medical futility judgments? *Bioethics*. 2006, 20(2).
- Garros, D. Rosychuk, R. J. Cox, P. N. Circumstances surrounding end of life in a pediatric intensive care unit. *Pediatrics*. 2003, 112.

- Gert, B. Distinguishing between active and passive euthanasia. *Clinics in Geriatric Medicine*. 1986, 2(1).
- Gilbar, R. Breathless: On Israeli District Court's decision to allow doctors to switch off a terminal patient's ventilator. *The Law on the Net: Human Rights*. 2015, 35.
- Glover, J. *Causing Death and Saving Lives*. Harmondsworth: Penguin, 1977.
- Goold, I. Herring, J. *Great debates in medical law and ethics*. Red Globe Press, 2014.
- Griffiths, J. Weyers, H. Adams, M. *Euthanasia and law in Europe*. Portland: Hart Publishing, 2008.
- Grisso, T. Applebaum, P. S. *Assessing Competence to Consent to Treatment*. New York: Oxford University Press, 1998.
- Harris, J. *The Value of Life*. London: Routledge and Kegan Paul, 1985.
- Haškovcová, H. *Lékařská etika*. Praha: Galén, 2003.
- Haškovcová, H. *Thanatologie*. Praha: Galén, 2003.
- Herring, J. The Human Rights Act and the welfare principle in family law – conflicting or complementary? *Child & Fam. L. Q.* 1999, 11(3).
- Heřmanová, J. *Etika v ošetřovatelské praxi*. Praha: Grada. Sestra (Grada), 2012.
- Holčapek, T. *Dokazování v medicínskoprávních sporech*. Praha: Wolters Kluwer, 2011.
- Holčapek, T. Rozhodnutí soudu jako zdroj oprávnění zásahu do integrity. *Časopis zdravotnického práva a bioetiky*. 2018, 8(3).
- Holčapek, T. Šustek, P. Šolc, M. Odpolení dítěte od přístrojů: na okraj případu Charlie Gard. *Právní rozhledy*. 2018, 3.
- Hrušáková, M. *Dítě, rodina a stát*. Masarykova univerzita: Brno, 1993.
- Huynh, T. N. Kleerup, E. C. Wiley, J. F. Savitsky, T. D. Guse, D. Garber, B. J. Wenger, N. S. The frequency and cost of treatment perceived to be futile in critical care. *JAMA Internal Medicine*. 2013, 173(20).
- Chow, G. V. Czarny, M. J. Hughes, M. T. Carrese, J. A. CURVES: a mnemonic for determining medical decision-making capacity and providing emergency treatment in the acute setting. *Chest*. 2010, 137(2).
- Jackson, E. *Medical Law. Text, cases and materials*. 3rd edition. Oxford: Oxford University Press, 2013.
- Jílek, D. a kol. *Studie o právech dítěte: implementace zkušeností dobré praxe ve vzdělávání v oblasti práv dětí ve Švýcarsku do podmínek ochrany práv dětí v České republice*. Brno, Boskovice: Česko-britská o. p. s., 2011.
- Jonsen, A. R. Sigler, M. Winslade, W. J. Matějek, J. *Klinická etika: praktický přístup k etickým rozhodnutím v klinické medicíně*. Praha: Stanislav Juhaňák – Triton, 2019.
- Jox, R. J. Entscheidungen über lebensverlängernde Maßnahmen. In Marckman, G. et al. *Praxisbuch Ethik in der Medizin*. Berlin: Medizinisch Wissenschaftliche Verlagsgesellschaft, 2018.
- Jude, J. R. Elam, J. O. *Fundamental of Cardiopulmonary Resuscitation*. Philadelphia: F. A. Davis Company, 1965.
- Kazatel: 3, 1–2.
- Keown, J. Restoring Moral and Intellectual Shape to the Law after *Bland*. *Law Quarterly Review*. 1997, 113.

- Knap, K. Švestka, J. Jehlička, O. Pavlík, P. Plecity, P. *Ochrana osobnosti podle občanského práva*. Praha: Linde Praha, 2004.
- Krejčíková, H. Deaktivace implantabilního defibrilátoru (ICD). In Gřiva, M. et al. *Paliativní péče v kardiologii*. Praha: Triton, 2018.
- Krejčíková, H. *Ukončování léčby pacienta a trestní odpovědnost lékaře*. Praha: Galén, 2014.
- Kunstýřová, J. *Dříve vyslovená přání v oblasti intenzivní medicíny a paliativní péče*. Diplomová práce. Praha: Právnická fakulta Univerzity Karlovy v Praze, 2017.
- Kuře, J. *Co je eutanazie: studie k pojmu dobré smrti*. Praha: Academia, 2018.
- Lavický, P. a kol. *Občanský zákoník I*. Obecná část (§ 1 – § 654). Komentář. Praha: C. H. Beck, 2014.
- Lelie, A. Verweij, M. Futility without a dichotomy: towards an ideal physician-patient relationship. *Bioethics*. 2003, 17(1).
- Levin, P. D. Sprung, Ch. L. Withdrawing and withholding life-sustaining therapies are not the same. *Crit Care*. 2005, 9(3).
- Lo, B. Jonsen, A. R. Clinical decisions to limit treatment. *Annals Of Internal Medicine*. 1980, 93(5).
- Macaulay, R. C. *Ethics in Palliative Care*. Oxford: Oxford University Press, 2018.
- Magnus, U. Causation by Omission. In Tichý, L. (ed.) *Causation in Law*. Praha: Univerzita Karlova v Praze, Právnická fakulta, 2007.
- Mahoney, J. *Bioethics and Belief*. London: Sheed and Ward, 1984.
- Mach, J. Buriánek, A. Záleská, D. Vráblová, B. *Komentář k zákonu o zdravotních službách a zákonu o specifických zdravotních službách*. Wolters Kluwer, 2018.
- Marson, D. C. Cody, H. A. Ingram, K. K. Harrell, L. E. Neuropsychological predictors of competency in Alzheimer's disease using a rational reasons legal standard. *Archives of Neurology*. 1995, 52.
- Matějek, J. Etické aspekty paliativní péče v nefrologii. In Szonovská, B. a kol. *Paliativa v nefrologii. Podpůrná a paliativní péče u pacientů s onemocněním ledvin*. Maxdorf, 2019.
- Mazzarella, P. Euthanasia: An inclusive definition. *Linacre Quarterly*. 1991, 58(4).
- McGee, A. Intention, Foresight, and Ending Life Responses and Dialogue. *Cambridge Quarterly of Healthcare Ethics*. 2013, 22(1).
- McLean, S. From Bland to Burke: The Law and Politics of Assisted Nutrition and Hydration. In McLean, S. *First Do No Harm*. Ashgate: Dartmouth, 2006.
- Montague, P. The morality of active and passive euthanasia. *Ethics in Science and Medicine*. 1978, 5(1).
- Morata, L. An evolutionary concept analysis of futility in health care. *J Adv Nurs*. 2018, 74(6).
- Morita, T. Chinone, Y. Ikenaga, M. et al. Efficacy and safety of palliative sedation therapy: a multicenter, prospective, observational study conducted on specialized palliative care units in Japan. *J Pain Symptom Manage*. 2005, 30.
- Moye, J. Butz, S. W. Marson, D. C. Wood, E. A conceptual model and assessment template for capacity evaluation in adult guardianship. *Gerontologist*. 2007, 47.
- Murphy, D. J. Burrows, D. et al. The influence of the probability of survival on patient's preference regarding cardiopulmonary resuscitation. *N Engl J Med*. 1994, 330.

- National Conference on CPR and Emergency Cardiac Care. Standards and guidelines for CPR and emergency cardiac care: medico-legal considerations and recommendations. *JAMA*. 1974, 255(1).
- Neitzke, G. Burchardi, H. Duttge, G. et al. Limits to the appropriateness of intensive care: Policy statement of the German Interdisciplinary Association of Intensive Care and Emergency Medicine. *Med Klin Intensivmed Notfmed*. 2019, 114.
- Nesbitt, W. Is killing no worse than letting die? *Journal of Applied Philosophy*. 1995, 12(1).
- Norton, S. A. Hogan, L. A. Holloway, R. G. Temkin-Greener, H. Buckley, M. J. Quill, T. E. Proactive palliative care in the medical intensive care unit: effects on length of stay for selected high-risk patients. *Crit Care Med*. 2007, 35.
- Oehme, J. Sheehan, C. Use of Artificial Hydration at the End of Life: A Survey of Australian and New Zealand Palliative Medicine Doctors. *Journal of palliative medicine*. 2018.
- Paris, J. J. Ahluwalia, B. M. Cummings, B. M. Moreland, M. P. Wilkinson, D. J. The Charlie Gard case: British and American approaches to court resolution of disputes over medical decisions. *Journal of Perinatology*. 2017, 37.
- Pellegrino, D. E. Patient and Physician Autonomy: Conflicting Rights and Obligation in the Physician-Patient Relationship. *Journal of Contemporary Health Law and Policy*. 1994, 10(1).
- Perbedy, M. A. Kaye, W. Ornato, J. P. Larkin, G. L. Nadkarni, V. Mancini, M. E. Berg, R. A. Nichol, G. Lane-Truitt, T. Cardiopulmonary resuscitation of adults in the hospital: a report of 14720 cardiac arrests from the National Registry of Cardiopulmonary Resuscitation. *Resuscitation*. 2003, 58(3).
- Plows, C. V. Tenary, R. M. et al. Medical futility in end of life care. Report of Council on Ethical and Judicial Affairs. *JAMA*. 1999.
- Prendergast, T. J. Resolving conflicts surrounding end-of-life care. *New Horiz*. 1997, 5.
- Ptáček, R. Bartůněk, P. a kol. *Eutanázie – pro a proti*. Praha: Grada Publishing, 2012.
- Quill, T. E. Brody, H. Physician Recommendations and Patient Autonomy: Finding a Balance between Physician Power and Patient Choice. *Annals of Internal Medicine*. 1996, 125(9).
- Rachels, J. Active and passive euthanasia. *The New England Journal of Medicine*. 1975, 292.
- Randall, F. Downie, R. S. *The philosophy of palliative care: Critique and reconstruction*. Oxford, New York: Oxford University Press, 2006.
- Reece, H. The Paramountcy Principle: Consensus or Construct? *Current Legal Problems*. 1996, 49.
- Reichenbach, B. R. Euthanasia and the active-passive distinction. *Bioethics*. 1987, 1(1).
- Rietjens, J. A. van Zuylen, L. van Veluw, H. van der Wijk, L. van der Heide, A. van der Rijt, C. C. Palliative sedation in a specialized unit for acute palliative care in a cancer hospital: comparing patients dying with and without palliative sedation. *J Pain Symptom Manage*. 2008, 36.
- Roy, D. Euthanasia and withholding treatment. In Doyle, D. (ed.) *Oxford textbook of palliative medicine*. Oxford, New York: Oxford University Press, 2004.

- Rubenfeld, G. D. Crawford, S. W. Withdrawing life support for medically ventilated recipient of bone marrow transplantation: a case for evidence-based qualitative guidelines. *Ann Intern Med.* 1996, 125(8).
- Rubin, S. B. *When Doctors Say No: The Battleground of Medical Futility.* Bloomington and Indianapolis: Indiana University Press, 1998.
- Rychetský, P. *Ústava České republiky: Ústavní zákon o bezpečnosti České republiky: komentář.* Praha: Wolters Kluwer, 2015.
- Saigal, S. Stoskopf, B. I. Feeny, D. Furlong, W. Burrows, E. Eosenbaum, P. I. Hoult, I. Difference in preference for neonatal outcomes among health care professionals, parents and adolescent. *JAMA.* 1999, 28J(21).
- Sampson, E. L. et al. Enteral tube feeding for older people with advanced dementia. *Cochrane Database Syst Rev.* 2009, 2(2).
- Sanchini, V. Nardini, C. Boniolo, G. The withholding/withdrawing distinction in the end-of-life debate. *Multidiscip Respir Med.* 2014, 9(1).
- Savulescu, J. Just dying: the futility of futility. *J Med Ethics.* 2013, 39(9).
- Sefer Hasidim, č. 722.
- Shalev, C. End of life care in Israel – The Dying Patient Law 2005. *Israel Law Review.* 2009, 42.
- Shapira, A. Law and bioethics in Israel: Between liberal ethical values and Jewish religious norms. *Journal International de Bioéthique.* 2006, 17.
- Schneiderman, L. J. de Ridder, M. Medical futility. *Handbook of Clinical Neurology.* 2013.
- Schneiderman, L. J. Defining medical futility and improving medical care. *Journal of Bioethical Inquiry.* 2001, 8(2).
- Schneiderman, L. J. Jecker, N. S. Jonsen, A. R. Medical futility: Its meaning and ethical implications. *Annals of Internal Medicine.* 1990, 112(12).
- Sinclair, D. B. *Jewish biomedical law. Legal and Extra-legal Dimensions.* Oxford: Oxford University Press, 2003.
- Sláma, O. *Klinické, etické a právní aspekty rozhodování o kardiopulmonální resuscitaci u terminálně onkologicky nemocných pacientů.* Disertační práce. Brno: Lékařská fakulta Masarykovy univerzity v Brně, 2009.
- Sláma, O. Lze objektivně vymezit, která léčba je u nevyléčitelně nemocného pacienta „marná“? In Černý, D. Doležal, A. (eds.) *Smrt a umírání: etické, právní a medicínské otazníky na konci života.* Praha: Ústav státu a práva AV ČR, 2013.
- Sláma, O. Pochop, L. Náležinská, M. Alexandrová, R. *Doporučený postup paliativní péče v MOÚ.* 2016.
- Sláma, O. Prudil, L. Právní aspekty paliativní péče. In Sláma, O. Kabelka, L. Vorlíček, J. *Paliativní medicína pro praxi.* Praha: Galén, 2011.
- Society of Critical Care Medicine Ethics Committee. Consensus statement regarding futile and other possibly inadvisable treatment. *Crit Care Med.* 1997, 25.
- Souček, M. a kol. *Vnitřní lékařství.* Praha: Grada Publishing, 2011.
- Standards for Cardiopulmonary Resuscitation (CPR) and Emergency Cardiac Care. *JAMA.* 1974, 227(7).

- Stapleton, R. D. Engelberg, R. A. Wenrich, M. D. Goss, C. H. Curtis, J. R. Clinician statements and family satisfaction with family conferences in the intensive care unit. *Crit Care Med.* 2006, 34.
- Steinberg, A. Sprung, C. The Dying Patient Act 2005: Israeli innovative legislation. *ISMJ.* 2007, 9(7).
- Steinberg, A. The Halachic basis of the dying patient law. *Assia-Jewish Medical Ethics.* 2008, 6(2).
- Stolínová, J. Mach, J. *Právní odpovědnost v medicíně.* Praha: Galén, 2017.
- Stone, P. Phillips, C. Spruyt, O. Waight, C. A comparison of the use of sedatives in a hospital support team and in a hospice. *Palliat Med.* 1997, 11(2).
- Sykes, N. Thorns, A. Sedative use in the last week of life and the implications for end of life decision making. *Arch Intern Med.* 2003, 163.
- Symmers, W. J. Not allowed to die. *BMJ.* 1968, 1(5589).
- Šustek, P. Holčapek, T. a kol. *Zdravotnické právo.* Praha: Wolters Kluwer, 2017.
- Švetska, J. Dvořák, J. Fiala, J. Občanský zákoník. Komentář. Praha: Wolters Kluwer, 2013.
- Task Force on Ethics of The Society of Critical Care Medicine. Consensus Statement on the ethics of forgoing life-sustaining treatments in the critically ill. *Crit Care Med.* 1990, 18(12).
- Těšinová, J. Žďárek, R. Polícar, R. *Medicínské právo.* Praha: C. H. Beck, 2011.
- Ticho, A. The Dying Patient Act, 2005 – the impact of Jewish religion on euthanasia according to Israeli law. *Medical Law and Bioethics.* 2008, 1.
- Tomoda, A. Yasumiya, R. Sumiyama, T. Tankada, K. Hayakawa, T. Kimimori, M. Reliability and validity of structured interview for competency incompetency assessment testing and ranking inventory. *Journal of Clinical Psychology.* 1997, 53.
- Vácha, M. Königová, R. Mauer, M. *Základy moderní lékařské etiky.* Praha: Portál, 2012.
- Van Rosum, W. The clash of legal cultures over the best interest of the child principle in cases of intentional parental child abduction. *Utrecht Law Review.* 2010, 6(2).
- Vorlíček, J. Adam, Z. *Paliativní medicína.* 2. vydání. Praha: Grada Publishing, 2005.
- Vráblová, B. Infanticide – právní úprava v anglickém common law a vybrané právně-etické aspekty ve světle souvisejících doporučení a směrnic. *Zdravotnické právo a bioetika.* 2015, 5(1).
- Vráblová, B. *Informovaný souhlas nezletilých osob a osob s omezenou svéprávností.* Diplomová práce. Praha: Právnická fakulta Univerzity Karlovy v Praze, 2015.
- Vráblová, B. Kabelka, L. Nezahájení a odstoupení od život udržující/prodlužující léčby – kauzála, paliativní péče a eutanázie. *Postgraduální medicína.* 2015, 17(2).
- Wagnerová, E. Čl. 2. In Wagnerová, E. Šimíček, V. Langášek, T. Pospíšil, I. a kol. *Listina základních práv a svobod. Komentář.* Praha: Wolters Kluwer, 2012.
- Walton, D. Active and passive euthanasia. *Ethics.* 1976, 86(4).
- White, R. Carr, A. P. Lowe, N. MacDonald, A. *The Children Act 1989 in practice.* Butterworths Law, 2008.
- Wilkoff, B. L. Auricchio, A. Brugada, J. et al. HRS/HRA expert consensus on the monitoring of cardiovascular implantable electronic devices (CIEDs): description of techniques, indications, personnel, frequency and ethical considerations. *Europace.* 2008.

Seznam použitých zdrojů

- Wong, J. G. Clare, I. C. H. Holland, A. J. Watson, P. C. Gunn, M. The capacity of people with a "mental disability" to make a health care decision. *Psychological Medicine*. 2000, 30.
- Yadav, K. N. Gabler, N. B. Cooney, E. Kent, S. Kim, J. et al. Approximately one in three US adults completes any type of advance directive for end of life care. *Health affairs. Advance illness and end of life care*. 2017, 36(7).
- Youngner, S. J. Who defines futility? *Journal of the American Medical Association*. 1988, 260(14).
- Zucker, M. B. Zucker, H. D. *Medical futility and the evaluation of life-sustaining interventions*. New York: Cambridge University Press, 1997.