



Medicine, the Law & You

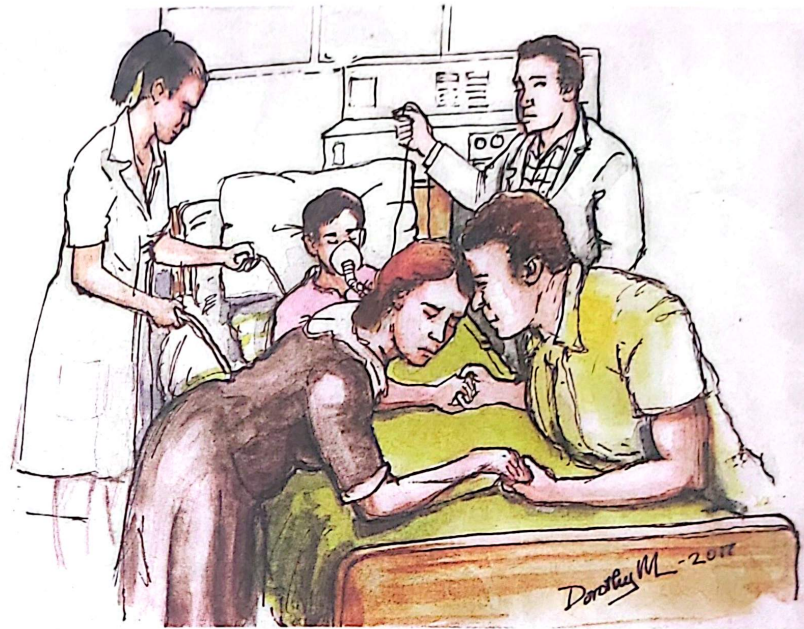
DR SYLVESTER
ONZIVUA
sonzivua@gmail.com

MACHINE OFF. Sometimes patients are beyond recovery as per medical assessment, however the decision on whether to let them die must be done legally to avoid implicating medical personnel.

Anthony (aka Tony) David Bland, an 18-year-old Liverpool Football Club supporter, travelled on April 15, 1989 to watch Liverpool play Nottingham Forest at the Hillsborough football ground in the FA Cup semi-final. A crowd crush occurred during the game and 94 Liverpool supporters died that day, in what has now become known as the Hillsborough disaster.

Tony suffered crushed ribs and two punctured lungs, causing an interruption in the supply of oxygen to his brain. As a result, he sustained irreversible brain damage. Tony could open his eyes but he did not seem to focus on anything and he could not communicate or respond to the people around him. Several attempts were made by the team of doctors, along with Tony's father, sister and mother, to try to elicit some response from him and for some signs of interaction. However, all attempts failed. He showed no sign of being aware of

Withdrawal of life support



anything that took place around him. The doctors did not know if Tony was aware of the people around him and the things they were saying and doing to him.

None responsive patient

His condition was diagnosed as Persistent Vegetative (PVS) or a persistent non-responsive state. The medical team treating him stated that there was no reasonable possibility that he would ever emerge from his vegetative state. He was in a coma for nearly four years. He never regained consciousness.

A permanent vegetative state is a clinical condition of unawareness of self and the environment in which the patient breathes spontaneously

and the heart functions normally and the eyes show cycles of opening and closing, simulating sleep and wakefulness. It is sometimes considered a state of wakeful unawareness. The diagnosis of this condition is made three months after a non-traumatic brain injury or 12 months following trauma to the brain. The diagnosis is made if or when the patient shows no behavioral evidence of self or the environment. Patients with a diagnosis of permanent vegetative state may live for many years if artificial nutrition and hydration is maintained. Stopping food and water leads to death within 14 days due to starvation and dehydration.

Tony's parents suffered seeing their son in a coma for four years.

The hospital, with the support of his parents, applied for a court order to allow him die with dignity. Prior to the case of Tony, English case law on non-treatment of patients was restricted to newborn babies' where disabled neonates were legally allowed to die. In one such case a baby born with congenital abnormalities had obstruction of her intestines, which if left untreated without surgery, would be fatal.

Whose best interests

The parents felt that it would be in the child's best interest if she were left to die. Although this decision was upheld by court, the court of appeal overturned it on the grounds that in this particular case the prognosis

was that the child would have had a reasonable quality of life. In another case, another baby born with a genetic abnormality was rejected by the parents. The doctor wrote in his notes that "Parents do not wish the baby to survive. Provide nursing care only". The baby died 69 hours later. The doctor was charged with murder but was acquitted. From this case it can be seen that doctors who deliberately withdraw life-prolonging treatment can be charged with murder if the patient subsequently dies.

The doctor looking after Bland made a request to withdraw all treatment including food and water to the Coroner four months after Bland was injured. The Coroner threatened the doctor with a murder charge. The doctor was visited by the police who also told him that he would be charged with murder if he withdrew treatment and the patient died.

Legal guidance

An application was subsequently made to court to lawfully discontinue all life sustaining treatment and medical support measures including ventilation, nutrition and hydration by artificial means and not to subject anybody to any criminal or civil liability should the patient die. Court granted the request on the grounds that it was in the patient's best interest for treatment to be withheld and this was in accordance with good medical practice.

Tony became the first patient in England to be legally allowed to die by the courts of law through the withdrawal of life-prolonging treatment including food and water.

On December 21, 1993, Tony Bland's death was classified as an accidental death but a second inquest later classified all the 96 Hillsborough disaster deaths as unlawful killings.

to be continued...

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