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# HEALTHY CHOICES FOR MIND AND BODY

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## LEARN FROM THE THERESA SCHIAVO CASE

(06/2005)

**Bottom line at the top:** Learn from this case, and take steps to keep you from being the source of a legal battle, with a Living Will and/or a Durable Power of Attorney for Health. Do it today.

So too, in regards to the Terri Schiavo debacle: Regardless of where you stand on the politics and ethics involved, you should learn how to keep it from happening to you.

**Fact:** At age 26 Terri Schiavo suffered brain damage after her heart stopped.

Supposition: A potassium imbalance resulting from an eating disorder caused her cardiac arrest.

**Fact:** For fifteen years Terri Schiavo's life was maintained by tube feeding to supply her with nutrition and hydration.

Supposition: Surviving for 15 years in this state also means she received very good nursing care. Otherwise she would have developed infections that would have killed her. I want the name of that nursing home for my future.

**Fact:** Terri Schiavo's fate was the subject of intense legal wrangling for 7 years. Congress passed and President Bush flew to the White House to sign a law requiring the Florida Supreme Court to reconsider her case.

Supposition(s): Terri's husband said she was in a persistent vegetative state and that she would not want to be maintained on 'life support.' Her parents asserted that she showed signs of life and recognition, and that she would have wanted to be supported by feeding and hydration.

**Fact: She could have prevented years of legal battles and emotional agony among her family** with a Living Will or Durable Power of Attorney. No amount of expert testimony could supplant this definitive proof of her wishes.

Reality: Most people don't even consider their own mortality, let alone go to the trouble of completing a durable power of attorney, prior to age 40. A majority of people over the age of 50 haven't done so, and they stand much more of a chance to suffer brain damage.

**Prevent this from happening to you:** First, understand the options and the medical definitions and considerations (see below). Second, complete **your own Living Will or Durable Power of Attorney for Health** and share it with your next of kin and doctor. you when he was an alcoholic doesn't help you in your coma. Some people choose a best friend or an impartial independent party, just so family doesn't have to make hard, emotional decisions.

You may change the document you complete today as many times as you wish. If you change your mind, complete another and give it to your doctor and kin.

Give a copy to both.

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## HOW DO YOU KNOW IF YOU ARE IN A PERSISTENT VEGETATIVE STATE?

Determining level of brain function is not an exact science. Neurologists can reach different conclusions with subtle evidence that does not clearly fit neat categories.

Think of the brain and body as having three levels of function. **Higher cortical function of the brain**, performed by the brain cortex (large cerebral lobes) - responsible for thinking, acting with volition, and determining our intentional responses to incoming stimuli from the 5 senses.

**Brain stem activity**, performed by areas of the brain that are in the middle and at the base of the brain - maintains certain automatic bodily functions, such as breathing, swallowing our own saliva but not food, sleeping and waking, uttering random noises, shedding tears, maintaining temperature control and exhibiting certain withdrawal reflexes and eye movements.

**Spinal cord and bodily organ function**, which determine muscle tone, non-purposeful twitching and tendon reflexes, and the auto-pilot function of the heart, liver, kidney, bowel, etc. An intact spinal cord may cause spinal reflexes and random movements due to electrical impulses within the cord, even when the brain (stem and cortex) is dead. Note that breathing is a brain stem, not an automatic organ function.

**Brain death** is defined as "death based on the absence of all neurologic function". All higher cortical and brain stem function has irreversibly stopped. These patients can not breathe, move, think or perform any purposeful function. There is no feeling of pain or suffering. The patient would die without a ventilator - As long as the ventilator provides oxygen to the body, the heart and other auto-pilot organs will function, in spite of neurologic death.

Continued ventilation and medications do not interfere with the brain death determination. A neurologist tests the patient for evidence of any brain function. An EEG tests for brain electrical activity, without which the brain is dead. Brain death *is* death.

**Coma** is not brain death. It means loss of enough brain function to be non-responsive. Higher cortical function is reduced. There may or may not be permanent damage. There may or may not be brain stem injury. The chance of recovery depends on the nature and severity of injury and duration of coma. A person with concussion-induced brain swelling could 'wake' after three days with normal function. Another, with severe stroke, might never regain consciousness.

**Vegetative state means** loss of all higher cortical function. The patient has no purposeful response, but retains some or all brain stem activity. Breathing, making noises, swallowing, and random eye movements may look like intentional responses, but are not.

**Persistent vegetative state** is a vegetative state that has lasted a 'long' time. Younger people generally have more chance of recovery than do older people. The chance of recovery greatly declines after 4 weeks in the absence of any return of function. If slight improvement has occurred at 1-3 months, gradual improvement may continue, but rarely to a state of significant cognitive function. If there has been zero sign of returning function after 6 months, the chance of any recovery is vanishingly small.

## **LIVING WILL / DURABLE POWER OF ATTORNEY FOR HEALTH**

If you have received the paper version of this newsletter, these documents are attached. If you are online, you can download template documents from: [http://www.jmmdhs.com/downloads/advance\\_directives\\_form.pdf](http://www.jmmdhs.com/downloads/advance_directives_form.pdf) , or have a service complete your documents at a site like: [http://www.lawdepot.com/contracts/healthdir/index.php?ldcn=healthdir&pid=google-health\\_us-directive\\_b1&a=t](http://www.lawdepot.com/contracts/healthdir/index.php?ldcn=healthdir&pid=google-health_us-directive_b1&a=t)

With a **Living Will** you determine the medical/nutritional efforts that will be made on your behalf if you are unable to communicate. Unless you want ‘everything under all circumstances’ or ‘absolutely nothing in the absence of response,’ you must specify your wishes for each possible medical condition. Another option, the **Durable Power of Attorney**, allows you to define your wishes in general terms, and you name an individual to interpret those wishes and make specific decisions for you. For either option, don’t be confined by the document’s language. Write in specifics about what you want done under a variety of circumstances. Medical situations frequently defy neat categories that beget simple decisions. Decide about organ donation. **Discuss your wishes with the person who would serve as your medical decision-maker if you become mentally incompetent.** (If you are mentally incompetent now, hide it and fill the forms out before you are found out.

**Power of Attorney**, does not have to be your next of kin. Choose someone you believe will always put your best interests first. The person should share your ideas about medical ethics. Ideally, the person won’t have any psychological baggage about your relationship - Keeping you alive because he feels guilty about neglecting