

QUINLAN, CRUZAN AND SCHIAVO: BIOETHICS AND LEGAL EDUCATION USING THE HALLMARK CASES

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NONPF INTEGRATED COMPETENCIES FOR ETHICS

- ◉ NPs should integrate ethical principles in decision making
- ◉ NPs should evaluate the ethical consequences of decisions
- ◉ NPs should apply ethically sound solutions to complex issues related to individuals, populations, and systems of care

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KAREN ANN QUINLAN 1975

- ◉ 1st case in the 'Right to Die' movement
- ◉ Age 21 apparent drug overdose, anoxic for at least 2 15 min periods
- ◉ In ED, nonreactive pupils, unresponsive to deep pain
- ◉ Placed on mechanical ventilation, feeding tube, initial weaning attempts unsuccessful

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- ◉ Thought to be in persistent vegetative state
- ◉ Described as " emaciated, joints are rigid and deformed"
- ◉ Father requested removal of mechanical ventilation
- ◉ Physician and hospital refused, stating she did not meet the criteria for brain death and feared criminal/civil liability if she died
- ◉ A court appointed guardian stated that the parents had no right to euthanize their daughter

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COURT'S DECISION

- New Jersey superior court denied the request
- New Jersey supreme court ruled in favor of the Quinlans
- Based on constitutional right to privacy (protected privacy)
- 1st use of “substituted judgment standard”
- A surrogate has the right to decline medical treatment of an incompetent patient if the surrogate believed the patient would want limited care

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SUBSTITUTED JUDGMENT STANDARD

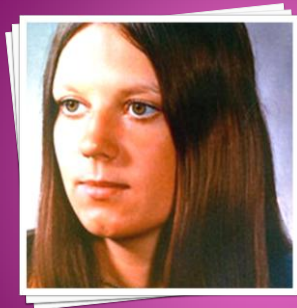
- Concern: the amount and depth of knowledge surrogates have about patients
- In this case, the hospital, and caregivers would not be liable for removing the ventilator if they truly believed she was in a persistent vegetative state with no hope of full recovery
- Karen Ann lived without the ventilator for 10 years since she was on nasogastric feeding

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ETHICAL ISSUES: QUINLAN

- Autonomy- the right to self determination. This case set the stage for advance directives, specifically health care proxies and living wills
- Beneficence- does the burden of the proposed intervention outweigh the benefit, in this case, continued mechanical ventilation

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KAREN ANN
QUINLAN 1972

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NANCY CRUZAN 1983

- MVA deprived of O2 for 12-14 min, probable cerebral contusions
- Thought to be in persistent vegetative state, parents requesting removal of feeding tube
- Medical staff refused without court approval
- Nancy had stated she did not wish to be sustained if she could not live “ at least halfway normal
- State law agreed she had a fundamental right to refuse or direct the withdrawal of life sustaining treatment

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COURT BATTLE

- Missouri Supreme Court reversed the decision finding that the state had a legitimate interest in preserving life regardless , of its quality, and that “ clear and convincing” evidence of refusal was not substantiated.
- US Supreme Court ruled in favor of the family, citing “ the constitution would grant a competent person a protected right to refuse artificial hydration and nutrition.”
- This “right to liberty ”is guaranteed by the 14th amendment

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COURTS (CON'T)

- The U. S. Supreme Court preserved individual states’ rights to set the standard of evidence.
- The “clear and convincing evidence” standard was challenged in this case
- Nancy Cruzan died shortly after the feeding tube was removed.
- The Quinlan and Cruzan cases greatly influenced the passage of the Patient Self Determination Act of 1992

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ETHICAL ISSUES: CRUZAN

- Autonomy- who has the right to decide?
- What exactly is “clear and convincing evidence”- subjective at best
- What is included in life sustaining measures?
- Justice-what constitutes futile care?

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NANCY CRUZAN

TERRY SCHIAVO 2005

- In 1999, Terry Schiavo, age 27, suffered cardiac arrest thought to be a result of hypokalemia 2nd to an eating disorder
- She had a feeding tube and was thought to be in a persistent vegetative state.
- 8 yrs later, her husband moved to have the feeding tube removed, stating she would not want to be maintained in such a state

SCHIAVO (CON'T)

- Her parents objected citing new evidence that her condition was reversible
- A state court concurred with the husband and this was affirmed by an appeals court.
- The Florida Supreme Court chose not to review the case.
- The case became a media circus, with input by religious leaders and local and national politicians

SCHIAVO : UNIQUE FEATURES:

- Substantial evidence showed that Terri's cerebral cortex was irreparably damaged, although several doctors claimed that her cognitive state could be restored
- Florida legislature passed "Terri's law" and Gov. Jeb Bush ordered the feeding tube reinserted
- Florida Supreme Court deemed the law unconstitutional based on violation of the separation of powers
- The U.S. Supreme Court refused an appeal by Gov. Bush

SCHIAVO: CON'T

- Congress met 2 days after the feeding tube was discontinued to consider emergency legislation that would only apply to Terri Schiavo.
- A district court judge denied the parents a restraining order citing that the case had been exhaustively litigated

SCHIAVO (CON'T)

- After many legal battles over 7 years, the original court decision was affirmed
- Although no new case law was established, the cases exemplifies the complexity of these decisions.
- The feeding tube was removed and Terry Schiavo died, 15 years after lapsing into coma

ETHICAL ISSUES: SCHIAVO

- Appropriate role of government and religious groups in end of life decisions
- Autonomy- who decides for an incompetent patient?
- Beneficence- what is considered the best interest of the patient
- Best interest standard- what most reasonable people in a similar situation would choose
- Justice- who is short changed for lengthy, possibly futile care?



TERRI SCHIAVO

CHALLENGES

- Practitioners own value system may be in conflict with that of the patient/family
- Cultural and religious differences may influence decisions
- Lack of knowledge regarding federal/state laws

TEACHING STRATEGIES

- Case analysis using these hallmark cases as a framework
- Role play
- Observe an ethics consultation
- Attend an ethics committee where ethical and legal issues are discussed

THE TAKE HOME

- Being a health care provider requires lifelong learning in a variety of fields including ethics and law
- Consult an expert as you would in any aspect of care you may not be familiar with
- Start the sensitive conversations early with all your patients regardless of age
- Remember Karen, Nancy and Terri were all in their 20s when their tragedies occurred!



MY JOY, MY SORROW: KAREN ANN'S MOTHER REMEMBERS JULIA DUANE QUINLAN

Karen became the symbol of abuse of technology in this technological age. She gave both fields - law and medicine—a case they could not avoid.

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