

# An Open Letter from Dr. David Bennahum and Professor Rob Schwartz

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## Unfortunately, for residents of northern New Mexico, and Santa Fe:

Patients and their families face a number of difficult choices at the end of life. Some will choose to maintain a feeding tube as long as they can be kept physically alive, for example, and others want their feeding tube to be removed when they no longer have hope of conscious or meaningful existence.

Under circumstances so variable that they are almost impossible to predict, patients facing death often want to try every medical treatment available. Most, however, also know there is a time to stop, a time when death is no longer the enemy. Whenever that time comes should depend upon the patient's wishes, and his or her own deeply held values, moral principles and religious views.

Unfortunately, for residents of northern New Mexico, and Santa Fe in particular, this may no longer be the case. The single most important source of major medical care in this part of the state, **St. Vincent Regional Medical Center**, has been taken over by a Dallas-based, Catholic health care company known as Christus Health.

St. Vincent officials have said the new hospital will abide by Ethical and Religious Directives of the Catholic Church for Health Care (ERDs). Those directives condition the hospital's compliance with patient's end of life instructions, either given directly or through an advance directive, on the question of whether or not they "*are contrary to Catholic moral teaching*"- even when the patient is not Catholic.

This will make the decisions of all patients and their families subject to a veto by religious authorities. Non-Catholics- and the many Catholics who disagree with the church's position on end-of-life care- will be bound by values they do not share. No longer will St. Vincent treat all of the very diverse values of its northern New Mexico patients equally; it will be a denominational hospital that allows those outside of the denomination to use its facilities, but only as long as they conform to Christus' values.

In a facility that values "redemptive suffering," for example, patients will no longer be able to discontinue their feeding tubes unless highly restrictive theological requirements are satisfied.

This situation is especially ironic in New Mexico where, in 1995, we became the first state- many others have since followed- to adopt a law that gives the power to make life-and-death decisions to the patient, the person appointed by the patient (called an agent or surrogate) or the patient's family. The New Mexico Legislature passed this law with the belief that a patient's decisions about life and death were too intimate to be subject to veto by doctors, nurses, hospital administrators, state officials or anyone else.

Unfortunately, there is one giant loophole in the law. A hospital may adopt a policy allowing it to ignore a patient's decision for reasons of conscience.

This loophole has rarely, if ever, been used during the 13 years the law has been in effect, and, to our knowledge, no hospital in the state has issued a policy that would limit any choice made by a patient or surrogate or family member at the end of life. In fact, in Albuquerque, it would make little difference if a hospital did, because patients could choose another hospital. In Santa Fe, where St. Vincent is the only hospital, though, Christus' intent to deprive patients of the right to live by their own values will have devastating consequences.

Virtually all New Mexico hospitals and their administrators respect the exceptional diversity of our state. We are Catholics, Protestants, Jews, Buddhists, Sikhs and almost every other religion known to our species. We are Navajo and Pueblo peoples, traditional Hispanics, immigrants, longtime ranchers, liberals, conservatives, people from several different Asian cultures, pro-choice advocates, pro-life advocates, atheists and various combinations of all of these. Our values about such intensely personal issues such as end-of-life care really do vary.

*What some of us consider morally necessary treatment, others of us consider torture.* St. Vincent, like other hospitals in New Mexico, has respected this diversity in the past. . Christus should, too.

**By Dr. David Bennahum and Professor Rob Schwartz.**

Bennahum and Schwartz teach at the University of New Mexico's Medical and Law schools. Both were members of the task force that proposed the language that was ultimately adopted by New Mexico in 1995 as the Uniform Health-Care Decisions Act.