

# Are You the Victim of Religious and Moral Health Care Treatment Refusals?

We are asking physicians, healthcare professionals, social workers, patients, or their legal representatives, to alert us to any possible refusals of health care treatment based on religiously imposed restrictions. This could include failure to honor a patient's advance directive (living will), failure to provide adequate pain relief, or failure to inform patients about their legal end-of-life treatment options.

**As the result of a recent merger, St. Vincent is now subject to the Catholic Ethical and Religious Directives for Health Care (ERD's)**

In Santa Fe our sole community provider hospital, St. Vincent Regional Medical Center, has merged with Christus Health, a Dallas based Catholic organization, and is now a Catholic hospital.

Compassion & Choices has grave concerns that our wishes at end of life will not be honored - whether those wishes are communicated directly by us, the patient, or through our Advance Directive by our surrogate.

## **The Directives**

The Ethical and Religious Directives for Catholic Health Care Services, is a set of 72 rules issued by the U.S. Conference of Catholic Bishops. They significantly limit certain end-of-life treatment options by requiring that Catholic moral teaching be applied to end of life care.

Directive # 24 states: In compliance with federal law, a Catholic health care institution will make available to patients information about their rights, under the laws of their state, to make an advance directive for their medical treatment. ***The institution, however, will not honor an advance directive that is contrary to Catholic teaching.*** If the advance directive conflicts with Catholic teaching, an explanation should be provided as to why the directive cannot be honored.

Directive #59: "The free and informed judgment made by a competent adult patient concerning the use or withdrawal of life-sustaining procedures should always be respected and normally complied with, ***unless it is***

***contrary to Catholic moral teaching.***” This directive has been interpreted by local Bishops to prohibit the refusal or removal of artificial nutrition and hydration (commonly referred to as use of a feeding tube).

Are refusals or withdrawal of life-sustaining procedures contrary to moral Catholic teaching? It would seem so. Removal of nutrition and hydration, even when that nutrition and hydration is provided entirely by medical machinery, usually violates Catholic moral teaching.

In an earlier case involving the ERD’s, a patient by the name of Beverly Requena was dying of ALS (Lou Gehrig’s Disease) and indicated that she no longer wanted to be maintained by a feeding tube, and requested it be removed. The St. Clare’s/Riverside Medical Center, under Catholic control, tried to force Requena to leave the hospital because they were “*against participating in withholding of food or fluids from (a) patient.*” Fortunately for Requena, the Superior Court of New Jersey ruled she had both the right to remain in the hospital and to refuse artificial feeding.

Without case history in New Mexico, we do not know how a court would rule on a similar case, or any case involving a patient’s right to discontinue unwanted medical treatment.

Directive #61 could prevent patients from receiving adequate pain control at the end of life. “Terminal” or “palliative” sedation is a legal treatment option allowing patients in severe pain to be medicated into a state of unconsciousness, after which life support is withheld or withdrawn, ultimately resulting in death. Because death is foreseeable, terminal sedation is contrary to Catholic moral teaching. Instead, Directive #61 requires that “Patients experiencing suffering that cannot be alleviated should be helped to appreciate the Christian understanding of redemptive suffering.”

The Directive makes no exception for those who may be of a different faith or who don’t believe that dying should involve suffering.

### **The County of Santa Fe gave SVH just over \$9M in 2007**

Saint Vincent is a Sole Community Provider Hospital. This is a federal designation applying to a hospital which, because of isolated location, weather or travel conditions, or absence of other hospitals is the only source of inpatient hospital services reasonably available in a geographic area.

St. Vincent receives a large infusion of money from the County of Santa Fe together with Federal Medicaid leveraged dollars each year under the sole community provider arrangement. In 2007 the total amount of public funds from Country and Federal was more than \$33,000,000.

The county money is matched nearly three to one with federal funds. In 2007, the Santa Fe County Commissioners approved giving the hospital \$9.2 million from county coffers. This represents approximately 60% of the County budget and is funded from gross receipts tax.

### **What Can You Do?**

If you are aware of a situation in which an otherwise legal health care treatment option was refused or ignored based upon religious or moral grounds then we want to hear about it. Compassion & Choices will investigate such cases and decide if there is a legal course of action against St. Vincent, its management or its employees.

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