

Patient Autonomy Informed Refusal and Bioethical Decision Making in Northern and Bouvia

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Case 1: the State of Tennessee v. Mary Northern

This case is about Ms. Northern, a 72-year-old lady. She suffered from gangrene on both her legs and did not have anyone to care for her as she lived alone. She was receiving treatment from the Nashville General Hospital. Over time, her ailment worsened to the point that amputation of both her legs was prescribed by the doctor. This course of treatment would decrease the spread of damaged tissue, and it was advised as a means to save her life, which was at stake if she rejected surgery.

Ms Northern, however, refused treatment on the grounds of a strong feeling that her condition was improving. The Tennessee Department of Human Services filed a suit alleging the refusal of surgery with complete knowledge that it would extend the patient's life. The physician sought the court to compel the patient to submit to surgery. The respondent, through her ad litem guardian, reported Ms. Northern's views that she was recovering, had a good memory, and was well aware of the complaint filed against her.

Questions

The main question regarding this case was whether the decision made by Ms Northern about her health and surgery was acceptable or not. Secondly, the question for this case is also about the ethical and legal bounds of the physicians to deny the patient's wishes. The doctors' premise was convincing due to the risk to the patient's life and her inability to make a decision. The patient was neither willing to die nor ready to have her legs amputated.

In this case, Ms Northern was declared to be suffering from the psychotic mechanism of denial and was regarded to be partially insane and, therefore, unfit to make a rational decision about her health. The provisions of the federal law also follow that had the patient been able to comprehend the gravity of her condition and to make a choice between amputation or risk of the contrary, the doctors would have obliged to her wishes.

Court's Ruling

The court's decision was fundamentally guided by the right of the patient to adopt a course of treatment based on the extent of her sanity. The court declared Ms Northern as partially insane and at imminent risk of death, and ethically, the physicians were bound to force consent to surgery to prolong her life by fifty per cent as opposed to the less than ten per cent chance. A compelled consent was ordered by the court for amputation; however, due to the anticipated risks of surgery, it was never conducted (Justia, 1978).

Case 2: Elizabeth Bouvia v. Superior Court

This case draws an interesting comparison with Case 1 because it highlights the double standards applied by the physicians and the court while making Case 1 the precedent of its decision. This case involved Elizabeth Bouvia, who suffered from quadriplegia. Being paralyzed since childhood, her condition worsened to the extent that she was dependent in terms of all tasks, including eating, bathing, using the toilet, and much more. The disability she suffered from was lifelong, and the permanence of her condition made her miserable to the extent of seeking suicide from the hospital. She requested the authorities to allow her death by starvation. However, her request was denied, and she was force-fed through a nasogastric tube.

Elizabeth Bouvia sought legal assistance by contacting the American Civil Liberties Union. She was assigned a lawyer by the same.

Questions

This case was ethically sound, but legally, it was questionable. According to the provision of the law, the patient reserves the legal right to refuse any medical treatment irrespective of the need or severity of the medical condition. The major question for this case was whether the hospital had the right to deny her wishes of suicide and treat her without her consent. Secondly, the question arises regarding the patient's right to her decision to end her life to preserve her dignity and end her life-long suffering.

Court's Ruling

The court ruled against Ms. Bouvia, which resulted in a miserable life and pain for more than twenty years. This case exemplifies the prevailing prejudices and biases of the judicial system against the disabled. It epitomizes the political, social, and economic segregation against these people based on their perceived unproductivity in society (Longmore, 1987).

Comparison of the Two Cases

The two cases are an example of bioethics, and although they have similarities in regards to the arguments put forth, however, the cases differ in logic and judgment in terms of ethics and legal aspects. Ms Northern's case dealt with the severity of her condition and her inability to make an informed decision. Her partial insanity was established, and the physicians were allowed to compel her for consent, which was ethically appropriate on the part of the physicians and legally correct. In contrast, Ms Bouvia was deprived of her right to deny treatment and was force-fed. Although ethically the medical professionals were right, however, the judicial system's ruling was biased. This is pertinent to the fact that Ms Bouvia was of sound mind and, therefore, able to make a decision for herself, making the set precedent irrelevant in her case.

References

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