When values are unknown: Navigating complex medical decisions with professional guardians

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Case Description

A 60-year-old woman with a history of cerebral palsy, hiatal hernia involving the stomach and colon, dysphagia requiring jejunostomy tube placement, and severe malnutrition was transferred from an outside hospital for surgical hernia repair. The patient lacked decision-making capacity. She had no known family involvement and had a court-appointed professional guardian. She had multiple prior attempts at feeding tube procedures and a complicated exploratory laparotomy at the outside hospital and was still not tolerating tube feeds. Surgery determined that hernia repair would be technically difficult and would require a significant post-op rehabilitation period. Palliative care and ethics were consulted to assist with decision-making. We gathered information about the patient’s life from people at her group home and learned about the risks and benefits from the surgical team’s perspective. We guided the surgical team to think through the benefits and burdens of the surgery and ultimately supported their conclusion that the surgery was not in the patient’s best interests. A clear recommendation not to proceed with the surgery was communicated to the guardian.

Legal Ambiguity

- Substituted judgment: based on the inferred values and preferences of a patient that comes from a personal relationship
- Best interests: what a “reasonable person” would choose if in the patient’s circumstances
- In most states, it is a myth that the law prohibits a guardian from making-end-of-life decisions.
- At the same time, few states explicitly permit a guardian to make end-of-life decisions.
- Case law is scant. However, when the Minnesota Supreme Court took up In re Guardianship of Tschumy, it supported a hospital’s petition to authorize the professional guardian of a schizophrenic man with anoxic brain injury to remove life support because it was in the ward’s best interest.

Bibliography


http://www.husson.edu (Principles of Ethics illustration)