

Is the scientific basis of wakefulness sufficient to guide Neurosurgical management in the care of patients in a persistent vegetative state in Hong Kong? A medico-legal analysis

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A.C.		/i
A	[HOUSE OF LORDS]	
	AIREDALE N.H.S. TRUST RESPONDEN	
	AND	
	BLAND APPELLAN	
B	1992 Nov. 12, 13; 19	Sir Stephen Brown
	1992 Dec. 1, 2, 3; 9	Sir Thomas Bingham M.R Butler-Sloss and Hoffmann L.J
	1992 Dec. 14, 15, 16;	Lord Keith of Kinke
	1993 Feb. 4	Lord Goff of Chieveley, Lord Lowr Lord Browne-Wilkinson and Lord Must
C	<i>Medical Practitioner—Medical treatment—Withdrawal of feeding—Patient in persistent vegetative state—Maintenance of life by artificial feeding—Whether medical treatment—Whether withdrawal of artificial feeding lawful</i>	



Objective:

- Conflicts and misunderstanding between the clinical team and the family of a 50-year-old women in persistent vegetative state from a severe brain insult arose for her treatment plan
- A mitigation strategy was proposed

Method:

- A retrospective case analysis of a patient admitted to PYNEH for ischemic stroke. Medical record was analyzed.

Result:

- The case illustrated the difficulties in the management of neurosurgical patients in PVS
- Conflicts arose between the patient's family members who invoked their rights as surrogate decision makers and the clinical care providers who justified their actions based on the established clinical evidence and precedents from case law.
- While the resolution is consistent with the common law, MCHK guidance and the UK

statute (Mental Capacity Act 2005), the patient's family remained dissatisfied.

- That dissatisfaction may negatively affect their future interactions with the healthcare system.

Conclusion:

- While there is general agreement on the clinical definition of PVS among neurosurgeons in HK, more scientific evidence is emerging which may affect the management in a medico-legal context.
- The patient's family advocates for the patient's best self-interest; but clinicians must act in compliance with objective standards.
- The gap lies between the cultural and traditional expectations, and the clinical and scientific understanding of the injured brain.
- The HK society as a stakeholder must weigh the cost of futile care for a few against the benefit of financing care for the many to bring about improvement in the quality of life for all.