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Brain-Dead Florida Girl Will Be Sent Home on Life Support

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A 13-year-old girl who doctors say is brain dead will be sent home on life support in the custody of her parents, who insist that she is alive, hospital officials in Sarasota said today.

The teen-ager, Teresa Hamilton, has been the focus of a conflict between doctors who want to remove life support equipment, as accepted medical practice dictates, and her parents, who contend that she can recover.

Doctors at Sarasota Memorial Hospital may discharge her as early as this weekend. The doctors announced their decision after meeting on Thursday with the girl's parents, Frederick and Sharon Hamilton, and their lawyer. Under the agreement, Teresa would remain on life support equipment at home at the hospital's expense. A Severe Diabetic

Teresa was admitted on Jan. 7 with what her parents said were flu symptoms. But the girl, a severe diabetic, soon lapsed into unconsciousness. Brain scans showed no activity and other tests showed no blood flow to her brain. Less than a week after her admission, doctors began recommending that life support be curtailed, and the hospital began gathering medical findings required for a legal determination of brain death in Florida.

But Teresa's family demanded that life support continue. Mr. Hamilton said in an interview that Teresa was responding to her parents' voices and that he believed that her brain was merely resting while her body healed.

Mr. Hamilton, an unemployed oil engineer who migrated to Florida from Scotland, said the family had been contacted by many people who recovered after being declared brain-dead and who urged them not to lose hope. No State Interest

Lawyers for the hospital said that the state law governing a finding of brain death clearly supported the hospital's position on Teresa. However, they said, a recent decision by Florida's Supreme Court has clouded the issue by requiring hospitals to ask the local State Attorney to arbitrate conflicts between "acceptable medical treatment and the patient's wishes."

The Sarasota County State Attorney, Earl Moreland, said on Wednesday that the state's interests were not involved and that doctors would not be held criminally liable if Teresa's care was terminated. Florida law says a patient on life support can be declared brain dead "where there is irreversible cessation of the functioning of the entire brain, including the brain stem."

Dr. Arthur Caplan, a bioethicist at the Center for Biomedical Ethics at the University of Minnesota and a member of the White House health care task force, found the Hamilton case disturbing. "If the legal system has brought us to the point where Florida doctors can't discontinue life support from a person who is dead, then it's no longer doctors whom we could accuse of playing God but judges and lawyers," Dr. Caplan said in a telephone interview.

"The decisions about when someone is dead are not for the State of Florida to make; it's for a doctor to make," Dr. Caplan said.

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Doctors and medical ethicists familiar with Florida law say the hospital is not required to continue care after a finding of brain death has been made. While notifying a patient's relatives is required, their consent is not.

"There are only two states you can be: alive or dead," said George Annas director of the law, medicine and ethics program at Boston University Schools of Medicine and Public Health. "The law says you're dead when the doctor says you're dead."

Dr. Caplan said the Hamilton case set a bad example. "I find it incredible and mind-boggling that we are talking about rationing health care as part of health reform and at the same time we have a person that is dead that we can't stop treating," he said.

The Hamiltons' insurance ran out "long ago," said a hospital spokesman, Mike Vizvary. But he said the hospital would continue to pay for Teresa's care even after she is taken home because her parents want her home "and the nursing staff is wrung out."

The Hamiltons are also pleased with the hospital's decision. Mr. Hamilton said last week that he had felt all along that Teresa "will tell us when she's given up the fight for it."

"When we get the wee one home where she is comfortable, then there will be a story," he said.

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