## Patient Rights: Case Study – DAX

            Many research articles about the patients’ rights have often used terms like "a good death", "physician-assisted suicide", "mercy killing", and "assistance in dying" to explain the concept of euthanasia. In this relation, Dax Cowart's demand to die provides a hard choice and difficult case that either establishes or destroys theories about what is correct, best, or honest about the patient’s rights. Difficult cases in ethics are propagated by rude realities, confusing feelings and varied standpoints. Whereas, physicians, researchers or academic writers may use different terms or phrases to describe "a good death", they have failed to precisely inform the public that unintentional euthanasia is nothing but an act of murder.

            Dax Cowart continued with his normal life without any physical challenge until the propane gas explosion harshly injured and handicapped him forcing him into hospitalization. On various occasions when he was being taken to the hospital, Cowart was determined to die by requesting the farmer who came to his rescue to give him a gun to end his life outright or delay the ambulance so that he would not be taken to the hospital. His instincts were clear that he wanted to die, but not to experience a long and painful experience at the hospital. Upon arriving at the hospital, he never gave up his quest and asked the nurse to give him an injection that would end his life.  Nobody paid attention to his sentiments including the doctors and his mother. Contrary, his mother signed a consent form for surgery which the doctors honored and performed surgery to him (Munson, 2008).  Dax protest never ended after the surgery, but throughout the rehabilitation process he always pleaded to be killed. After he got better from the rehabilitation process, Cowart claimed that the major reason why he wished to die was because the pain during the rehabilitation process was unbearable. Interestingly, the fact that the process gave him another chance to enjoy life, Cow art still argues that it is the right of every person to decide and choose what can be done to his or her body. Here, he emphasizes on the fact that patients rights are autonomous and, therefore, should never be compromised because the ideal decision is that which is given by the patient on what ought to be done on his body (Kliever, 1989).

            The case of Cowart has revealed that the doctors ignored giving him pain relieving medication that would have subsequently reduced his quest to die because of pain. Nonetheless, this medication would have reduced the opinion held by Dax regarding patient rights because it would have satisfied his desire of what should be done to his body (Pence, 2008) Based on the real citation on the ground, Cowart perceived the stand about patient’s rights can be refuted. Firstly, consider the fact that he was brought to the hospital by ambulance in a very critical condition. Therefore, following the ethical point of view regarding their profession, the doctors had no other opportunity than doing what they had been trained to do to save Dax life. The ethical dilemma here is whether indeed doctors should just consider the side of saving life alone or visa-a-vis. On the contrary, the medical training is aimed at nothing but saving life. Therefore, doctors cannot be blamed for performing their ethical duty as required. This gives the doctors a clean bill of ethical action because they were doing the correct thing especially when some other patients in similar condition as that of Dax have recovered successfully (Kliever, 1989).

            In another perception, the patients present themselves to the doctors; not the doctors to patient. In such scenario, it implies that the patients give autonomy to the doctor for his important role when they are in that condition. On an ethical point of view, the doctor is required in consultation with the patient present what the remedy should be and what is his opinion about the same. This gives the patient an opportunity to either agree or disagree with what is presented by patient. However, the doctor has an extended obligation to assess why the patient holds that view and give room for further consultations on any suggestion presented on medical grounds. In the case of Dax, this was not the case because Dax was never given any humble time to deliberate ion his decision which was simply a painful condition (Munson, 2008).

            In the position of a judge, I would allow people in a similar condition like that of Dax to die. My decision is informed by the manner in which people perceive death as either bad or good, but it ought to be based on the prevailing condition. During that time when Cowart was requesting for death, his opinion about death was that it was not bad, but rather just a process that would relieve him of the unbearable pain. On the other side, the doctors have the right to treat him if they perceive death as a bad thing especially if there is a possibility for a good life. Although, I would guarantee the patient to die, the issues of doctors acting paternalistically or total sovereignty of the patient's plea are hazardous because they pave the way for mistakes and mistreatments (Pence, 2008). Therefore, the best time to allow the patient to die would be after considering the presentation of an informed and voluntary consent. This should be done by allowing the doctor to hold an extensive discussion with the patient. Lastly, the method the death should be given should be based on the correct act and the consequence of the method used.

            The ideology provided in ethical issues, in the modern world is to emphasize on the right action that will provide a control that we can refer what we do, that which we must do and that which we should not attempt at doing. The principles of ethical issues are not acquired through pursuing of natural science although it presents a significant basis to answer the ethical questions that arise in the society. Therefore, a critical ethical reflection should consider what actions we are doing and how does this actions affect our being. In this regard, ethical criticism of scientific research has pointed on the moral issues of the discoveries, but it has consistently failed to give credit to the useful use of then findings.

            The extensive inquiry into the research about the human embryonic stem cell was revealed in November of 1998.  In the findings, the researchers claimed that they were successful in isolating and culturing the human embryonic stem cells. Immediately after the findings were made public there were a lot of passionate and inexorable debates regarding the findings with a section of the human population supporting the idea and another opposing it altogether. The findings in the stem cell research provide an important understanding of the human mechanisms like development and differentiation. According to the Committee on the Biological and Biomedical Applications of Stem Cell Research (2002) this is significant progress to discover the treatment of diseases like; diabetes, spinal cord injury, Alzheimer’s disease, Parkinson’s disease, heart disease and myocardial infarction. It was discovered that the Pluripotent stem cells segregate themselves in a culture and can separate into all manner of specialized cells that are very useful during the transplantations.

            This research finding should be analyzed in two ways consisting of the benefits and the consequences of the stem cell research. Those opposing the research base their arguments on two main issues: the ethical status of the human embryo and the possible medical treatment that would result from the research. Since the process leads to the destruction of the embryo, it follows, therefore, that this procedure lowers the human dignity. Further, the fact that human life is attached to these organs it means that, through the stem cell research, some possible life is denied. Therefore, allowing the research to continue is actually permitting an immoral activity to humiliate the dignity of the human life. The moral issues about the research are based on the finding that the embryo should be accorded special consideration because it cats as an early form of human life. In this regard, the human life of any person should be given the same respects as that of the embryo. Secondly, this research is opposed because it’s real capability of providing a therapeutic promise. It is still speculated that it can be able to treat the various diseases and relieve people from the suffering. Although they present a way of providing treatment, the stem cell research offers an avenue for tying human beings is a continuing process looking for ways reducing human suffering. Descartes claims "the conservation of health...is without a doubt the primary good and the foundation of all other goods of this life” (Descartes, 2007). Here, the health benefits of the research elaborate on the importance of pursuing the research at all cost neglecting its ethical implications.

            The proponents of this research give two major reasons based on the moral status of the embryo and the therapeutic possibility of the research.  These groups of people argue that the embryo is just a “clump of cells,” that has not fully differentiated into a fully structured human being (Gazzaniga, 2006). Here, the argument is enshrined on the fact that the embryo cannot survive on its own because it lacks limbs, the nervous system, nerves or bones. Thus, any moral subjection should be applied where such an individual is able to posses the above features, but the embryo does not. On the heath ground, the research offers a possible breakthrough for treating several diseases because the Pluripotent stem cells were discovered to be able segregate themselves in a culture and separate into all manner of specialized cells that are very useful during the transplantations. Here, diseases like; diabetes, spinal cord injury, Alzheimer’s disease, Parkinson’s disease, heart disease and myocardial infarction can be treated. Thus, this research should be supported.

            I am against the notion that the human embryonic stem cell is morally wrong. The major moral issue in the research is the procuring process for the embryo that involves the destruction of the embryo. However, there are other factors that can destroy the embryo which are not related to the stem cell research. However, there should be consent when sourcing for the embryo so that no individual is offended. Additionally, the embryo is just a composition of cells that undergoing differentiation and moral issues can only be applied to human beings. The unused embryo should that which the donor is not willing to donate. This is based on the fact that through obtaining the embryo without the consent of the donor his moral dignity is compromised.

            Researchers should not use the tax payer’s money fund research activities that are surrounded by moral issues. This is because it will translate into ethical issues because it will be going against the will of some of the people. Instead, the sources of the funds should be from non government’s organizations that support the research. Here, nobody will feel offended because their interests are left intact. Denying the funding will not end the research activity because there is always a section of the population that will support it. Using the tax payer’s money will mean misusing the funds because it does not reflect what is required by the tax payers. Therefore, even if there is censorship of the research, they should source their funding elsewhere and ensure that the research makes a progress.

            The legal system in the world has been on the run to grant individuals the rights and freedom of control the medical interventions that can be carried out on their bodies. This has posed a fierce debate about life and death especially focusing on the role of the courts in making integrated life decisions and medical interventions for the people with disabilities. However, what the legal system has failed is to provide purposeful information and comprehending these issues that would offer the individual the basis of significant discussions within the society because people hold divergent views in any particular set up.

            The revelations about life and death demonstrated in the case of Terri Schiavo have triggered a lot of debate on the role of courts in life decisions. Through this case, all individuals in a society have been bound by the responsibility of making informed judgments regarding maintaining or removing life-sustaining treatment (Shepherd, 2009). This case highlighted unfortunate findings on how the judges do not understand the medical condition yet they are supposed to give their ruling based on their understanding of these conditions. For example, in this particular case, there was several misunderstanding of the different types of brain injuries. The court described Mrs. Schiavo at definite times as comatose, brain-dead, vegetative, minimally conscious, locked in, and disabled. All this terms were equally restricted conditions that delivered dissenting information throughout the society, with the physician failing to provide a clear understanding pointing on an ethical issue in medicine. Absolute and precise medical treatment judgments can only be possible if there is sound understanding of the appropriate clinical medicine.

            The ethical principles that were breached in this [particular case were the right-to-die and the right people with disabilities. The Schiavo case involved a settled law, as opposed to establishing new legislative ground on which the right-to-die issue can be handled (Didion, 2005).  This principle was breached because the case involved family members who opposed Schiavo's wishes in that condition. According to medical ethicist Stonecipher (2006) "The movement to challenge the decisions made for Terri Schiavo threatened to destabilize end-of-life law that had developed over the last quarter of the 20th century, principally through the cases of Karen Ann Quinlan and Nancy Cruzan." Schiavo was denied her right based on a 1990 Florida case, Guardianship of Estelle Browning (Stonecipher, 2006). The court in this case ruled that Browning had "the constitutional right to choose or refuse medical treatment and that right extends to all relevant decisions concerning one's health." This was not applied in Schiavo case. The principle of disability rights was also breached because never considered the submissions of the disability rights groups who had enjoined the case and strongly opposed the removal of Schiavo's feeding tube. Thus, although the claim presented by this particular group was very important, the interpretation of the law of the various terms never considered this ethical principle.

            There was no evidence provided by Judge Greer to determine Terri Schiavo’s wishes in the absence of a written living will. Mere interpretation of the medical terms and clinical medicine does not pass a clean bill of health if it goes against the will of the patient. In this case, whatever, evidence provided by the judge could not automatically reflect on the position of Schiavo. This is because the only accurate wish could have been presented by Schiavo herself through the living will.

            It is true that there was a conflict of interest with the guardianship in this particular case. At the time of her illness, his husband had an affair with Jodi Centonze that had led to delivery of their first child. Michael Schiavo had defied divorcing Terri because he wanted to ensure her wish is observed. The ethical issue arises on the fact that Schindlers challenged the guardianship on the basis that "after it was clear that she was not 'terminal' within Medicare guidelines" this is conflicting because whereas the court denied the motion for the guardianship, his husband had started another relationship (Didion, 2005). Here, it would only be ethical if he divorced to end the guardianship. This automatically influenced the decision of the court because it denied the relevance of other groups enjoined in the case.

            There was an ethical issue surrounding the federal government because through its legislative arms it had failed to stir up. The congress is part of the legislature and should have played a role in this particular case. Thus, this process should be a political case because it is very sensitive the life of individuals. Secondly, the controversy surrounding the whole judgment would only be solved if indeed the whole process takes political dimensions. This is because the dissenting view of the majority will be considered in the future cases.

             The feeding tube should have been removed in this particular Terri Schiavo case because this would represent her wish. In any matter that reflects on the life decisions that should be carried out to an individual, it is ethically right to present the position of the patient, sometimes, decisions based on clinical medication would only serve to worsen the situation. Also, the basis of the ruling was faulted because it relied on the interpretation of the conditions Schiavo was facing. A substantive judgment would have considered her wish because it was a determination of a decision regarding her life. On this basis, the ruling would only be fair if it considered her wish and this was to remove the feeding tube. Therefore, it is important for all parties to be enjoined and a decision that will consider all the submissions made.

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