

James L. Holly, M.D.

The Most Critical Issue in Healthcare Is Communication

Effective, Patient-Centered, Communication Between Healthcare Providers and Patients.

PRESS RELEASE BY FAMILY AND ATTORNEY – A PHYSICIAN COMES TO THE RESCUE

August 12, 2006

TEXAS ADVANCE DIRECTIVES BLOG -- "WOE UNTO THEM THAT CALL EVIL GOOD, AND GOOD EVIL; THAT PUT DARKNESS FOR LIGHT, AND LIGHT FOR DARKNESS; THAT PUT BITTER FOR SWEET, AND SWEET FOR BITTER!" ISAIAH 5:20 –

A Physician Comes to the Rescue: Life 1; Futile Care Theory 0

Last week, I got a call from the son of a hospital patient located in Beaumont, Texas. His mother, _____, had been subjected to the futile care protocols of the hospital. She suffered from _____ that had gone undiagnosed, twice, at the emergency room of a different hospital.

The family member called me on Tuesday or Wednesday prior to the deadline of that coming Saturday. It is fortunate that I once practiced in Beaumont. I called my good attorney friend, _____, who practices there. He and his associate, _____, sprang into action and obtained a Temporary Restraining Order against the hospital. Here is the story.

Prior to and at the futility review, the family had been told that there was no objective evidence of brain damage or brain death. The family was aghast at the idea of withdrawing support under such circumstances. Further, they thought that she was responsive to them.

Before ___ and _____ got the Temporary Restraining Order, it was discovered that the people who were supposed to be helping with a transfer during the ten day period prior to withdrawal had left town or were unavailable. The hospital case manager had a personal emergency and told the son that he would have to find another transfer himself. The treating physician went out of town on vacation.

The son called the physician who was covering to ask about his mother's treatment prior to withdrawal. Under the Texas futile care statute, the treatment is to continue until the ten day period is up. The son was concerned about keeping the mother stable until a transfer could be arranged. Had his mother become sicker during that period, it would have made a transfer even more difficult.

That physician told the son that she had not looked at the chart, that she didn't have time to look at the chart and that she would not look at the chart. She told him that his mother was brain dead and that he should just let her go as she was a burden to society. The TRO was obtained the day she made those statements and it ordered that the hospital and doctor were to give all treatments necessary to preserve life.

It is fortunate that the attorneys in Beaumont, _____ and _____, knew a pro-life physician, Dr. James L. Holly. Dr. Holly agreed to take over the case.

Dr. Holly spent his Saturday at the hospital. He read the complete chart. He assessed the patient, and also thought that she was responsive. However, he noted that a blood flow study had not been done to determine if blood was reaching Mrs. _____'s brain. He asked the family for permission to give the test.

Unfortunately, the test showed that there was no blood flow to the brain. The test confirmed brain death. Dr. Holly, that same day, met with the family for almost two hours explaining things fully, answering all their questions and praying with them for the wisdom and guidance of God. He left the decision concerning continued treatment with the family.

Given that brain death had occurred, the family elected to withdraw life-sustaining treatment. On Sunday, the family went to church and then met Dr. Holly at the hospital at 2 pm. They prayed with Dr. Holly, said their goodbyes and then support was withdrawn and Mrs. _____ passed.

The family's press release is below:

Press Release

The Family of Mrs. _____ thanks Dr. James L. Holly for agreeing to assume the care of Mrs. _____ on Saturday, August 5, 2006. Since taking the case, Dr. Holly has treated Mrs. - _____ and her family with compassion and dignity.

Dr. Holly took the time to read the complete record, thoroughly assess Mrs. _____ and to order a diagnostic test to determine if Mrs. _____ is receiving blood flow to the brain, a test which had not been performed by the other physicians. After receiving the results of the test, Dr. Holly gathered the family and explained that the results show that Mrs. _____'s brain is no longer receiving blood flow.

Dr. Holly spent almost two hours, answering the family's questions and thoroughly explaining the situation. During the meeting, he showed great respect and sympathy for the feelings of the family. He joined with the family in prayer, helping us ask for the wisdom and guidance of God.

Prior to Dr. Holly's assumption of the care of Mrs. _____, the family had received only the subjective opinions of the other physicians regarding her condition. The family, because of its moral values and religious convictions, could not in good conscience justify allowing the hospital or prior treating physicians to remove life support based on the subjective opinions of the health care professionals. The family believes that human life is too precious and blessed by God to trust only human opinion regarding ending it, no matter how educated that opinion is.

The family now believes that it has sufficient, objective, information to make an appropriate decision regarding Mrs. _____'s future. After much reflection, discussion and prayer, the family decided to allow Dr. Holly to remove life support so that our beloved mother, sister and family member could depart this Earth and join our Father in Heaven.

Today, Sunday, August 06, 2006, the family gathered around Mrs. _____'s bedside to say goodbye. Dr. Holly joined us there so that he could personally order and monitor the removal of life support. He kindly stayed as Mrs. _____ passed. Mrs. _____ passed away this afternoon.

We ask God to bless Dr. James L. Holly for helping us make this difficult and painful decision, and for personally being there to support and comfort the family as Mrs. _____ departed on her final journey to join God in Heaven.

The Family of Mrs. _____

Date: August 6, 2006

This is how physician's should practice. But, because this law gives a trigger for a "drop dead" deadline to the doctor and hospital, they can dispense with the niceties of objective testing, giving full information and treating the family with compassion and dignity. They don't have to make an acceptable case for withdrawal of treatment. They pull the trigger and then it is up to the family to push the issue of transfer, find other doctors and retain lawyers--all within a short 10 day period.

The law is barbaric.

Thank God for lawyers like _____ and _____. Thank God for Doctors like Dr. James L. Holly. They deserve our profound gratitude.