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Covid-19: Second judge says that “most complex covid patient in the world” should be allowed to die

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A 56 year old woman described by doctors as “the most complex covid patient in the world” should have ventilation withdrawn and be allowed to die, a second High Court judge has ruled after her family successfully appealed against the original decision.

The burdens of the treatment, including painful suctioning every two to three hours, outweigh the benefits of her life, Mrs Justice Theis concluded.

The patient, referred to as AH, is in a minimally conscious state. Diagnosed with covid-19 a year ago, she suffered a cytokine or autoimmune storm causing extensive and devastating damage to her nerves, muscles, and brain. She is paralysed from the neck down, unable to speak, tube fed, and doubly incontinent, and has been on mechanical ventilation since last January.

By June, doctors treating her at Addenbrooke’s Hospital had concluded that ventilation was no longer in her best interests. But her children disagreed, arguing that she still derived pleasure from family visits and as a devout Muslim would want to be kept alive.

Cambridge University Hospitals NHS Foundation Trust took the case to the High Court and Mr Justice Hayden agreed in September that ventilation was no longer in AH’s best interests.¹ But her family appealed.

The Court of Appeal overturned Hayden’s judgment on the ground that there were procedural irregularities in his visit to AH in hospital,² and the case was sent to Theis for rehearing.

She heard evidence from Christopher Danbury, a consultant intensive care physician and expert witness for the Official Solicitor, who told the court, “AH gets pleasure from family, but there will be no change to her overall experience which is slanted towards distressing rather than pleasurable. Based on my experience she has no prospect of leaving intensive care and I think she will get less pleasure and have the continuing torment of the interventions.”

A nurse caring for AH described what happens when she is distressed as “anguish in her face like a scream, a silent scream, her eyes look frightened and scared, she squints her eyes, there are occasional tears but no sound.”

The judge said she had reached the conclusion that “the very real burdens in the particular circumstances AH is in, with the prospect of no change and more probably a continued deterioration which may last many months of treatment, with the risk of an infection and dying away from her family,” outweighed the benefits, such as continuing to see her family. She added, “If she is going to die her wishes are more likely to be that she would wish to do so with her family present.”

¹ Dyer C. Covid-19: “Most complex patient in the world” should have ventilation withdrawn. *BMJ* 2021;374:n2193. doi: 10.1136/bmj.n2193 pmid: 34493529

² Dyer C. Treatment withdrawal: judges to get advice about visiting patients after decision on covid patient is overturned. *BMJ* 2021;375:n2939. doi: 10.1136/bmj.n2939 pmid: 34844949

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