

Court Stops Hospital From Pulling Plug on 9-Month-Old Baby Against Her Mother's Will

By Steven Ertelt, Nov 11, 2019 | 10:47AM Fort Worth, Texas

A Texas court has stepped in to stop a Fort Worth hospital from pulling the plug on a 9-month-old baby without her mother's consent.

Cook Children's Fort Worth was slated to pull the plug on 9-month-old Tinslee Lewis against her mother's will on Sunday. But pro-life advocates helped Tinslee's mother fight for her in court.

Baby Tinslee is a 9-month-old girl with congenital heart disease and is breathing with the assistance of a ventilator. She is sedated but conscious. Cook Children's Fort Worth Hospital informed Tinslee's mother, Trinity, on October 31 that they would pull the plug on her daughter against her directive in 10 days, scheduling her to die on Sunday.

According to Texas Right to Life, the hospital committee cited no physical health reason for their decision to seize Tinslee's ventilator against her mother's will but instead cited their own "quality of life" judgments.

Baby Tinslee's mother was in a race against the clock this weekend to save her daughter. Texas Right to Life provided a lawyer to defend the patient after the family contacted us for help, but the Texas 10-Day Rule legally allows this form of euthanasia.

[The 10-Day Rule is a provision in the Texas Advance Directives Act](#) (Chapter 166.046 of the Texas Health & Safety Code) that allows a hospital ethics committee to withdraw basic life-sustaining care, like a ventilator or dialysis, from a patient against his expressed will, his advance directive, or the instruction of his surrogate decision-maker. Ten days after informing the patient or surrogate of the committee's decision, the hospital can remove basic life-sustaining care from a patient.

Committees can withdraw care for any reason and the patient cannot appeal the decision. Even if the patient is conscious, coherent, and actively requests to stay alive, the 10-Day-Rule allows the hospital to overrule the patient's will.

Thankfully, a court has stepped in to grant Tinslee and her mother more time.

The controversial 10-day rule essentially allows hospitals to euthanize patients after a 10-day notification. Attorney Wesley Smith, a noted writer and author on end of life issues, testified in favor of the legislation. [During his testimony he broke down the problems with the 10-day rule:](#)

In Texas, patient autonomy is essentially a one-way street. Here, if a doctor disagrees with the patient's decision to maintain life—and the patient or family refuses to permit the life-extending treatment to be withdrawn—the doctor can take the controversy to the hospital bioethics committee for a quasi-judicial hearing and binding ultimate ruling.

If the committee agrees with the doctor, the patient or family has only 10-days within which to find an alternative source of treatment and arrange a transfer. If they can't, the life-extending treatment can be terminated over the patient or surrogate's objection—meaning the patient will be forced into a death at a time when life could have been maintained.

To fully comprehend the unjust nature of Texas law in this regard, realize that these "futile care" or "inappropriate care" decisions do not terminate treatment because it won't work, but because it does. *It is keeping the patient alive when the doctor/bioethics committee thinks the patient should die.*

This isn't an objective medical determination, but a subjective value judgment. And given the subjective nature of such decision making—which involves the question of whether the amount of suffering the intervention may cause outweighs the desire to maintain life—the law should give the ultimate power to decide such questions to patients, families, and duly appointed surrogates who know the patient most intimately, not to bioethics committee members who are strangers to the patient.

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