

# THE HALO VOICE

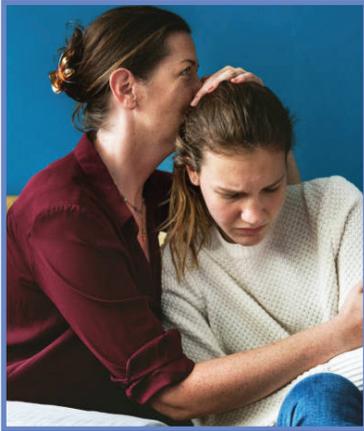
A Voice for The Medically Vulnerable

Vol. 3, Issue 2

Spring 2022

## REFORMED INSURANCE LAW RESULTS IN DESPAIR AND DEATH

By Ron Panzer



*A recent call to the HALO Helpline opened our eyes to an issue we have not addressed previously. The caller was a woman in Michigan. Her daughter had been severely injured in a car accident and had received benefits and home care – paid for by auto insurance –*

*for years. Suddenly, these benefits were cut off due to a change in the law. The caller was desperate. She no longer had money to care for her daughter and was in danger of losing their home.*

*I contacted a friend, Ron Panzer, a home care provider in Michigan, to learn more about the law's impact and asked him to author this article. Legislators don't seem to realize how their votes impact the lives of real people, as Ron makes painfully clear. – Julie Grimstad*

I was downtown in Grand Rapids, Michigan during its Art Prize Festival this past summer. Some state representatives were there speaking with a woman who had a display about the disabled and how they have real lives. I spoke with these lawmakers, explaining that I have worked in home health care for over two decades and they had destroyed a sizable portion of the Michigan home care industry overnight!

You might wonder how this is even possible. It started with auto insurance industry lobbyists and politicians who “sold” the people on the idea of reducing their auto insurance premiums. While Michigan had high auto insurance rates, we also had some of the best home care for injured people who needed it. Although the reformed law gave people some reduction in auto insurance premiums, the insurance companies reaped the greater benefit. By reducing what they pay home



## SAVE THE DATE!

for Dr. Heidi Kleszig's  
**Straight Talk about  
Organ Donation**  
**May 25th - 6:30pm**  
**St. Raphael in Crystal, MN**  
**See our website for more info!**

care agencies by 45% and making other reductions, their profits increased.

Michigan residents don't realize how disastrous this change will be. If they ever need home care, those services won't be available.

Over 3,000 nurses like me have lost their jobs and many agencies have closed their doors because auto insurance pays for a substantial number of patients' care at home. Patients who are not auto accident victims, who might have various disabling illnesses, have also lost care because just a few agencies remain, and they are struggling to stay in business.

## People don't think they will ever need nursing care – until they do.

You may think this is not your concern. People don't think they will ever need home nursing care until they do. I've seen and cared for people from all walks of life, from all sorts of jobs or careers, from the wealthiest to the poorest, whose lives were turned upside down. In an instant, an accident can change anyone from someone just living their life into a patient.

For decades before the 2019 Auto Insurance No

*(continued on pg. 4)*

### IN THIS ISSUE

Dobbs Offers Lessons for  
the Brain Death Debate  
page 2

HALO's Updated Website  
page 3

A Life Saved - Tinslee Goes Home!  
page 3

# DOBBS OFFERS LESSONS FOR THE BRAIN DEATH DEBATE

By Dr. Joseph M. Eble

**Did You Know? An estimated 42 people are declared brain dead throughout the U.S. every day.\***

\*Jonah McKeown, "What Every Catholic Should Know About Brain Death", National Catholic Register, April 22, 2021

**COMMENTARY:** Medical knowledge advances and our laws must change accordingly.

The Supreme Court case *Dobbs v. Jackson Women's Health Organization* will determine whether the 1973 Court decision *Roe v. Wade*, which allows for unrestricted abortion, will remain standing.

*Roe* is being reassessed, in part, because advances in medical technology have made the age of viability younger and allowed more detailed visualization of unborn life in the womb. The issue of abortion is not, however, the only issue pertaining to life and death which merits reassessment.

Last month, during oral argument for *Dobbs*, U.S. Supreme Court Justice Sonia Sotomayor called attention to the issue of brain death. Beginning with the premise that brain death is valid, she sought to undermine the claim that a fetus is worthy of protection under the law. This raises the question: Is, in fact, a declaration of brain death valid?

The concept of brain death was introduced in 1968 by an influential Harvard Medical School committee, which defined "irreversible coma as a new criterion for death," disregarding the fact that to be in a coma is not to be dead but alive.

In 1981 an authoritative federal bioethics commission approved the Uniform Determination of Death Act (UDDA) to serve as model legislation for state lawmakers. The UDDA says that a person can be legally declared dead in one of two ways: either the traditional way, in which circulation and respiration stop followed by cessation of all signs of life, or a new way called "brain death." All 50 states have adopted the UDDA, albeit with slight variations.

In contrast to laws pertaining to the beginning of life, laws pertaining to the end of life were passed without fanfare — in fact, few people today know that the definition of death changed 54 years ago.

Since brain death was introduced, compelling evidence has been compiled that the notion of brain death does not correspond to medical reality. In other

words, a brain-dead patient is not, in fact, dead.

Recently a pig kidney was attached to a brain-dead patient and "functioned normally." *The New York Times* hailed this achievement with an article titled, "In a First, Surgeons Attached a Pig Kidney to a Human, and It Worked." This action raises serious bioethical questions about the morality of using brain-dead patients to test organ transplants from animals. However, the more fundamental question remains: If a brain-dead patient were truly dead, how could a transplanted kidney function normally? In other words, if a brain-dead patient were actually a corpse, a more appropriate title for the article would be, "In a First, Surgeons Attached a Pig Kidney to a Dead Body, and It Worked." That would have been a true medical miracle!

Moreover, there is a growing number of cases which demonstrate we cannot accurately diagnose brain death in the first place. The case of Jahi McMath, who was declared brain dead in 2013 at the age of 13, received substantial media attention. After being assigned a death certificate by the state of California in December 2013 following a declaration of brain death, Jahi lived another four and a half years before "dying again" in New Jersey. Medical evidence is conclusive that Jahi was never actually brain dead.

Earlier this year, a group of 107 experts on the issue of brain death signed a joint Statement published in *The Journal of Medicine and Philosophy*. The modest proposal was made that persons deserve a right to informed consent with regard to a declaration of brain death and that conscience protection safeguards should be in place for those who do not accept brain death criteria.

Medicine is not a static science. Our laws should reflect the most current medical knowledge. Just as society is rightly reassessing abortion in this light, so also should we reassess the validity of a declaration of brain death.

*This editorial piece was originally published in the National Catholic Register, January 13, 2022.*

**About the author:** Joseph M. Eble, MD, is the president of the Tulsa Guild of the Catholic Medical Association and a managing partner of Fidelis Radiology. Subjects about which he is passionate include brain death, adoption and building bridges between persons of different ethnicity. Dr. Eble's publications include "Brain Death: What Catholics Should Know", co-authored with Dr. Doyen Nguyen. He may be reached at [eblej@yahoo.com](mailto:eblej@yahoo.com).



## CHECK OUT HALO'S UPDATED WEBSITE

Have you visited HALO's website lately? If so, you will notice that the site has a new look and feel while also providing easier navigation. On the landing page, we have prominently displayed the HALO Helpline number (1-888-221-4256), made it easy for you to search by state to see which advance directive is recommended for residents of your state, and included an option to sign up for weekly e-Alerts and quarterly print newsletters.

If you scroll down the landing page, you will see that we organized our content into four key pillars:

- Education & Resources
- Life-affirming Healthcare
- Patient Advocacy
- Healthcare Issues

Across the top of the home page, we have also addressed most commonly asked questions.

- Where can I access HALO's newsletters? Note, with a couple of easy clicks, you can access current and past versions of our print newsletters and e-Alerts!
- What resources does HALO have? Check out our Resource category and you can access PDFs of all our print resources!
- What options are available for donating to HALO? Whether you want to give a one-time donation, sign up as a recurring donor, or are interested in legacy giving, we have you covered!
- How did HALO come about? Find the answer and more by visiting the About Us page.

HALO's beautiful and easy to navigate website was designed by Avé Fagan. She is a stay-at-home mom who has a passion for designing websites for prolife organizations. Do you need help refreshing your website or designing a new one? If so, contact Avé at [amfagan92@gmail.com](mailto:amfagan92@gmail.com) or 651.366.1887



## A LIFE SAVED TINSLEE LEWIS GOES HOME!

"Baby Tinslee's" fight for life started in November 2019 when a Texas hospital moved to end her life against her mother's wishes under the deadly Texas 10-Day Rule (see below). A court battle was waged with Tinslee's mother on one side and Cook

Children's Medical Center in Fort Worth on the other. Amid this fierce battle for Tinslee's life, HALO, along with other prolife organizations and individuals, was a signatory to an amicus brief that was submitted to the Supreme Court of Texas (SCOTX) on behalf of Tinslee and her family. SCOTX delivered a huge win by ruling to keep Tinslee on life support against the hospital's appeal to remove it.

HALO is proud to have fought for Tinslee's life. Today, Tinslee Lewis is a thriving, happy three-year-old who has been released from the hospital and is now living at home!

In the article, "Tinslee Lewis Beats the 10-Day Rule" posted on their website, Texas Right to Life notes, "Tinslee's success story shows that, in the absence of an anti-life countdown, families and hospitals can work together for the benefit of the patient. Yet, despite triumphs like Tinslee's, the 10-Day Rule is STILL LAW in Texas and is still destroying lives."

Please join HALO and Texas Right to Life in praying that the Texas 10-Day Rule is abolished!

### TEXAS 10-DAY RULE

The 10-Day Rule is a part of the Texas Advance Directives Act (§166.046). Basically, this "rule" allows a hospital ethics committee to decide to remove life-sustaining treatment from a patient against the patient's or family's wishes. The patient or patient's decision maker (usually family) is generally ill-equipped to defend their position. The committee follows with a written notice of its decision that life-sustaining treatment is "inappropriate." Receipt of this notice marks the start of a ten-day countdown. "The physician and the health care facility," states the law, "are not obligated to provide life-sustaining treatment after the 10th day after the written decision." Finding another facility that will honor the patient's/family's treatment wishes and transferring the patient—at the expense of the patient and/or family—are monumental tasks which often prove impossible within the ten-day window.

(continued from pg. 1)

Fault Reform law was passed, people injured in an auto accident would be taken by ambulance to the acute care hospital, stabilized, and, after a week or so, sent to the local rehabilitation hospital.

These patients may sustain spinal cord injuries, becoming paralyzed. Some depend on ventilators to breathe. Some sustain brain injuries as well. Amazingly, many who are catastrophically injured not only survive but recover many or all functions initially lost. I've witnessed brain injured people who lost the ability to stand, walk, talk, or do most anything at all. Initially placed in rooms with padded floors to protect them, they eventually recovered and went home. Some have even gone on to live completely independent lives. Such recoveries take a lot of work on the part of both patient and the team of health care professionals at the rehab hospital.

Tragically, many people are permanently changed and may not be able to live independently. In a complete spinal cord injury, some functions may never return. Medical scientists have been working to learn how to repair spinal injuries, but spinal cord scarring and other factors have prevented them from achieving that goal yet. This field is called "Neurological Rehabilitation" or Neuro Rehab for short. I have worked in hospice and as a visiting nurse for patients in the community, and for over two decades I've worked in Neuro Rehab home care taking care of patients who have gone through rehabilitation at the rehab hospital and now are living at home.

We also care for patients with medical conditions that impair normal mobility and the ability to perform what are called Activities of Daily Living (ADLs). ADLs are the things all of us do and take for granted until we can't do them. Home care staff provide total care for those who are so severely impaired they can't do any of these ADLs. In addition, we assist those who can do some of these ADLs with a little love and support.

Home care providers make it possible for those who have catastrophic injuries or suffer from various debilitating medical conditions to live at home rather than in a facility, continue rehabilitation, and live as full and productive lives as possible. In a facility, many of these patients don't live very long.

#### **Discharging patients to nursing homes results in many deaths.**

The 2019 No Fault Auto Insurance Reform Law

reductions in reimbursement to the home care agencies went into effect in July of 2021. As Michigan legislators were warned, it has destroyed most of the home care industry. Agencies that could not financially survive discharged their patients to nursing homes.

I know patients who were healthy at home, cared for by their families and home care staff for years. Transferred to nursing homes because of this reform law, they acquired bedsores due to neglect, infections, and then septic infection, and died. A significant percentage of patients who were living at home with their families died as a direct result of the reform law. Furthermore, this law has devastating consequences for patients' families. Introducing this article, Julie told of the desperate mother who called HALO. Surely her despair is shared by others in similar circumstances.

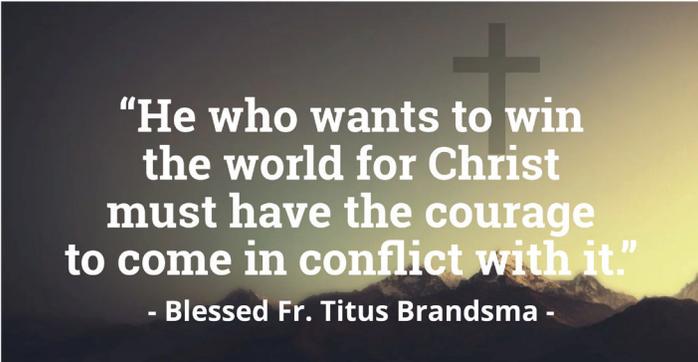
The people in Michigan do not realize how harmful this law is!

Yes, the law saves drivers money, but the injured will rue the day they supported this boon to the auto insurance industry and this disaster for home care agencies, staff, and the people who need care.

*About the author: Mr. Ron Panzer, B.A., LPN, a graduate of Syracuse University, is a nurse, patient advocate, and whistleblower who has exposed violations of the standards of care within hospice and other medical facilities and has served as a consultant on hospice for thousands of families, patients, and staff from all over our nation. Ron is the former President and founder of the Hospice Patients Alliance (now disbanded) but remains involved as a patient advocate and pro-life nurse.*

*Ron is the author of Stealth Euthanasia: Health Care Tyranny in America, Restoring the Culture of Life: (The Ethics of Life in Healthcare and Society), and Radical-Radical: Deception and the Culture of Death, as well as other books and articles.*

References are available from HALO by calling 1-888-221-HALO (4256), ext. 1 or visiting [www.halovoice.org](http://www.halovoice.org).



**"He who wants to win  
the world for Christ  
must have the courage  
to come in conflict with it."**

**- Blessed Fr. Titus Brandsma -**