



ST JOHNS
BUILDINGS
BARRISTERS CHAMBERS

A Local Health Board v AB [2015] EWCOP31

AB is a 34-year-old woman, with a learning disability, autism and some physical disabilities. She has been subject to detention under section 3 of the Mental Health Act since 6.5.14 suffering from episodes of psychosis. She has a lifelong fear of medical treatment, and in the past, many interventions, even for minor ailments, have failed due to her determination not to co-operate.

She was discovered, on a routine review of a septal heart defect, to have a 7cm aortic aneurism, linked to a defective valve. Surgery is recommended for all aneurisms, but once they reach 5.5 cm the risk of death increases dramatically. The treating consultant regarded AB as at imminent risk of rupture and death in the absence of surgical repair. The court-appointed expert agreed. Very few patients survive rupture. Death is often painful within a few minutes and even for the few who can be taken to hospital quickly, many die during or after surgery.

Even elective surgery carries some risk of death, but of equal importance in this case, AB would require ongoing lifelong treatment, including replacement of the valve every 8 - 10 years.

AB was resolutely opposed to surgery and all attempts to explain it to her were unsuccessful. She was asymptomatic, as is usual with aneurisms and simply could not understand that there was anything wrong. The procedure was complicated by the need for surgery for dental extractions about a week before the aortic repair; dental bacteria being the greatest source of infection for patients who will undergo heart surgery. AB was facing two operations under general anaesthetic, a week apart and was facing chemical and physical restraint to get her to theatre.

The court determined that she lacked capacity to make a decision about the treatment and gave authority for it to go ahead.

James Gatenby, April 2015