



U.S.

# Texas Woman Is Taken Off Life Support After Order

By MANNY FERNANDEZ JAN. 26, 2014

HOUSTON — A Fort Worth hospital that kept a pregnant, brain-dead woman on life support for two months followed a judge's order on Sunday and removed her from the machines, ending her family's legal fight to have her pronounced dead and to challenge a Texas law that prohibits medical officials from cutting off life support to a pregnant woman.

On Friday, a state district judge ordered John Peter Smith Hospital to remove the woman, Marlise Muñoz, from life-support machines by 5 p.m. on Monday. The judge ruled that the state law barring doctors from withdrawing "life-sustaining treatment" to pregnant women did not apply to Ms. Muñoz because she was brain-dead and therefore legally dead. The hospital had refused to honor the family's request to disconnect her, claiming that the law prevented them from doing so until they could perform a cesarean delivery.

But on Sunday, the hospital decided against appealing the judge's decision and announced that it would follow his ruling. The J.P.S. Health Network, which runs John Peter Smith Hospital as part of the taxpayer-financed county hospital district, said in a statement that the past several weeks had been difficult for both the family of Ms. Muñoz and her caregivers, but it defended its handling of the case.

"J.P.S. Health Network has followed what we believed were the demands of a state statute," said a spokeswoman, Jill Labbe. "From the onset, J.P.S. has said its role was not to make nor contest law but to follow it."

At roughly the same time, about 11:30 a.m., Ms. Muñoz was disconnected

from the machines as her family gathered at her bedside in the hospital's I.C.U. Her body was released to her husband, Erick Muñoz, the family's lawyers and a relative said.

Mr. Muñoz, 26, a firefighter in a town near Fort Worth, had found his wife on the kitchen floor in late November after she suffered an apparent blood clot in her lungs. He, as well as his wife's parents, Lynne and Ernest Machado, had argued that she had died shortly after arriving at the hospital and they said they were disturbed by the move to keep her on life support.

"The Muñoz and Machado families will now proceed with the somber task of laying Marlise Muñoz's body to rest, and grieving over the great loss that has been suffered," Mr. Muñoz's lawyers, Heather L. King and Jessica Hall Janicek, said in a statement. "May Marlise Muñoz finally rest in peace, and her family find the strength to complete what has been an unbearably long and arduous journey."

The hospital did not dispute that Ms. Muñoz was brain-dead, saying in court papers that she met the clinical criteria two days after she was first brought to the hospital. But the hospital's lawyer said the law still applied to her, insisting it was part of the Texas Legislature's "commitment to the life and health of unborn children." The lawyer, Larry M. Thompson, pointed to a section of the Texas Penal Code that states a person may commit criminal homicide by causing the death of a fetus.

The law "must convey legislative intent to protect the unborn child, otherwise the Legislature would have simply allowed a pregnant patient to decide to let her life, and the life of her unborn child, end," wrote Mr. Thompson, with the Tarrant County district attorney's office, which represented the hospital.

Ms. Muñoz, 33, was 14 weeks pregnant with her second child when she first arrived at the hospital, on Nov. 26, and on Sunday had been at the end of her 22nd week of pregnancy. The fetus was not viable, the hospital acknowledged in court papers. It suffered from hydrocephalus — an abnormal accumulation of fluid in the cavities of the brain — as well as a possible heart problem, and the lower extremities were deformed. One of Mr. Muñoz's lawyers said medical records indicated some of the doctors treating his wife had recommended taking

her off life support.

Groups that oppose abortion had expressed support for the hospital's legal argument. A statement released by the National Black Pro-Life Coalition and Operation Rescue said that the fetus deserved not to be killed, and that numerous people had expressed an interest in adopting the child when it was born, even if it had disabilities.

It was unclear on Sunday who would end up paying the hospital bill. Hospital officials had said previously that they were focused on caring for Ms. Muñoz, and that it was inappropriate for them to comment on or estimate the cost of a patient's care. "At the appropriate time, the finance department will pursue the customary avenues to identify payers and reimbursement," Ms. Labbe said.

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