

Coalition for the Abolition of Electroshock in Texas
5306 Fort Clark Dr.
Austin, Texas 78745
(512) 799-3610

1-19-06

Charles Barnett,
CEO and President
Daughters of Charity Health Services of Austin

Dear Mr. Barnett,

This letter is to follow up on a previous December 8, 2005, letter to you and your fellow members of the Board of Directors of the Daughters of Charity. We are a citizens group consisting of individuals, both locally and across the nation, who are deeply concerned about the grievous harm done to people by the administration of psychiatric electroshock, also known as electroconvulsive therapy, or ECT. We are committed to the abolition of this dangerous practice.

In that letter (copy enclosed), we pointed out that your Austin hospital, Seton Shoal Creek, is one of the last facilities in Central Texas that continues the practice of electroshock. Of 1656 patients electroshocked in Texas between September 2003 and August 2004, 163 of these victims were at your hospital. Approximately 2/3 were women, mostly menopausal or perimenopausal; 7 of these people were over 80 years old.

The Seton website reads as follows:

Our mission inspires us to care for and improve the health of those we serve with a special concern for the sick and the poor. We are called to be a sign of God's unconditional love for all and believe that all persons by their creation are endowed with dignity. We serve each person as a Christian would serve Christ himself. As a caring community, we respect the dignity and needs of one another.

We admire your mission statement and the work you do in the field of medicine. However, we consider your facility's practice of electroshock to be a direct affront to your stated intention to care for and improve people's health. Electroshock is not decent care.

Also as mentioned in our previous letter, our legal advisers inform us of a variety of recent court cases around the use of electroshock. Here are two examples.

1) In July of 2005, a jury found against a South Carolina doctor who referred a patient for electroshock treatment that left her permanently impaired. The patient, Peggy S. Salters, is a 60-year-old former psychiatric nurse. The jury awarded her \$635,177,

concluding that her loss of 30 years of memory and cognitive impairment are demonstrable symptoms of brain damage due to electroshock.

2) In a recent California case, *Akkerman v. MECTA Corp*, the judge ordered the offending hospital to shut down their electroshock unit. We anticipate a growing number of electroshock related lawsuits.

A key issue is that of informed consent. Even though Texas has laws related to informed consent for electroshock, these laws are severely inadequate. Here are five of the reasons why.

1) Denial and minimization of harmful effects. As outlined in our previous letter, our medical experts are clear that electroshock always causes brain damage. The question is only how much. They report that medical effects of electroshock include:

- Death- estimates from Texas Mental Health Department data between 1993 and 1996 show a 1 in 200 death rate. Our elders are at special risk. As Kroessle & Fogel (1993) demonstrate, *mortality rates are much higher for those who receive shock, and death often occurs a while after the shock and gets attributed to other causes.*
- Brain Damage- The average electroshock procedure induces a level of electricity approximately two and one-half times greater than that required to induce a convulsion. Systematic brain damage is unavoidable, and a number of brain scan studies document this fact.
- Cardiovascular Complications- well-documented.
- Extra risks on all three categories above for the elderly, who are the primary target population.
- Seizures and Epilepsy--At least 2 members of our own local coalition have seizure disorders as a result of electroshock; one received his electroshock at your hospital.
- Memory Loss-- extremely well-documented. Even shock proponent, Harold Sackeim, admits in his 2001 editorial in *The Journal of ECT* that "...virtually all patients experience some degree of persistent and, likely, permanent retrograde amnesia." The question is only how much. *MHMR data is tremendously underreported.*
- Negative emotional effects of electroshock include terror, shame, helplessness and hopelessness.

2) Minimal and inadequate guidelines for the administration of ECT are routinely and systematically violated

3) The legal obligation under informed consent is to provide the patient with all the information relevant to their decision-making--not just about the treatment in question, but also about their condition. Psychiatric patients are never told that their alleged disease is theoretical or metaphorical. To quote neurologist, Fred Baughman, Jr., "To say or even imply that what the patient has is biologic and a disease when there is no

such proof (as in all psychiatric 'diseases') is conscious deception and abrogates informed consent. That this has become the 'standard of practice' in psychiatry does not excuse it. The abrogation of informed consent is de facto medical malpractice."

4) Fourth, and pragmatically crucial, is that people become victims of this so-called "treatment" at a time in life when they are extremely vulnerable. At vulnerable times, people desperately need to trust and rely on others for help. Reaching out, they need complete safety and support. Their only hope, in this desperate state, is to trust the wisdom and guidance of the professionals to whom they turn for help. Informed consent is a superlative principle; it is not a protection in these conditions.

5) There is no requirement that the citizens be of clear mind, unimpeded by psychotropic drugs. Most often, in fact, these patients are taking psychotropic drugs and therefore not in a clear state of mind.

Texas state mental health code mandates informed consent to mental treatment and outlaws deprivation of rights purely on the basis of mental illness. The right to informed consent is necessarily part and parcel of the most basic constitutional guarantees. Absent informed consent, any medical treatment is equivalent to battery.

It is our view that almost no one would ever consent to electroshock, if they were truly and fully informed of the nature and the real risk/benefit trade offs of the treatment. Thus, the main reason people receive electroshock is because they've been denied the right to informed consent. They've been misinformed, defrauded or coerced.

Your mission declares a determination to improve the health of our citizens. Not only does electroshock directly violate the Hippocratic oath to first do no harm, but the practice is also acknowledged to be ineffective. There are no lasting beneficial effects of electroshock; sham-electroshock (anesthesia but no electroshock) has the same short-term outcomes as electroshock. One of electroshock's most ardent supporters, Harold Sackeim, published an article with several colleagues in 2001 in the *Journal of the American Medical Association*, entitled, "Continuation Pharmacotherapy in the Prevention of Relapse Following Electroconvulsive Therapy." Analysis of his data reveals a 100% relapse within 6 months of stopping electroshock.

The use of electroshock is an egregious violation of the principles of Seton Hospital. Our obvious desire is that you join the many hospitals that stopped doing ECT in the last 12 years, discontinue this scientifically baseless practice, and close down your electroshock unit at Seton Shoal Creek Hospital.

In our previous letter, we requested that you meet with us to discuss our mutual concern for the well-being of Seton patients. We now ask that you contact us soon to discuss the use of electroshock at Seton Shoal Creek. Our address is on the letterhead. Our contact person, Dr. John Breeding, may be reached by phone at 512-799-3610. We look forward to hearing from you.

In all sincerity,

John Breeding, PhD

For the Coalition for the Abolition of Electroshock in Texas.

Cc U.S. Congressman Lloyd Doggett
Texas Representative Eddie Rodriguez
Texas State Senator Gonzalo Barrientos
Austin Mayor Will Wynn
Texas State Senator Florence Shapiro
Texas State Senator Robert Duncan
Texas State Senator Troy Fraser
Texas Representative Senfronia Thompson
Texas Representative Lon Burnam
Texas Representative Trey Martinez Fisher
Texas Representative Suzanna Hupp
Texas Representative Terri Hodge
Texas Representative Carlos Uresti
Texas Representative Harold Dutton
KEYE Channel 7 Investigative Reporter Nanci Wilson
Austin American Statesmen Reporter Mike Ward
Austin Chronicle Reporter Margaret Moser