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Seton Shoal Creek Board of Trustees
3501 Mills Avenue
Austin, TX 78731

Re: Electroshock at Seton Shoal Creek

Dear Seton Board Members,

I am an Illinois attorney specializing in mental health issues. John Breeding, Ph.D. of the Coalition for the Abolition of Electroshock in Texas has kept me informed of your dialogue regarding the possibility of discontinuation of electroconvulsive therapy at your hospital.

In my view, delivery of ECT in Texas will remain a strict tort unless and until the state enacts an ordinance allowing medically assisted suicide. This is not because everyone immediately dies from shock treatment, but merely because its benefits are so overwhelmingly outweighed by the risks, that rational and fully informed patients only consent from a conscious intent to die.

Alternatively, rational and fully informed guardians or substitute decision makers only consent on behalf of patients in order to harm, punish or disable them. (This is a violent crime against a person, rather than suicide.)

To obtain "consent" for this procedure, it is necessary to *disinform* people, first about a diagnosis, and then about the purpose and effect of ECT. Someone must believe there is a brain disease or objective physiological abnormality upon which the electrically-induced seizure will have a corrective and non-damaging effect. Of course, any such statement is pure conjecture at best, not factual. It may be a desperate hope, but it cannot inform consent. It may also be fraud.

As a legal theory, informed consent rests,

...not on the appropriateness or inappropriateness of the doctor's diagnosis and treatment of the patient's condition, but on the patient's right to know the condition of his body and to make a decision regarding his medical care. In his fiduciary relationship with the patient, the physician has a duty to disclose relevant facts about the patient's condition and care. If the physician has not given the patient all the information necessary for the patient to make a knowledgeable decision regarding his medical care, the patient's "consent" to the course of action taken by the physician is not "informed." *Keogan v. Holy Family Hospital*, 95 Wn.2d 306 at 313; 622 P.2d 1246 (Supreme Court of Washington, 1980).

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What exactly are the relevant facts about the condition and care of any individual for whom Seton Shoal Creek or one of its doctors might recommend ECT? I submit to you that to be truly informed, any patient must understand the following facts, first and foremost:

- *A person who is depressed is not, strictly speaking, suffering from any known brain disease. Such a person is simply depressed; that is, they are feeling bad, confused, sad, upset, and unable to function because of negative emotions. The same is true of a person who is "mentally ill" in any sense.*
- *Depressed and otherwise mentally ill people often behave badly, in that they do not apparently take good care of themselves, they do not survive well or get along well with others.*
- *Psychiatric treatments have many effects upon the brain and the rest of the body, none of which have a fully understood relationship to depression or any other mental illness. Some effects are extremely dangerous and debilitating. None are curative of any known brain disease.*
- *Psychiatric treatments change behavior, sometimes for the better and sometimes for the worse. The quality and duration of such changes are very unpredictable.*
- *ECT-induced seizures always cause brain damage and memory loss. These are events which medical science generally strives to prevent. Memory loss and other disability from ECT can be catastrophic.*
- *In the short term, possibly as long as a few weeks, the behavior of a patient who receives ECT may appear more acceptable to others. This may be the result of post-shock confusion, or placebo effect.*

Understanding *these* facts, it appears clearly absurd that anyone desiring to get better would ever choose to have ECT. But without understanding these facts, no one can give informed consent.

No matter how profitable ECT may seem, medical battery will ultimately prove prohibitively expensive. I advise you to consider appeals of John Breeding and the Coalition for the Abolition of Electroshock in Texas very seriously.

Sincerely,

S. Randolph Kretchmar

cc: John Breeding, Ph.D.