

Doctor acquitted in post-surgery death of Jehovah's Witness Korean

By Kim Da-ye

The Supreme Court upheld a lower court's decision Thursday that a doctor who performed surgery on a Jehovah's Witness patient without a blood transfusion at her request is not responsible for her death.

A 57-year-old doctor, surnamed Lee, was charged with occupational negligence leading to the death of his patient who died from complications caused by excessive bleeding during and after hip replacement surgery.

Gwangju District court ruled that the doctor did not break the law because the patient was aware of the risks from extreme bleeding without receiving a transfusion and was willing to endure the risks for her religious beliefs.

"The lower court's decision that the accused performed the surgery without a blood transfusion with respect of the deceased's right to autonomous decisions based on his professional conscience is accepted," stated the Supreme Court in a ruling.

The patient, who died at 62, suffered arthritis in her right hip joint, so she wanted a hip replacement. However, she was rejected by three hospitals before seeing Lee at Chosun University Hospital, because she refused a blood transfusion.

The patient already had surgery around the pelvic area, so the pelvis, femur, muscles and blood vessels had adhered to each other, and doctors expected a lot of bleeding from another operation performed in that area.

When the patient visited Lee in December 2007, the doctor said surgery without a blood transfusion would be possible, but acknowledged the risk of death in a case of extreme bleeding.

The patient said complying with the Jehovah's Witness doctrine was more important than her life, and wrote a statement that read, "While treating, the doctors may feel that a blood transfusion is necessary, but I firmly do not want a blood transfusion and this belief won't change even if this patient lapse into unconsciousness."

She added that she would not seek any civil or criminal action against the doctors and the hospital if damages occur, according to the ruling. Before the operation, the doctors repeatedly checked her statement.

During the surgery, the patient bled excessively and the blood wouldn't coagulate. The doctors asked her family if they could transfuse blood, but the family members couldn't reach an agreement.

By the time all family members decided that a blood transfusion was necessary, the doctors couldn't perform the action because it might have worsened her condition. The patient died at night on the day of the operation.

The prosecution argued that the accused committed negligence leading to death because he decided to operate on the deceased although he knew of her complicated condition and he had no experience of performing the surgery on such a patient without transfusion.

According to their official website, Jehovah's Witnesses believe, based on the Bible, that blood removed from the body should be thrown away.