

Bill ends shield for parents choosing prayer over medicine



Holly Fletcher, hletcher@tennessean.com 5:26 p.m. CST January 19, 2016



(Photo: Feverpitched / Getty Images / iStockphoto)

A bill filed Tuesday would remove a legal shield in Tennessee for parents with children in favor of treatment by prayer.

It is a crime in Tennessee to fail to provide medical care to children, with an exception under the Treatment Exemption Act, for parents who want to rely on "spiritual means" under state code. State Sen. Richard Briggs, R-Knoxville, filed [SB 1761](http://www.capitol.tn.gov/Bills/109/Bill/SB1761.pdf) (<http://www.capitol.tn.gov/Bills/109/Bill/SB1761.pdf>) to repeal the exception.

One possible use would be if a parent refuses a blood transfusion after an accident could be transferred to the state to allow the transfusion then transferred back to the parent referencing occasions if the parent is a Jehovah's Witness and opposed to transfusions, even in life-saving circumstances.

"This is really to protect the child," Briggs said.

The current code reads: "Nothing in this part shall be construed to mean a child is abused, neglected, or endangered, or a child is endangered in an aggravated manner, for the sole reason the child is being provided treatment by spiritual means through the tenets or practices of a recognized church or religious denomination by a duly accredited practitioner of the recognized denomination, in lieu of medical or surgical treatment."

The bill applies to treatments and does not apply to vaccinations, although that may come up in the course of debate, Briggs said.

There could be pushback to the legislation from those who see it as too far an extension of government oversight, he said.

"In my mind it's no different than when the state steps in and if you see the child being abused and even potentially being neglected," Briggs said. "The child does belong to the parents, but the state does have an obligation to protect children. That's the balance."

Saint Thomas Health encounters refusals of treatment on occasion, said Greg Pope, chief mission and ministry officer.

"We respect religious freedom and recognize the right of individuals to refuse treatment on religious grounds, except when it causes harm to a patient below the age of consent or to any patient whose firm assent to such religious belief is unknown or unobtainable," Pope said.

The law went before the Tennessee Supreme Court in fall 2014 when Jacqueline Crank of Lenoir City appealed her criminal charges after forgoing medical treatment for her daughter, who died of Ewing's sarcoma, a rare form of cancer, at age 11. The Tennessee Supreme Court upheld Crank's indictment in February 2015.

Crank knew her daughter had a problem because there was a grapefruit-sized tumor on her shoulder, according to the (<http://www.tsc.state.tn.us/sites/default/files/crankjacquelineopn.pdf>). Crank, a member of the Universal Life Church, of Scripture with her daughter and asked churches across the country to pray for Jessica, according to the document. Be Department of Children's Services gained custody and authorized treatment.

The Tennessee Medical Association supports a repeal because "a child or minor is not able to make the fundamental c receive that care," said Dave Chaney, director of communications.

Situations where the law would apply are rare, said Dr. Michelle Fiscus, a pediatrician in Cool Springs and the immedia Tennessee Chapter of the American Academy of Pediatrics. She has not seen a parent opt to choose prayer over treat practiced.

Both the state chapter and the American Academy of Pediatrics would support a repeal.

"We often have an intersection between religion and medicine in that families or clergy want to pray for a child who is u battling a disease. Rarely is a medical treatment refused," Fiscus said.

The repeal, if passed, would take effect on July 1.

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