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Doctors Prevail In Dispute Over Jehovah's Witness, Blood Transfusion

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By Ed White, Associated Press

DETROIT (AP) - Doctors can't be held liable for the death of a Detroit-area woman who turned down a blood transfusion after a troubled kidney transplant because of her religious beliefs, the Michigan appeals court said Friday.

In a 3-0 decision, the court said the "doctrine of avoidable consequences" applies in the case of Gwendolyn Rozier of Oak Park, who died in 2007 after complications from a transplant.

Rozier, 55, returned to St. John Hospital complaining about abdominal pain, nine days after getting a kidney from her daughter. Doctors found that her body was rejecting the new organ. They explained the need for further surgery and a need for more blood to deal with low levels of hemoglobin.

Rozier's husband, Gregory, said a transfusion would be improper because they're Jehovah's Witnesses. His wife eventually died.

Rozier's estate accused the doctors of failing to timely recognize internal bleeding, among other allegations, which would have eliminated the need for a transfusion.

But the appeals court upheld a decision by a Macomb County judge who dismissed the lawsuit in favor of the doctors.

"The blood transfusion was a necessary medical procedure under the circumstances, and there is no evidence that there was an alternative treatment available," the court said. "Had the blood transfusion been accepted, Rozier likely would have survived."

Allan Falk, appellate attorney for Rozier's estate, said she chose the doctors because they had experience working with Jehovah's Witnesses and knew about the family's opposition to transfusions.

"They created the need for the transfusion and blame the victim for refusing it. We'll see what higher courts have to say," Falk said.

Judge Mark Boonstra said the court's opinion "in this sad case" shouldn't be interpreted as critical of Rozier's religion.

"It is the essence of personal responsibility that the makers of decisions and choices, relative to their own lives, bear the consequences that flow from those decisions and choices," he said.

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