

Jehovah's Witnesses and Blood Issues

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Jehovah's Witnesses are well known for their refusal of blood transfusions. But how much do you really know? What can or can't they have, are epidural blood patches acceptable and what rights do parents have to refuse their children blood transfusions?

This article discusses these issues and gives background on who are Jehovah's Witnesses and what they believe in. It also covers the area of consent in both children and adults according to New Zealand law.

Who are they?

The Jehovah's Witnesses emerged in the late 19th century and now have over 8 million devotees worldwide. In New Zealand there are around 18,000 followers. They are governed by a group of elders and they believe the bible to be the true and literal word of God. The name *Jehovah's Witnesses* is based on Isaiah 43:10–12 "Ye are my witnesses, saith Jehovah...".

In many ways the religious beliefs of Jehovah's Witnesses are similar to those of mainstream Christians. They worship only one God, and trust in Jesus' death and resurrection for salvation.

Some other beliefs of Jehovah's Witnesses differ from mainstream Christianity:

- They reject the doctrine of the Trinity and the existence of Hell.
- Jehovah's Witnesses believe that only 144,000 people will go to heaven to rule with God and Jesus over the rest of us.
- Witnesses also have stronger apocalyptic expectations than most Christians. Since the founding of the group, Witnesses have been expecting the imminent arrival of Armageddon and the end of the world.
- So far Armageddons are supposed to have occurred in 1914, 1925 and 1975.
- Witnesses also do not celebrate Christmas because they say there is no proof Jesus was born on December 25th and the festival has pagan roots (which is actually true).
- They believe that only their religion represents true Christianity, and that other religions fail to meet all the requirements set by God and will soon be destroyed.
- Jehovah's Witnesses are also known for door-to-door preaching, refusal of military service and refusal of blood transfusions.

Why not blood?

Jehovah's Witnesses believe the Bible prohibits ingesting blood; therefore Christians should not accept blood transfusion or store their own blood for later transfusion.

The first reference to blood in the Bible is in the book of Genesis 9:4 and states:

"The one thing you must not eat is meat with blood still in it; I forbid this because the life is in the blood."

In the new testament Jehovah's Witnesses rely on the Book of the Acts of the Apostles:

"You are to abstain from food offered to idols, from blood, from the meat of strangled animals and from sexual immorality. You will do well to avoid these things."

These references lead them to believe blood is sacred to God, who equates it to life. The refusing of blood transfusions was first introduced in 1945. Prior to that it was purely abstaining from the eating of blood or food with blood products in it. In 1925 a Jehovah's Witness publication commended a follower for donating 45 units of blood without receiving payment.

The doctrine has undergone many changes and it was only in 1961 that it became a disfellowing offence. In 1964 transfusions for pets were banned along with blood & bone fertilizer and pet foods containing blood products. During the 1960s organ transplant was described by the church as "cannibalism" but in the 1980s it became personal choice. Now it is commonly accepted. Finally in 1989 the choice of whether to accept autologous blood salvage was given over to the individual.

Is it all Jehovah's Witnesses?

Since the organisation prohibited accepting blood for transfusion most have accepted the doctrine. There however is a sizable proportion of JW's who do not fully agree with it and some studies put it up as high as 12% of church members. Other studies show that a similar percentage are willing to accept blood transfusion for their children. One informal survey among younger members suggest up to 50% will accept blood if they were confident the church would never find out.

In the 1990s a group within the church itself started "The Associated Jehovah's Witnesses for Reform on Blood" (AJWRB). They claim there is no biblical basis for the prohibition of blood transfusions and are seeking to have the policy reformed. The number of JW's in AJWRB is not known as they risk disenfellowship if exposed so keep their identities anonymous.

There are also many in the scientific and medical community who actively attack the doctrine. One of the most common inconsistencies they raise is that red cells are not allowed but haemoglobin is. (Except water, red cells are 97% haemoglobin).

Legal and Ethical Considerations

Most hospitals do not have a Jehovah's Witness policy as it is now covered by the Health and Disabilities Commission Code of Rights and a patient's right to informed consent or the informed refusal of consent.

All patients have the right to refuse consent. In 2009 a 53 year old man died after complications following minor surgery. He repeatedly refused blood transfusions as he was a Jehovah's Witness. The official report into his death was critical about many aspects of his care, but recognised his right to refuse blood transfusions.

The Code of Rights: Right 7:

The Code of Health and Disability Services Consumers' Rights became law on 1 July 1996. It grants a number of rights to all consumers of health and disability services in New Zealand, and places corresponding obligations on providers of those services. Right 7 covers choice and consent.

Right 7: The right to make an informed choice and give informed consent

- You are presumed competent unless there are reasonable grounds to believe otherwise
- Where a consumer has diminished competence, that consumer retains the right to make informed choices and give informed consent, to the extent appropriate to his or her level of competence
- Every consumer may use an advance directive in accordance with the common law.
- Every consumer has the right to refuse services and to withdraw consent to services
- Consent is not required in emergency situations where a service is necessary to save the life of a patient or to prevent serious injury And:
 - The patient is incompetent
 - There is no legal representative available
 - It is in the patients best interests

The only individuals who are entitled to grant consent on behalf of a patient are legal guardians (welfare guardians under the Protection of Personal Property Rights Act, or parents/ guardians under the Guardianship Act), or someone with enduring powers of attorney. A husband or wife does not automatically have the right to give or refuse consent for their partner

Children & Informed Consent

When a young person reaches 16, for purposes of consent, his or her status is the same as that of any adult. This is not to say a patient under the age of 16 cannot consent for themselves. Any competent child has the right of informed consent. The considerations for competency include age, functional maturity, complexity of the information, seriousness of the condition and the implications of treatment v non-treatment.

The level of competence to refuse treatment which may result in death (ie blood transfusion) may have a higher level of competence than say consenting to the removal of tonsils. Legal advice should be taken. Informed consent for the incompetent child may be provided with the consent of the child's legal representative (Parents, guardians etc).

What if the parents refuse consent?

A parents' right to consent or refuse consent is not absolute but exists for the benefit of the child. Parents do not have the right to refuse treatment or withdraw consent where the treatment is in the child's best interest. In this case a court order should then be obtained. The Court of Appeal has ruled that the parents' right to practice their religion cannot extend to imperil the life or health of the child

Although treatment may be given in an emergency without consent, the health practitioner must seek prior consent with the assistance of the courts if time and circumstances permit.

Transfusion for a child without consent or court order

Section 37 of the Care of Children Act 2004 protects a health professional who administers blood products (**only blood products**) to a person under 18 years of age if:

- In the reasonable opinion of the health practitioner the blood/products were necessary to:
 - Save the child's life; or
 - Prevent permanent injury to the health of the child; or
 - Save the child from prolonged and avoidable suffering

and

- it is reasonable to administer the blood/products.

Section 37 does not in any way, affect the health practitioners' duty to seek consent with the assistance of the court where time and circumstances permit.

There have been two recent cases in NZ of children receiving blood transfusions against the wishes of the parents.

- 1) In 2012 a 2 year-old girl was given a kidney and liver transplant against the wishes of the parents. Although they didn't have a problem with the transplant they couldn't agree to it because it would also result in the transfusion of blood. Although about a quarter of liver transplants were possible without using blood or blood products the girl's medical team had determined they would likely be needed in this case.

The girl had previously received blood transfusions under the Care of Children Act as that was an emergency situation. That provision was unable to be used, as the operation was planned and not an unforeseen emergency.

- 2) In September 2013, a 10 month old girl was placed in the guardianship of the High Court for nine months so Starship doctors could treat her against the wishes of her Jehovah's Witness parents. She needed urgent chemotherapy and surgery for a large tumour on the right side of her chest, and there was a "high likelihood of a blood transfusion being necessary".

She also had received a blood transfusion previously under Section 37 of the Care of Children Act due to a life-threatening low red blood count on admission.

Overseas Developments

In Canada, while there has been no official change in the church's position there does seem to be a softening in Jehovah's Witness's parents thinking. This follows several highly publicised cases where parents have fought blood transfusions for their children in the courts and lost.

"They get it that we're going to transfuse where it's medically necessary. They've lost that battle; they understand that," said Andrea Frolic, a bioethicist at McMaster Children's Hospital in Hamilton, Ont.

"But it's kind of an affront to their community to involve child-welfare services where there aren't concerns about neglect, there aren't concerns about abuse. ... Part of the thing was 'Just go on and do it. Why do we need to involve CAS [Children's Aid Services]? It makes us feel like bad parents.'"

There are also reports overseas of developments in 'bloodless surgery' for many operations including many major procedures including lung transplants. Careful reading of these show they are for handpicked patients and all include some sort of cell saver usage.

What Can They Have?

The following procedures are prohibited:

- Transfusion of whole blood or its constituents of red cells, white cells, platelets or plasma.
- Transfusion of pre-op. donated autologous blood.

The following are not prohibited but not promoted:

- Blood donation strictly for further fractionation.
- Transfusions of autologous blood as part of a "current therapy".
- Haemodilution as long as the circuit is continually linked to the patient's circulatory system.

Also allowed:

- Intraop blood salvage.
 - Heart Lung machine
 - Dialysis
 - Epidural blood patch (must be a continuous circuit using infusion tubing)
 - Plasmapheresis
 - Blood tagging
 - Red blood cell fractions i.e. Haemoglobin
 - White blood fractions i.e.
 - Plasma fractions i.e. Albumin, cryoprecipitate
 - Poly Heme
 - Hemopure
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- Platelets are NOT allowed (0.17% of Blood)
 - **Haemoglobin IS allowed** (97% dry weight of a red cell)

So anything except whole blood or the primary components of red cells, white cells, platelets or plasma are allowed although technically it is each individual's choice, and some members still say no to any of the fractions. Red cells are allowed if they are through intraop blood salvage in a continuous circuit. The Fresenius C.A.T.S Continuous Auto Transfusion System is one such system and is approved by almost all Jehovah's Witnesses'.

Conclusion

The whole issue of Jehovah's Witnesses and blood products can be confusing. For the health professional the best way of making sure you get it right is asking the patient. They will tell you what they personally are willing to accept. This has been made a lot easier now that blood salvage is now an accepted therapy and in many areas the local Jehovah's Witness congregation have put funds into providing blood salvage devices for their local hospitals.

The final take away point is that when children are involved the law states religion cannot override the child's right to live but if there is time a court order must be obtained.

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