The Parental Refusal of Medical Treatment of Minors on the Basis of Religion

Ryan Cheng, Stephanie Lucas, Amanda McCoy, Marie Wilkening, Chi Zheng
To introduce this the ethical dilemma, let’s examine 2 case studies…. 

- Colin Newmark (Delaware) 
- Eric B. (California)
Two cases involving parents who were Christian Scientists...

- Colin Newmark
  - Burkitt’s Lymphoma (B-cell leukemia)
- Parents refused consent to chemotherapy, which was less than 40% chance of survival

- Eric B.
  - Retinal Blastoma (eye cancer)
  - Parents did consent to surgically removing the infected eye

- They, though, did not consent to post-surgery treatment (chemotherapy, radiation, and periodic review for recurrences)

- They wanted to pursue “Christian Science treatment”
Without treatment suggested by the doctor....

► Colin’s chance of death went from 60% to 100%  
► Eric had a  
  ▪ 25% chance of reoccurrence  
  ▪ 5-10% chance of a 2\textsuperscript{nd} tumor  
► He also had a 40% chance of death
The Law of the Land

- The religious in Europe seek treatment because law requires it.

- CAPTA: history of lawful exemptions in US
  - States may oppose national resolution independently.
The Law of the Land

► United Nations 1989
  ▪ “Right of every child to self-determination, dignity, respect, noninterference, and to make informed decisions”
  ▪ As early as 7 years

► South Africa
  ▪ Some refusals to treatment are in themselves considered unlawful
Mental Capacity of Minors

Should mental capacity be judged differently (by the State) in medical and religious decisions?

- Minors lack capacity to make medical decisions
  - Parents/Guardians act as surrogate decision makers
- Minor does not have the concept of religious choice
  - 90% of relevant opinions reviewed since 1912 deemed the child incapable of choosing a religion and ruled in favor of the physician
  - Parents cannot make medical decisions based on the child’s assumed religion
Mental Capacity (Cont’d)

► “Parents may be free to become martyrs themselves. But it does not follow they are free, in identical circumstances, to make martyrs of their children before they have reached the age of full and legal discretion when they can make the choice for themselves.”

► Quoted in 26 of 46 relevant cases since 1944

► Does does also apply to guinea pigs of evidence-based medicine?
Physician’s Obligations

Which responsibilities should the physician honor?

- **Patient Autonomy**
  - “I will remember that I do not treat a fever chart, a cancerous growth, but a sick human being, whose illness may affect the person's family and economic stability.”
  - Violation of constitutional right
  - Patient empowerment

- **Beneficence and non-malevolence**
  - “I will apply, for the benefit of the sick, all measures [that] are required...”
Alternative Healing

Where do you draw the line of limiting a patient's choice in care?

► Faith Healing
  - Use of religiously inspired faith as solution to ailments (injury, disease, etc.)

► Indigenous medicine
  - Traditional Chinese medicine
    - Chinese folklore dictates that a third of all medications contain poison

► Osteopathic Manipulative Therapy
  - 17% of US medical school provide D.O. degrees
The Power of Conviction

Does conviction ever play a role in medical recovery?

► Existential well-being
  ▪ Sense of safety/comfort from Divine source
  ▪ Faith-based healing

► Placebo effect
  ▪ Belief in validity of a solution can generate positive effects regardless of solution being valid
Family/Community Support

What are the obligations of a patients support network?

- Sociological acceptance
- Psychological support
- Complementary care & routine follow-ups
- Undermining doctor/patient trust
Conclusion to the Colin Newmark Case

- The parent’s decision was respected
  - This was due to the low chance of survival (40%) with the use of chemotherapy
  - The Court ruled that the treatment was “risky, toxic, and dangerously life-threatening”
  - Thus the benefit did not outweigh the harm involved (low level of success, high level of risk and burden)
  - This case is interesting because the Court defined success as >40%
Conclusion to the Eric B. Case

- The parent’s decision was overturned, and Eric did undergo post-surgical treatment.
- The Court based its decision on if the treatment fulfills the child’s best interest.
  - They inferred that using merely Christian Scientist treatment may potentially lead to an undetected reoccurrence of the disease, which was not in Eric’s best interest.
- The risks involved in monitoring the disease are small; there is an overall net benefit.