



Refusal by surgical registrars to administer or recommend blood transfusions for religious reasons

To the Editor: I was recently asked by the head of a university surgery department whether a registrar may refuse on religious grounds to 'order, facilitate, advocate or recommend a blood transfusion' for any procedure, even if it is medically indicated. There is no local or international literature dealing directly with the question, and therefore it must be answered using general legal principles.^[1]

It is true that the Constitution of the Republic of South Africa, 1996, provides that everyone has the right to freedom of religion and may not be prevented from practising their religion, but it also provides that the manner in which a person practises their religion may not undermine the other constitutional rights of patients (sections 15(1) and 31(2)),^[2] e.g. the right to life (section 11).^[2] Therefore, doctors may practise their religious beliefs by refusing to administer blood transfusions during elective procedures when other practitioners are available. However, they may not refuse to administer blood transfusions during life-threatening medical emergencies when no other practitioners or substitutes are available to do so. They may also not refuse to refer patients to other practitioners for blood transfusions,^[3] or refuse to advise patients that blood transfusions are medically indicated for elective procedures.

Interns and registrars are subject to the same legal and ethical rules as qualified doctors and specialists – save that as trainees they may be required to conduct certain procedures under supervision. They too may not allow the practice of their religious beliefs to undermine the other constitutional and legal rights of patients during emergency situations when they are the only available doctors. As in the case of qualified doctors and specialists, registrars and interns may practise their religious beliefs during elective procedures when other doctors

are available to assist their patients. However, because of the risks involved in surgery, it is necessary that they be trained in how to deal with emergencies, such as administering blood transfusions in cases of emergency, when they are the only practitioners available. The Constitution is clear that nobody may be refused emergency medical treatment (section 27(3)).^[2]

It would be untenable for a registrar or intern whose religious beliefs do not allow blood transfusions to indicate, for example, that he or she will not administer a blood transfusion during training if such a prohibition extends to emergency situations, where he or she is the only available practitioner on hand to carry out the procedure. It would also be unlawful for a religious registrar or intern to refuse to order, facilitate or recommend a blood transfusion when a transfusion is indicated during an elective procedure, and no substitutes are available. In such situations, the surgery department would be justified in refusing to train the registrar as a surgeon, and may suggest that the registrar or intern registers for some other specialty, where there is no risk of having to perform emergency blood transfusions.

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1. McQuoid-Mason DJ. State doctors, freedom of conscience and termination of pregnancy revisited. *S Afr J Bioethics Law* 2010;3(2):75-78.
2. Constitution of the Republic of South Africa, 1996.
3. British Medical Association. *Medical Ethics Today: Its Practice and Philosophy*. London: BMA, 1996:108.

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