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Lawsuit says USCCB health care directives led to woman's negligent care

by Catholic News Service

DETROIT — Lawyers for a woman who claims she suffered a miscarriage because of the way a Michigan Catholic hospital handled her case have filed suit on her behalf against the U.S. Conference of Catholic Bishops over its "Ethical and Religious Directives for Catholic Health Care."

The lawsuit was filed Nov. 29 in U.S. District Court for the Eastern District of Michigan/Southern Division by the American Civil Liberties Union.

All Catholic hospitals in the United States are required to adhere to the directives, most recently revised by the U.S. bishops in 2001. They guide Catholic health care facilities in addressing a wide range of ethical questions, such as abortion, euthanasia, care for the poor, medical research, treatment of rape victims and other issues.

According to the suit, plaintiff Tamesha Means was 18 weeks pregnant in December 2010 when her water broke and she had a friend rush her to a Catholic hospital, Mercy Health Muskegon, as it is now called. It says as a mother of three, Means, then 27, knew something was seriously wrong with her pregnancy and the Catholic hospital was the only such facility close to her home.

Means says she received negligent care from the hospital, ending in her miscarriage, because it was required to follow the USCCB directives and was prevented from telling her "the fetus she was carrying had virtually no chance of surviving" and informing her the safest option was to "induce labor and terminate the pregnancy."

Mercy Health spokeswoman Joan Kessler told Catholic News Service in an email Tuesday that hospital officials were "still reviewing the situation and at this time we have no comment." The USCCB had no

comment on the lawsuit.

The lawsuit says that an ultrasound showed that Means was suffering from "oligohydramnios," a condition characterized by a deficiency of amniotic fluid surrounding the unborn child. The lawsuit said that in Means' case, it was caused by "the premature rupture of membranes."

The hospital, then called Mercy Health Partners, or MHP, "did not tell Ms. Means that it would not terminate her pregnancy, even if necessary for her health, because it was prohibited from doing so by the directives," the lawsuit says.

The Catholic church opposes abortion. The directives state, "Catholic health care ministry witnesses to the sanctity of life 'from the moment of conception until death.' "

The suit says the hospital sent Means home and told her to make an appointment with her own doctor. She returned to Mercy Health the next day, was sent home again, only to return a third time, according to the suit. As "she waited to be sent home for the third time ... she began to deliver," the suit says. "The baby died shortly after birth."

"Ms. Means brings this negligence action against the defendants for their roles in promulgating the directives," the lawsuit says. "As a direct result of these religious directives, Ms. Means suffered severe unnecessary and foreseeable physical emotional pain and suffering."

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Others named as defendants are three former chairs of what the suit calls "Catholic Health Ministries, the religious sponsor of MHP."

Mercy Health Muskegon in west Michigan is part of a regional system of Catholic health care facilities. In May of this year, its parent company, Trinity Health, merged with Pennsylvania-based Catholic Health East. The consolidation created one of the nation's largest Catholic health systems, serving patients and communities in 21 states.

The new organization has its headquarters in Livonia, Mich., and maintains a divisional office in Newtown Square, Pa.

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