

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF CORRECTIONS : NO. 15-02,072
Plaintiff :
VS. :
: INJUNCTION
G.S. :
Defendant :

O P I N I O N

On September 2nd, 2015, at the request of the Commonwealth of Pennsylvania, Department of Corrections, this Court ordered the authorities at State Correctional Institution Muncy to force inmate G.S. to undergo blood transfusions and related care and testing.

G.S has been an inmate at State Correctional Institution Muncy since August 2013. Prior to incarceration, G.S. suffered from aplastic anemia, which is a condition characterized by the bone marrow not producing sufficient red blood cells to maintain life. G.S. has received blood transfusions approximately every four weeks since 2010, several years before her incarceration. The prison physician credibly testified that if she does not receive transfusions when needed, i.e., approximately every four weeks, death or serious organ damage would result in approximately two weeks. In general, her life expectancy is only two years, even with full transfusions and related treatment. She has served only 2 years of a 14 to 28 year sentence. In short, she will die in prison in the absence of a gubernatorial pardon.

On September 9th, the Court received the testimony of the prison health care administrator, the prison physician, and G.S. G.S. testified that she "wanted to die with dignity". Her attorney asserted her First Amendment right to refuse health care, in this case a blood transfusion. It is important to note that she has previously executed an advanced health care directive (living will) refusing advanced or heroic health care, including transfusions. She has also refused a bone marrow transplant operation, which could save her life.

The Court has observed G.S. and she appears competent, lucid and clearly stated her request with the advice of her attorney. The Court has received no evidence from the prison or any other source that G.S. is not competent. Indeed, Department of Corrections concedes she is competent.

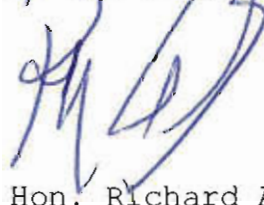
The prison indicates that they can provide necessary care to prolong G.S.'s life, but the prison has asked the Court to decide whether her wishes should be honored. While this is a morally painful decision for this Court to make, the Court believes that G.S.' rights need to be respected. The Court does not ascribe any improper motive or manipulation to G.S. or any bad motive or intent to the officials at the prison. This Court must weigh the Department's responsibility to provide adequate medical care for serious medical needs against G.S.'s First Amendment rights. ESTELLE V GAMBLE, 429 U.S. 97, 97 S.Ct., 285 (1976). In this analysis, the Court believes that G.S.'s rights

outweigh any responsibility of the Department. Here the Court does not see any compelling state interest requiring medical care to be forced on G.S. A competent person has a Constitutionally protected liberty interest in refusing unwanted medical treatment. CRUZAN V DIRECTOR DEPARTMENT OF HEALTH, 497 U.S. 261, 110 S.Ct. 2841 (1990).

Accordingly, this Court will respect the inmate's wishes that no blood transfusion be administered in connection with the treatment of her conditions. COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF CORRECTIONS V LINDSEY, 984 A.2d 573 (Pa Cmwlth 2009). The Court would request that G.S. be treated with dignity and receive the compassionate care of the staff in her final days.

AND NOW, this 18 day of September, 2015, in accordance with the above Opinion, the Department of Corrections' Motion for Preliminary Injunction is DENIED.

BY THE COURT



Hon. Richard A. Gray, Judge

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