

Case Study on Complaint of Abortus Handling

School of Professional Education and Executive Development

Cheng Celine Shuk Man

Lau Pui Yi



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Introduction

Kelvin and Angela tried to retrieve the abortus of their son in Princess Margaret Hospital after the miscarriage but Hospital refused to issue the Certificate of Stillbirth (form 13)

✘ Legal and general funeral

The hospital recommended pet cremation service

(Lau, 2017)



Introduction - Previous exemption case

Mrs. Chung underwent termination of pregnancy in a day before 23 weeks and 6 days gestation

➔ Can't hold a burial for her child due to lack of form 13

Food and Environmental Hygiene Department exercised discretion

➔ Allow public cremation service and niche

Government has discretion on handling legal burial of abortus in public cemeteries

(RTHK, 2017)

Reviewing the current measure with regulation

- “Under section 18 of the Births and Deaths Registration Ordinance (Cap. 174), doctors may issue a Certificate of Still-birth (Form 13 under the Ordinance) in respect of a still-born child” .
- Hong Kong College of Obstetricians and Gynecologists and National Health Service define stillbirth as:

Reaching to 24-week pregnancy **OR**

more than 500 grams for uncertain gestational age fetus

- Treat less than 24 weeks abortus as human tissue and body part

(Press Release, 2017)

Reviewing the current measure with regulation

Collecting abortus with less than 24 weeks : 23 cases (2015 – 2017)

Private Sector

Legal : Angel Garden & Pet cremation services

Other private sectors worry whether they may against the law

Offences against the Person Ordinance (2015):

Offenders are liable upon conviction to a maximum fine of \$2,000 and up to six months 'imprisonment



Receiving the opinions from different stakeholders

Parent perspective:

- ❖ Current policy cannot protect their right
- ❖ Fails to give a human identity to their baby
- ❖ Suffering bereavement emotion burden
- ❖ Not informed about the handling of abortus processes

(HK01, 2018)

Receiving the opinions from different stakeholders

Doctor :

- ❖ Decision-maker on distributing the Certificate of Stillbirth
- ❖ Concerning against the medical practice and the rules of the public hospitals

Medical Staff :

- ❖ Lack of guideline to handle related cases

(HK01, 2018)

Reference with private sectors

When the new life is formed Roman Catholic and Muslim treated the baby as a human

- ❖ Roman Catholic Church set up “Angel Garden at Holy Cross Catholic”
- ❖ Legal and under surveillance by Food and Environmental Hygiene Department
- ❖ Only available for their member



Reference with overseas measure

NHS Guideline on the preterm birth in before 24 weeks of pregnancy

Focuses on maternal preference and mental support

- Arrange the Baby in Hospital Mortuary
- Bereavement support
- To issue the certification of birth with the detail of delivery date, time and weight of the baby
- Visiting the baby in the Chapel of Rest
- Taking back their baby to their home for a period of time
- Diversity baby's funeral

(NHS, 2017)



Reference with overseas measure

Recommend effective communication and provide a clear procedure



- ❖ Arrangement discussion with sensitive manner
- ❖ UK hospital medical staff will provide the document with explanations
- ❖ All the information will be prepared when the parent requested
- ❖ Abortus disposal would be treated as “sensitive incineration”

Guidance on the disposal of pregnancy remains following pregnancy loss or termination

Issued: March 2015



(Human Tissue Authority, 2015)

Concerning the ethical issues and current legislation

The current legislation has not restricted the distribution of the Certificate of Stillbirth

If the doctor issues the certificate, the abortus will be signified as a stillbirth (even less than 24 weeks) and have the same right as a stillbirth under current legislation

Against



1. Offences against the Person Ordinance (2015)
2. Before 24 weeks pregnancy abortion

Setting the principal to ensure the suggestion within requirement

1. Public Health Safety
2. Aligned with the current legislation

To satisfy the need of the parents and show respect to the abortus.

Recommendation - Regulation

Establishing **Form 13A** define abortus as 'special existence'

 Legal to arrange the funeral in public cemeteries and have more choices on

1. Public funeral and burial ceremony service – simple and direct service
2. Religious background in other private funeral and burial ceremony service

 Eliminate the worry of private service providers

(RTHK, 2017)

Recommendation – Clinical Staff

- ❖ Clear instructions on serving the parents with care and support
- ❖ Providing sufficient information
- ❖ Clear explanation handling of abortus procedures with document signing
- ❖ Offering staff education on handling the parents' emotion
- ❖ Providing information for their decision making
- ❖ Offering follow-up consultation

Recommendation – Hospital Authority

- ❖ Providing the parental bereavement and gift consultation with charity community
- ❖ Reference with NHS “sensitive incineration” to handling abortuses
- ❖ Separation of the abortus and human tissues handling to show respect toward the abortus

Conclusion

The number of complaining handling abortus has increased in recent years

 Rising public concern on this issue

1. Government should take action to modify the fossilized current policy
2. Hospitals' procedures of handling abortus should be modified to show respect and dignity to abortus

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Q&A

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