

# Supreme Court rejects abortion informed-consent case

January 1, 2009

[Modern Medicine Now](#), [Modern Medicine Now](#), [Modern Medicine News](#), [Obstetrics-Gynecology & Women's Health](#), [Welcome to ModernMedicine](#)

---

The nation's highest court declined to review a New Jersey Supreme Court decision that addressed informed consent for abortion procedures, according to *American Medical News* (11/17/08).

The case began in 1998 after Rosa Acuna underwent an abortion at the advice of her physician, Dr. Sheldon C. Turkish, because the pregnancy was damaging her kidneys. Following the abortion, Ms. Acuna sued Dr. Turkish for malpractice, alleging that he failed to inform her that at the time of the abortion the embryo was a "complete, separate, unique and irreplaceable human being" and claiming that this failure had resulted in severe emotional and psychological trauma. The trial court dismissed the case, citing the US Supreme Court ruling that "a fetus is not a person," but an appellate court decided that Ms. Acuna could sue her ob/gyn for damages relating to "a question of medical malpractice."

The New Jersey Supreme Court dismissed the medical malpractice lawsuit in September 2007, however, finding that state law does not require a physician to tell a woman seeking an abortion that the procedure would result in terminating the life of a living human being. The court said that while doctors have a duty to tell patients about an abortion's medical risks, they do not have to discuss moral, religious, or philosophic judgments that lack broad support from the medical and scientific community.

Related Articles

**An ob/gyn's guide to malpractice insurance**

*16 November 2018*

**Three easy steps to providing mifepristone**

*Abigail S. Cutler, MD 24 July 2019*

**Impact of contraception in school health center**

*Bob Kronemyer 8 January 2020*