

## Is a Doctor Liable For Taking a Calculated Risk?

Rabbi Yitzchak Grossman

**Case:** Yankel's cardiologist is very concerned after his check-up. He informs the patient that his heart is in very bad shape and, if the problem is not treated, he will not have long to live. The doctor strongly suggests that he undergo open-heart surgery immediately. He explains that this surgery could extend his life considerably, but there is always a small possibility that the patient will die on the operating table.

**Question:** If Yankel follows his doctor's advice, and he does *ch"v* die on the table, would the doctor have to go into *golus*?

**Answer:** Both Rav Shlomo Zalman Auerbach and Rav Zalman Nechemiah Goldberg say that it is clear that the doctor will bear no liability in a case like this.

They explain that in an instance where a patient is terminally ill and is in imminent danger, and a treatment that exists that could save his life but also has the possibility of him dying on the operating table, the halacha is that the doctor is not only permitted to do the procedure, he should do it, even though there is a calculated risk in doing so. Since doing the procedure is the proper and correct thing to do, it is obvious that the doctor cannot be punished for doing the right thing.