

February 7, 2025

VIA FEDEX AND E-MAIL

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Re: *Adaline Deal – Denied Access to Heart Transplant Active List*

Dear Dr. Davis, Dr. Lorts, Mr. Carpenter, and Dr. Chin:

Our office represents Mr. and Mrs. Deal on behalf of their daughter, Adaline Deal. As you are likely aware, Adaline is a critically ill, twelve-year-old girl, suffering from heart failure. Despite the dire nature of Adaline's condition, we have been advised that Cincinnati Children's Hospital ("CCH") has informed Mr. and Mrs. Deal that Adaline will not be placed on the active transplant list unless or until she has been vaccinated against COVID-19 and for influenza. As they made clear to Dr. Lortz, the Deal family has declined these and other vaccines for Adaline due to their sincerely held religious beliefs.¹

CCH's position on the mandated vaccines is purportedly based on an undisclosed internal policy.² Contrary to the purpose of a hospital, which is to save lives, adherence to said policy is likely to result in Adaline's imminent death, given the severity of her congenital heart defects. CCH's position is thus not only morally reprehensible, it is in direct contravention of widely accepted principals of medical ethics (i.e., "[a] physician shall be dedicated to providing competent medical care, with compassion and respect for human dignity *and rights*" and "[a] physician shall respect the law and also recognize a responsibility to *seek changes in those requirements which are contrary to the best interests of the patient*")³ and CCH's Pediatric Transplant Center's "primary goal" of providing "exceptional, *patient-centered care*."⁴ The foregoing necessitates that

¹ In fact, Adaline has held a religious exemption to vaccinations in order to enroll in and attend school since 2018.

² The Deals have requested a copy of the policy, but that request has been denied.

³ *Code of Medical Ethics*, AMA, <https://code-medical-ethics.ama-assn.org/principles>.

⁴ *Pediatric Transplant Center*, Cincinnati Children's, <https://www.cincinnatichildrens.org/service/t/transplant-program>.

healthcare providers at CCH take into account a patient's unique circumstances as well as his or her cultural, religious, and personal beliefs when making treatment decisions; otherwise, the assertion that CCH is committed to "patient-centered care" is merely empty promotional language rather than a true commitment to the individual patient and his or her well-being.

Moreover, CCH has openly proclaimed its commitment to non-discrimination, stating that "Cincinnati Children's complies with applicable laws and *does not discriminate against people or treat them differently on the basis of race, color, national origin, ancestry, religion, age, sex, sexual orientation, marital status, disability, gender identity or other unlawful reasons.*"⁵ The Deal family's sincerely held religious beliefs clearly fall within the purview of CCH's non-discrimination statement, the sentiment of which is also enumerated in CCH's patient rights and which have also been violated.⁶

Not only is it callously cruel to condition Adaline's placement on the active transplant list on her receipt of COVID-19 and Influenza vaccinations, but it is also highly discriminatory and consequently unlawful to withhold treatment because of her religious beliefs. Religious discrimination is a direct violation of Adaline's inherent and Constitutional rights, with which CCH, as a medical institution receiving significant federal funding, is legally obligated to uphold and comply.

Unlawful conduct aside, to condition Adaline's continued existence on the receipt of medically unnecessary vaccinations strips the Deal family of its right to informed consent and amounts to a clear dereliction of duty and disregard for the ethical principles that are foundational to the medical profession. As a reminder, the Hippocratic Oath states, "I will apply, for the benefit of the sick, all measures that are required, *avoiding those twin traps of overtreatment and therapeutic nihilism.*"⁷ In other words, the oath commits a physician to apply *only* necessary interventions aimed at addressing the patient's existing health condition. Where a decision is life or death, as is the case here, it is clear that medical ethics, as well as the best interest of Adaline, requires CCH to treat her heart failure, not the possibility of an unrelated, potential illness with vaccination (notwithstanding a vaccine's efficacy or lack thereof).

Accordingly, please accept this letter as both the Deal family's formal request for a religious exemption from CCH's vaccination requirements and warning. The Deal family has been advised of their legal rights. **We expect written confirmation that Adaline's placement on the active transplant list will not be adversely affected by her and her family's religious objection**

⁵ *Non-discrimination Statement*, Cincinnati Children's, <https://www.cincinnatichildrens.org/-/media/Cincinnati-Childrens/Global-Shared/Navigation/Footer-Nav/PDF-non-discrimination-statement.pdf> (emphasis added).

⁶ *Your Rights and Responsibilities*, Cincinnati Children's, <https://www.cincinnatichildrens.org/patients/visit/visiting-guidelines/rights> ("Be treated considerately and respectfully regardless of their race, color, creed, ancestry, national origin, citizenship, religion, age, genetic information, physical or mental disability, marital or family status, sex, pregnancy, sexual orientation, gender identity/expression, military, veteran, or disabled veteran status, or other protected status in accordance with applicable federal, state, or local laws and regulations" and "[m]ake an informed decision regarding care including, to the extent allowed by law, the refusal of care").

⁷ Peter Tyson, *The Hippocratic Oath Today*, PBS (Mar. 27, 2001), <https://www.pbs.org/wgbh/nova/article/hippocratic-oath-today/> (emphasis added).

to vaccination by close of business on February 12, 2025. Should CCH have any questions about the foregoing, please do not hesitate to contact us. Govern yourselves accordingly.⁸

Very truly yours,



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⁸ Please note that the undersigned intend to seek *pro hac vice* admission if this matter proceeds to litigation.