

## HALACHIC GUIDELINES FOR ACCESSING MEDICAL CARE ON SHABBAT

The purpose of this guide is to clarify the particular issue of when, and to what extent, Shabbat (or Yom Tov) laws may be suspended in order to get a patient to a hospital, and also in order to return home upon discharge from the hospital. Halachic principles are cited, alongside some practical examples. CMC thanks each of the many רבנים and doctors who reviewed the content of this guide and provided valuable guidance and suggestions.

### CHAPTER ONE: LIFE-THREATENING CONDITIONS

In every life-threatening case of illness or injury (see list of illustrative examples below), the principles below are in effect.

- All Shabbat laws are suspended in order to provide the patient with immediate life-saving care.
- Moreover, the same is true even in cases in which there is only a suspicion that the severity of a patient's illness or injury is life-threatening.
- The same is true also in cases that are not currently life-threatening, but which may reasonably be assumed to potentially become life-threatening in the absence of immediate treatment on Shabbat.
- The suspension of Shabbat laws in all such cases means that it is considered not only permissible, but is actually a strict obligation to do everything that is necessary so that life-saving treatment and medical care is provided as quickly as possible.
- Therefore, in all such cases, it is unnecessary and even improper to consult with a Rav before taking action. Instead, there should be no delay or hesitation whatsoever prior to taking any measure necessary to provide life-saving care to a person on Shabbat.

### EXAMPLES OF LIFE-THREATENING CONDITIONS

The following sample list of life-threatening medical conditions is intended to be illustrative, not comprehensive. Also, it is important to note that many symptoms may be considered differently depending on the individual patient's age and overall health condition.

- Any time a medical professional states that a patient's condition is, may be, or may become, life-threatening, and that the patient cannot wait until after Shabbat to seek medical care.
- Upon the appearance of symptoms for which a patient has previously been notified that he must seek immediate medical attention.
- Signs of a stroke; severe head trauma, or any strong pain associated with vital internal organs.
- Chest pain, unusual shortness of breath, wheezing, or any other noisy breathing.
- The sudden occurrence of a very high temperature.

- For newborn babies, the sudden appearance of even a low-grade temperature.
- Whenever signs of a potentially life-threatening infection are visible or suspected.
- A bite from a creature that may be rabid or poisonous; any other severe allergic reaction.
- Severe medication overdose or other forms of ingesting significant toxic or poisonous substances.
- A severe laceration, or continuous bleeding.
- A mother during active labor or when experiencing unusual symptoms or pain during the first week. after childbirth.

## CHAPTER TWO: NON-LIFE-THREATENING CONDITIONS

It is important to clarify that the terms “life-saving” and “life-threatening” are meant to be understood literally, and therefore do not include conditions that definitely do not pose a danger to life, even if they may be painful, discomfiting or even damaging. Instead, there are different sets of laws that apply to four categories of these (non life-threatening) cases on Shabbat, as we shall outline in the paragraphs below.

When considering the following examples, it is important to remember that these are general categorizations that would normally apply to people who generally enjoy sound health. However, for people who are very young or elderly, frail, or otherwise health-compromised, some of the symptoms given below may raise concerns that the patient may actually be suffering from a more severe or even life-threatening condition. Moreover, it is important to take into consideration the patient’s own sense of how severe his condition is, in accordance with the principle of “לב יודע מרת נפשו” (“A person’s heart recognizes his own travail”).

Furthermore, as was already pointed out in Chapter One, it is worth repeating here that whenever even a possibility exists that a patient’s condition may— a) presently be, or b) soon become, in the absence of treatment—considered life-threatening, the applicable rule is “ספק פיקוח נפש להחמיר” “A case that is doubtfully life-threatening is still treated stringently”. Thus, even if it turns out later that the patient’s condition was not in fact life-threatening, it was still the correct approach at the time to consider it as such and to act accordingly.

### A. SLIGHT DISCOMFORT – מיוחש

In general, Shabbat laws may not be suspended at all for a patient who is suffering from a “slight discomfort.” Examples in this category include:

- Runny nose
- Mild cough or cold
- Minor toothache
- Minor digestion problems
- Minor joint or muscle pains

### B. MINOR ILLNESS – מקצת חולי

A “minor illness” is categorized as a condition that does not affect

## APPENDIX 1

the entire body or cause the person to be confined to a bed.

In general, Shabbat laws may not be suspended for a patient who is suffering from a "minor illness."

- However, it is permitted to ask a Gentile to provide care for a patient in this category, even if it involves doing an איסור מדרבנן, but not if it involves doing an איסור מדאורייתא.
- (According to שו"ע הרב, if the patient is in severe pain, then a Jew may also do an איסור דרבנן for the care of the patient, as long as he does it with a שינוי.)
- On יום טוב שני של גליות (but not on the 2nd day of Rosh Hashanah) it is permissible even for a Jew to do an איסור דרבנן to provide care for such a patient.

Examples in this category may include:

- Irritating cough
- Headache
- Nasal inflammation
- Aches and pains, e.g. arthritis

### C. INCAPACITATING ILLNESS – חולה שאין בו סכנה

"Incapacitating illness" describes patients who have a generalized (systemic) illness, an illness or pain that causes them to be noticeably unable to function well, or an illness that would cause most people to become bedridden.

- If it is uncertain whether or not a patient is sick enough to fall into the category of "incapacitating illness", they should be considered to be in this category.
- A patient in this category may take medicine in the normal manner, even though taking certain medicines is normally forbidden on Shabbat.
- A Gentile may be asked to perform acts of "Shabbat labor" in order to provide specific treatment that is needed on Shabbat for a patient in this category, including even those acts that are איסור מדאורייתא.
- A Jewish person may also do acts of "Shabbat labor" for the care of such a patient, but this is limited to those acts that involve only an איסור דרבנן (or even if they involve a Torah prohibition if there is a great need), and this is permitted only if those acts are done in a manner differing from the way that it is ordinarily done, i.e. with a שינוי.
- On יום טוב שני של גליות (but not on the 2nd day of Rosh Hashanah) a Jew may do an איסור דרבנן even without a שינוי in order to provide care for such a patient.

Examples of this category may include:

- High temperature, flu, or severe migraine headache.
- One who requires medications or preventive treatment to not become sick, e.g. someone who has diabetes, heart disease, high blood pressure, or acute asthma.
- Chronic debilitating arthritis pain.
- An expectant mother suffering from non life-threatening complications to her or her fetus.
- A mother in the post-partum period up to 30 days, even without any known complications. (If the mother is experiencing complications however, this status may apply even after the 30-day period. And as noted in the previous chapter, if the mother experiences unusual pain or complications during the first week after birth, then she is categorized as one who has a life-threatening condition.)

- An eye infection, however mild.
- A child (what age is considered a "child" depends on the individual's general constitution and strength) who has discomfort or even a mild illness.

**D. LIMB-THREATENING – סכנת אבר**

In cases where a patient is in danger of losing or causing permanent significant damage to a limb, Shabbat laws are suspended in the following ways:

- A Gentile may be asked to perform acts of "Shabbat labor" for the sake of the patient, even those acts that are normally אסור מדאורייתא .
- For a Jewish person to perform acts of "Shabbat labor" for the care of such a patient, the following distinction is made. In order to be permitted to do acts that are אסור מדאורייתא , he must perform them with a שינוי . However, if they are acts that are prohibited only מדרבנן , then he may perform them in the normal manner.
- If there is a concern that damage to a limb may lead to an even more serious concern for the patient, then all prohibitions may be suspended, as for a patient in the category of a life-threatening illness.
- Similarly, in order to save an eye or to prevent blindness, all prohibitions may be suspended.

**TABLE A: SUMMARY OF PERMITTED RESPONSES TO VARIOUS CATEGORIES OF MEDICAL CONDITIONS**

MEDICAL CONDITION/NEED	PERMITTED RESPONSE
<p><b>[Potentially] Life-Threatening</b>  <b>חולה שיש בו סכנה</b>                      Dangerously ill, or possibly so, or may become so if not treated.</p>	<p>→ All restrictions are suspended if necessary to ensure that immediately needed life-saving treatment is provided.</p> <p>→ A Jew may respond just as he would on a weekday, despite violating even אסורים דאורייתא if necessary.</p>
<p><b>Limb-Threatening</b>  <b>סכנת אבר</b>                      Danger of losing or causing significant damage to a limb.</p>	<p>→ A Gentile may be asked to perform any action ( אסורים דאורייתא ) needed to treat the patient immediately on Shabbat.</p> <p>→ In order to perform necessary care for this patient, a Jew may do even אסור מדאורייתא , as long as it is done with a שינוי , or he may do אסור מדרבנן even in the normal manner.</p> <p>→ All restrictions are suspended if necessary if there is concern that this may lead to more serious danger, or to prevent blindness.</p>

MEDICAL CONDITION/NEED	PERMITTED RESPONSE
<p><b>Incapacitating Illness</b> חולה שאין בו סכנה</p> <p>Bedridden or total body illness not functioning well but definitely not life-threatening.</p>	<p>→ The patient may take needed medicine as normal.</p> <p>→ A Gentile may be asked to perform any action (even איסורים דאורייתא) needed to treat the patient immediately on Shabbat.</p> <p>→ In order to perform necessary care for this patient, a Jew may do an איסור דרבנן (or even an איסור דאורייתא if there is a great need), if performed with שינוי .</p> <p>→ On יום טוב שני של גליות חן (but not on the 2nd day of Rosh Hashanah) a Jew may do an איסור דרבנן even without a שינוי.</p>
<p><b>Minor Ailment</b> מקצת חולי</p> <p>Minor illness or aches/pains.</p>	<p>→ A Gentile may be asked to perform actions that are אסור מדרבנן.</p> <p>→ (According to שו"ע הרב, if the patient is in severe pain, a Jew may also do an איסור דרבנן, as long as it's done with a שינוי.)</p> <p>→ On יום טוב שני של גליות חן (but not on the 2nd day of Rosh Hashanah) it is permissible even for a Jew to do an איסור דרבנן, even without a שינוי.</p>
<p><b>Slight Discomfort</b> מיחוש</p>	<p>→ All Shabbat laws and restrictions remain in place.</p>

## CHAPTER THREE: RETURNING HOME FROM HOSPITAL

**When a patient is discharged from a hospital**, even if he originally came to the hospital on Shabbat under emergency life-threatening circumstances, there is no carte blanche permission to violate Shabbat in order to return home. Rather, certain leniencies (as outlined below) may be applied only under circumstances of particular need, such as the following:

- Discharged patients who are completely incapable of walking home, and who have absolutely nowhere else to go. (However, if the patient is able to walk to a nearby location to spend the remainder of Shabbat, such as an adjacent hospitality suite, bikur cholim room, or the home of a friend or acquaintance, then there is no leniency to violate Shabbat in order to return home.)
- Leniency may be applied under these circumstances only if remaining in the hospital for many hours until the end of Shabbat would present **very significant difficulty** for the discharged patient.
- Alternatively, discharged patients for whom there is a **"great need"** to return home, such as a patient whose medical care requires him to be at home, or such as parents who are needed to look after their children. Wanting to go home in order to a) daven with a minyan or b) participate in a regular Torah class or c) eat the Shabbat meal with family **does not qualify** as a "great need".

## APPENDIX 1

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Those who accompanied the patient to the hospital may use the same leniency as the patient to return home, only if:

- The patient's care necessitates that this person accompany him, or
- The companion himself meets the qualifications listed above for leniency to apply.

Under the circumstances outlined above, the following laws apply:

- There is no leniency to violate Shabbat in order to take home the patient's (or companion's) belongings (except for items that are needed for the patient's care). Thus, for example, wallet, cell phone, etc. may not be brought home.
- The discharged patient (or visitor) should not return home with a Jewish driver, even if the driver himself is allowed to drive on Shabbat (such as a Jewish ambulance driver or doctor who is returning home in order to be available for the reasonable possibility of another emergency call).
- Instead, a Gentile should be asked to call a (non-Jewish) car service or taxi to bring the patient home.
- When returning home in this car service, the ideal method for payment is to arrange with the driver to pay the fare after Shabbat. (In Chicago, this can be easily accomplished by using the voucher system that has been established by the Chicago Center for Torah and Chesed.) Alternatively, one may ask a Gentile to pay the fare on Shabbat.
- If this is impossible, then one is even allowed to pay the fare with money on Shabbat, but not to accept change from the driver. The ideal method of paying with money is to avoid handling the money by showing the driver where the money is, and allowing him to take it by himself. If this is impossible, then one may even hand over the money directly to the driver.

**TABLE B: SUMMARY OF LENIENCIES FOR DISCHARGED PATIENTS IN GREAT NEED TO RETURN HOME**

PATIENTS FOR WHOM LENIENCIES APPLY	LENIENCIES THAT MAY BE APPLIED
<p>Those who have <b>absolutely nowhere</b> to go, and for whom staying in the hospital for many hours until the end of Shabbat would be <b>very difficult</b></p> <p>Those for whom there is a <b>great need</b> to go home</p> <p>A patient's companion, if deemed necessary for the patient's care, or if the companion himself meets the qualifications listed above.</p>	<ul style="list-style-type: none"><li>→ A Gentile may be asked to call a Gentile taxi company.</li><li>→ Ideally, driver should be paid after Shabbat, or by a Gentile on Shabbat.</li><li>→ Otherwise, the patient may pay the driver with money (but not accept change), which will be preferably taken by the driver himself.</li><li>→ Shabbat may not be violated to bring home any belongings that are not required for the patient's care.</li></ul>