

Written by Seth Berkman
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Despite Lack of Consent Forms, City Won't Press Case



Another Jewish newborn — the second in three months — has contracted neonatal herpes due to a controversial oral suctioning technique employed during ritual circumcision, New York City's Department of Health and Mental Hygiene has reported.

The parents of the child did not sign a recently mandated city consent form authorizing the mohel who conducted the circumcision to employ the technique, known as *metzitzah b'peh*, or MBP, the department has told the Forward. The parents, whom the department does not name, have additionally declined to identify the mohel, who it appears acted as a carrier of the virus.

The MBP-related herpes case, which the department disclosed in an April 3 email alert, is the first such case to emerge since January, when the city began requiring mohels who perform MBP to first have parents sign a consent form permitting them to do so. But Jean Weinberg, a department spokesperson, said the agency would not pursue legal action in the case, with out elaborating. This may leave the mohel free to infect other children, as some have in the past, according to previous reports by health authorities.

In the meantime, according to the agency, the infant has survived. A city department source said that the case had occurred “too recently” to know whether the boy had sustained any

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long-term physical or cognitive harm.

MBP, a procedure practiced by some ultra-Orthodox mohels, involves a mohel orally sucking away the blood from the infant's genital area after cutting off his foreskin during the *bris*, or ritual circumcision. The practice can infect newborns with herpes simplex virus type 1, according to medical authorities. It's a virus that, while not serious for adults, can be fatal for infants, or cause permanent cognitive or physical damage. Most mohels in this country use a sterile pipette for suctioning the blood. But many ultra-Orthodox mohels consider direct suction of the genital area by mouth to be mandated by the Talmud as part of the religious rite.

While rare, the incidence of this virus among New York City male newborns with confirmed or probable exposure to MBP — one in 4,098 — is 3.4 times greater than among newborns outside this group, according to a study published in the federal Centers for Disease Control and Prevention's Morbidity and Mortality Weekly Report in June 2012.

The health department reports 13 cases of MBP-related herpes since November 2000, including this most recent one. But recently, a senior rabbinic authority at Yeshiva University alleged that the city health agency, and some New York City hospitals, actively suppress the number of cases.

Rabbi Herschel Schachter, the influential Y.U. rabbinical leader who made the charge publicly, cited his own daughter, who, he said, works as a nurse at New York Presbyterian Hospital/Columbia University Medical Center, as his source.

In a [public lecture](#) last February in London, Schachter, who is a *rosh yeshiva*, or senior chief rabbinic authority, at Y.U.'s Rabbi Isaac Elchanan Theological Seminary, claimed that his daughter's hospital treated three cases per year of Hasidic babies infected with herpes. The infections were "obviously because of *metzitzah b'peh*," Schachter told his audience, citing his daughter.

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Schachter also cited his daughter as claiming that there are, in fact, about 15 such cases per year in the city, including the three cases or so she claimed per year at her own hospital. Schachter said his daughter explained that the hospitals do not report these cases because Hasidic clients would not return if they were made public. Schachter's remarks were first posted March 14 on the website Failed Messiah and authenticated by the Forward.

Representatives from New York Presbyterian Hospital/Columbia University Medical Center have refused repeated requests to respond to this allegation, as has the city health department.

In contrast, Brooklyn's Maimonides Hospital, which has perhaps the largest clientele of Orthodox patients in the city, strongly denied Schachter's allegation.

Eileen Tynion, assistant vice president of public relations at Maimonides, wrote in an email, "Like all hospitals, Maimonides is required to report cases of infant herpes to the DOH, and we remain in compliance at all times with that requirement." In September 2011, a 2-week-old boy died at Maimonides after contracting herpes following MBP, according to the city medical examiner.

Efforts to reach Schachter and his daughter were unsuccessful.

Jonathan Zenilman, a leading doctor at Johns Hopkins University, said it is possible that hospitals are underreporting neonatal herpes infections, but doubted this would occur at New York Presbyterian, where the pediatrics department is chaired by Lawrence Stanberry, whom Zenilman termed "one of the world experts on neonatal herpes."

"Columbia would certainly abide by the rules," said Zenilman.

Dr. Michael Paasche-Orlow, associate professor of medicine at Boston University, noted in an email to the Forward that hospitals send specimens for suspected cases of neonatal herpes to their laboratories, which should report directly to the city health department when their tests confirm a case. He doubted that the labs, which are required by city regulations to report such cases for infants younger than 60 days old, would fail to do so. But he added that it was

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possible that “clinicians would not think to test or even be hesitant to test in some scenarios,” which would be “quite unfortunate.”

Asked about the refusal of New York Presbyterian and the city to respond to Schachter’s allegation, Paasche-Orlow said, “Where allegations are being made by a public figure within a community regarding the health implications of a traditional cultural practice — and that the allegation relates to a purported cover-up — it is quite unfortunate for the major health providers to stay quiet.”

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