

## TH598 LAW, MEDICINE & ETHICS

Fall Term, 2009  
Tuesday & Thursday 10:30 – 11:45, GASSON 302

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Office Hours:  
Monday 10:30-12:00  
Or by appointment

**BLACKBOARD VISTA—INTERACTIVE CLASS WEB SITE ACCESSIBLE THROUGH AGORA PORTAL OR <http://cms.bc.edu>**

### **BIOETHICS SITES FOR PAPER:**

Lexis/Nexis (for law materials)  
<http://ethics.acusd.edu>  
<http://bioethics.georgetown.edu> (Access to Medline and Bioethics Line)  
<http://www.med.upenn.edu/bioethics/>  
<http://www.bioethics.net>

### **Text:**

1. Packet of Xeroxed materials. (Available in my office on Tuesday, September 8th or Wednesday, September 9th)

### **Position Papers:**

Write a one to two page position paper articulating the ethical stance you believe should govern the issue under discussion. The purpose of the paper is to have you reflect on and take a preliminary position on the ethical issue under consideration.

The papers, which will be read but not graded, are due **BY 4:00 PM on the DAY BEFORE THE CLASS.**

### **Term Paper:**

A six-eight page paper is due **THURSDAY, NOVEMBER 19<sup>TH</sup> 12:00 NOON (TWO COPIES!).**

### **Grading:**

- |                        |     |
|------------------------|-----|
| 1. Mid-Term Exam       | 25% |
| 2. Term Paper          | 25% |
| 3. Final Exam          | 40% |
| 4. Class Participation | 10% |

### **Assignments:**

#### **September 22 and September 24:**

I will be participating at an International Meeting on Neonatology in Cusco, Peru September 21-25. The "lost" classes will be made up on Tuesday, November 10<sup>th</sup> with an evening class with Mrs. Brophy and Att. Frank Reardon.

#### **Tuesday, September 29: AUTONOMY, PATERNALISM AND PROFESSIONAL RESPONSIBILITY**

##### **1. Packet:**

- |             |   |
|-------------|---|
| Alakija     | 1. Principles of Nuremberg Code, p. 141.                                    |
| Amirault    | 2. Schloendoroff v. Soc of NY Hosp, 211 N.Y. 125 (1914), pp. 147-149.       |
| Burns       | 3. Kessler and Gilmore, "Contracts," pp. 150-151.                           |
| Cammarano   | 4. John Stewart Mill, "On Liberty," p. 151.                                 |
| Carbone     | 5. Gerald Dworkin, Paternalism, pp. 142-146.                                |
| Cardaropoli | 6. Pius XII, "Moral Limits of Medical Research," pp. 158-160                |
| Chase       | 7. Meire, "Autonomy Reconsidered," <i>NEJM</i> 2002;346, pp. 161-162.       |
| Ellis       | 8. Dostoveysky, "The Grand Inquisitor," pp. 163-165.                        |
| Ernst       | 9. John Rawls, "A Theory of Justice," pp. 166-180.                          |
| Gabrielsen  | 10. Albert Jonsen, "Role of Autonomy Revisited." Nov. 15, 2008, pp. 180A-E. |

**(N.B. Always turn the page to be certain of the end of the assignment!)**

**Thursday, October 1: AUTONOMY, PATERNALISM AND PROFESSIONAL RESPONSIBILITY (CONT.)**

**1. Packet:**

- Gazzero 1. Peter Marzuk, "The Right Kind of Paternalism," *NEJM*, December 5, 1985, pp. 181-183.  
Hay 2. Robert Nozick, "Anarchy, State and Utopia," pp. 184-189.  
Hornung 3. Lisa Belkin, "The Made to Order Savior," *NY Times Magazine*, July 1, 2001, pp. 190-201.  
Jancsy 4. Marian Damewood, "Ethical Implications of Preimplantation Diagnosis," *JAMA*, June 27, 2001, pp. 202-203.  
Kasparian 5. Barry Maron, "Competitive Athletes with Cardiovascular Disease—The Case of Nicholas Knapp," *NEJM*, November 26, 1998, pp. 204-205.  
Lakkis 6. Jeffrey Drazen, "Inserting Government Between Patient and Physician:" *NEJM*, January 7, 2004, pp. 206-207.  
Larsen 7. Rob Stein, "Some Pharmacists Say No to Filling Birth-Control Prescriptions," *Washington Post*, March 25, 2005, pp. 208-210.  
Mahoney 8. Alta Charo, "The Celestial Fire of Conscience—Refusing to Deliver Medical Care," *NEJM*, 2005;352:2471-2473, pp. 211-213.  
Morton ✓ 9. HHS Publishes Provider Conscience Expansion Rule, Dec. 19, 2008, p. 213A.

**2. Position Paper #2: (Due Wednesday at 4:00 p.m.)**

- 1) Northwestern University appealed the federal district court ruling in the *Knapp* case. Write a memorandum for the Court of Appeals on the ethical issues to be considered in the case. Should Knapp be allowed to take the risk of playing basketball?
- 2) In his commencement speech at Notre Dame last May, President Obama, commenting on "conscience clauses" stated, "Let's honor the conscience of those who disagree with abortion, and draft a sensible conscience clause, and make sure that all of our health care policies are grounded in clear ethics and sound science, as well as respect for the equality of women."  
The Director of Domestic Policy for the White House asks you to draft a statement on "conscience" clauses that will meet the President's need for pharmacists.

**Tuesday, October 6: AUTONOMY AND INFORMED CONSENT: JEHOVAH'S WITNESS CASES**

**1. Packet:**

- Orisma 1. Slater v. Baker and Stapleton, 95 Eng. Rep. 860 (K.B. 1767), pp. 214-215.  
Osler 2. Canterbury v. Spence, 464 F.2d 772 (1972), pp. 216-221.  
(N.B. Two exceptions to the need for consent.)  
Pizzuti 3. Shine v. Vega, 709 N.E. 2d 58 (1999), pp. 222-223.  
Pond 4. Lawrence Altman, "The Man on the Table Devised the Surgery," *NY Times*, December 25, 2006, pp. 223A-K.  
Prince 5. Application of President and Directors of Georgetown College, 331 F. 2d 1000 (D.C. Cir. 1964), pp. 224-227. (N.B. Judge Warren Burger's dissent.)  
Quaranto 6. In re Brooks Estate, 32 111 2d 361 C 1965, pp. 228-229.  
Reaves 7. Powell v. Columbia Presbyterian Medical Center, (NY Dec. 24, 1965), pp. 230.

**2. Position Paper #3: (Due Monday at 4:00 p.m.)**

- 1) Write a one paragraph opinion for the SJC in the *Shine v. Vega* case (packet pp. 222-223).  
2) Write a one paragraph opinion—in light of the materials on informed consent—on whether or not the surgery should have been done on Dr. DeBaKey (packet pp. 223A-K).

**Thursday, October 8: AUTONOMY AND INFORMED CONSENT JEHOVAH'S WITNESS CASES (CONT.)**

**1. Packet:**

- Seymour 1. Hegland, "Unauthorized Rendition of Life Saving Medical Treatment," pp. 231-235.  
Sposa 2. "She Refused Blood and Died," *Boston Globe*, September 19, 1979, p. 236.  
Stamateris 3. John Figgis Jewett, "Total Exsanguination," *NEJM*, November 12, 1981, pp. 237-239.  
Alakija 4. *Prestigiacomo v. Campbell*, pp. 240-241.  
Amirault 5. Position papers on Jehovah's Witnesses, pp. 242-243.  
Burns 6. Brahams, "Jehovah's Witness Transfusion without Consent," *Lancet*, Dec. 9, 1989, p. 244.

(assignment continued on next page)

**2. Position Paper #4: (Due Wednesday at 4:00 p.m.)**

Write a position paper on what should be the public policy in the *Prestigiacomo v. Campbell* case (packet pp. 240-241).

**Tuesday, October 13: INFORMED CONSENT, REPRODUCTIVE RIGHTS AND MATERNAL-FETAL CONFLICT**

**1. Packet:**

- |             |     |  |
|-------------|-----|--|
| Cammarano   | 1.  | Roe v. Wade (1973), pp. 245-247.   |
| Carbone     | 2.  | Griswold v. Connecticut, 310 U3, 479 (1965), pp. 248-254.  |
| Cardaropoli | 3.  | Dissents to Griswold v. Connecticut, 254A-D.   |
| Chase       | 4.  | Robert George, "The Supreme Court's Private Life," <i>NY Times</i> , Sept. 18, 2005, p. 255.         |
| Ellis       | 5.  | Jefferson v. Griffin Spaulding Hospital 274 S.E. 2d 457 (1981), pp. 256-260.                         |
| Ernst       | 6.  | In re A.C. 533 A. 2d 611 (1987), pp. 261-264. (three judge panel)                                    |
| Garbrielsen | 7.  | In re A.C. - A2d - (D.C. 1990), pp. 265-271. ( <i>En banc</i> decision)                              |
| Gazzerro    | 8.  | Pelvic Exam Debate Starts with Consent," <i>Philadelphia Inquirer</i> , March 10, 2003, pp. 272-275. |
| Hay         | 9.  | "Doctor Calls Branding of Uterus Routine," <i>Globe</i> , Jan. 29, 2003, p. 276.                     |
| Hornung     | 10. | "Charges Against Doctor Bring Ire," <i>NY Times</i> , Dec. 11, 1988, pp. 277-278.                    |

**Thursday, October 15: MATERNAL-FETAL CONFLICT**

**1. Packet:**

- |           |     |  |
|-----------|-----|--|
| Jancsy    | 1.  | Robertson, "Procreative Liberty and the Control of Conception, Pregnancy and Childbirth," pp. 279-282.                               |
| Kasparian | 2.  | Helene Cole, "Legal Intervention During Pregnancy," <i>JAMA</i> 244: 2663-2670, pp. 283-290.   |
| Lakkis    | 3.  | Berkowitz, "Selective Reduction of Multifetal Pregnancies," <i>NEJM</i> (1988) 318, pp. 291-294.                                     |
| Larsen    | 4.  | Greenhouse, "Hospital Sets Policy on Pregnant Patients' Rights," <i>NY Times</i> , Nov. 24, 1990, p. 295.                            |
| Mahoney   | 5.  | Chervenak and McCullough, "Justified Limits on Refusing Intervention," <i>Hastings Center Report</i> , March 1991, p. 296.           |
| Morton    | 6.  | David Abel, "Pregnant Sect Member in State Custody," <i>Boston Globe</i> , Sep 1, 2000, p. 297.                                      |
| Orisma    | 7.  | Ellen Goodman, "Just How Far Can the State Go in Protecting an 'Unborn' Child?" <i>Boston Globe</i> , Sept. 10, 2000, pp. 298-299.   |
| Osler     | 8.  | George Annas, "Testing Poor Pregnant Women for Cocaine—Physicians as Police Investigators," <i>NEJM</i> , May 31, 2001, pp. 300-303. |
| Pizzuti   | 9.  | In re Fetus Brown, 294 Ill. App. 3d 159 (1997), pp. 304-307.   |
| Pond      | 10. | "Woman Charged with Murder in Fetal Death," Reuters, September 10, 2004, pp. 308-309.  |

**2. Position Paper #5: (Due Wednesday at 4:00 p.m.)**

- 1) Chervenak and McCullough's essay (p. 296) "Justified Limits on Refusing Intervention," *Hastings Center Report*, March 1991, challenges the policy announced by George Washington University Medical Center (Greenhouse article in *NY Times*, Nov. 29, 1990, p. 295) Write a position paper on what you believe should be the public policy with regard to a woman presenting at term with complete placenta previa who refuses a C-section.
- 2) Identify the ethical issues in the Rebecca Corneau case (packet pp. 297-299).

**Thursday, October 20: TRUTH TELLING AND CONFIDENTIALITY**

**1. Packet:**

- |            |    |   |
|------------|----|---|
| Prince     | 1. | Tarasoff v. Regents of Univ. of California, 131 Cal R 14 (1976), pp. 310-313.   |
| Quaranto   | 2. | Hippocratic Oath and selections from Hippocratic Corpuses (on "confidentiality" and truth telling"), pp. 314-315.       |
| Reaves     | 3. | Joseph Collins, "Should Doctors Tell the Truth?", <i>Harpers</i> , 1927, pp. 316-320.                                   |
| Seymour    | 4. | Blackhall et al., "Ethnicity and Attitudes Toward Patient Autonomy," <i>JAMA</i> . 1995;274:820-825, pp. 321-326.       |
| Sposa      | 5. | Carrese and Rhodes, "Western Bioethics on the Navajo Reservation," <i>JAMA</i> , 1995;274:826-829, pp. 327-330.         |
| Stamateris | 6. | Matthew Wynia, "Physician Manipulation of Reimbursement Rules for Patients," <i>JAMA</i> , April 12, 2001, pp. 331-334. |

(assignment continued on next page)

- Alakija 7. Victor Freeman, "Lying for Patients," *Archives of Internal Medicine*, Oct. 25, 1999, pp. 335.  
 Amirault 8. Stephen Gillers, "A Duty to Warn," *NY Times*, July 26, 2001, p. 336.  
 Burns 9. Dr. Timothy Babineau, e-mail on "Truth Telling and Confidentiality," July 14, 2006, p. 337.

2. **In Class Video:** *Fred Friendly on Confidentiality*

3. **Position Paper #6: (Due Wednesday at 4:00 p.m.)**

- a. Bill Shea, a 26 year old is in end stage renal failure and without a kidney transplant will die. Of all the family members tested only his brother Jim is a match. When told, Jim, fearful of risking his own life by donating a kidney, informs Dr. Ferranti that he does not want to donate. Jim does not want Bill or the family to know of his refusal. Bill asks the surgeon, Dr. Ferranti, "Did anyone match?" Should the doctor tell Bill the truth?
- b. What should Dr. Babineau tell about the genetic data in response to the questions in the e-mail? To whom? (Packet p. 337)
- c. **Lawyer–Client Confidentiality**  
 In the course of discussing his problem Jim Lockland tells his attorney, James Neal, that last year in the midst of a robbery he shot and killed a store clerk. Michael Brown was incorrectly convicted of that murder and is scheduled to be executed. What are Mr. Neal's obligations:  
 1) Toward his client?  
 2) To Michael Brown?  
 3) To society?  
 What are the public policy implications of the attorney breaching the confidentiality?

**Tuesday, October 22: STERILIZATION**

1. **Packet:**

- Cammarano 1. Ruby v. Massey, pp. 339-355.  
 Carbone 2. Buck v. Bell, 247 US 200 (1927), pp. 356-357.  
 Cardaropoli 3. Skinner v. Oklahoma, 316 US 535 (1942), pp. 358-359.  
 Chase 4. Stump v. Sparkman, 431 US 349 (1967), pp. 360-361.  
 Ellis 5. Gilmore, *Ages of American Law*, pp. 362-365.  
 Ernst 6. Gaylord, "The Sterilization of Carrie Buck," pp. 366-372.  
 Gabrielsen 7. George Annas, "Sterilization of the Mentally Retarded: Lee Ann Grady," pp. 373-374.  
 Gazzerro 8. HEW Rules, pp. 375.  
 Hay 9. Downs v. Sawtelle, 574 F. 2d (1978), pp. 376-379.  
 Hornung 10. Elizabeth Rosenthal, "China's Sterilization Law," *NY Times*, August 1, 1998, pp. 380-382.  
 Jancsy 11. Carl Honore, "They Took Away My Dignity—100 Sterilized Canadians Sue," *Houston Chronicle*, March 8, 1998, pp. 383-385.

**OPTIONAL READING:**

Christine Ryan, "Revising The Legal Standards That Govern Requests to Sterilize Profoundly Incompetent Children," *Fordham Law Review*, October, 2008;77:287-326. Blackboard Vista "Recommended Readings"

**Tuesday, October 27: MID-TERM EXAM**

**Thursday, October 29: DEATH AND DYING**

1. **Packet:**

- Kasparian 1. Introduction, pp. 386-390.  
 Lakkis 2. Karen Quinlan, pp. 391-392.  
 Larsen 3. James Rachels, "Active and Passive Euthanasia," pp. 393-394.  
 Mahoney 4. President's Commission, *Deciding to Forego Life-Sustaining Treatment*, pp. 395-410.  
 Morton 5. Neuhaus, "The Gospel of Life," *Wall Street Journal*, April 3, 1995, pp. 411.  
 Orisma 6. Vatican 1980 Declaration on Euthanasia, pp. 412-415. (***N.B. Section IV.***)  
 Osler 7. Orr, "You Have the Power," *JAMA*, November 7, 2001, pp. 416-417.  
 Pizzuti 8. Groopman, "Separating Death From Agony," *The New York Times*, November 9, 2001, pp. 418-419.

2. **Bring a written outline of the Vatican Declaration on Euthanasia to class.**

## **Tuesday, November 3: SUICIDE/ACTIVE EUTHANASIA**

### **1. Packet:**

- |             |     |   |
|-------------|-----|---|
| Pond        | 1.  | Dr. Kevorkian, pp. 420-421.   |
| Prince      | 2.  | "It's Over, Debbie," <i>JAMA</i> , Jan. 8, 1988, pp. 422.   |
| Quaranto    | 3.  | Timothy Quill, "Death and Dignity: A Case of Individualized Decision Making," <i>NEJM</i> , March 7, 1991, pp. 423-426. |
| Reaves      | 4.  | Dan Brock, "Voluntary Active Euthanasia," pp. 427-431.  |
| Seymour     | 5.  | Daniel Callahan, "When Self-determination Runs Amok," pp. 432-435.  |
| Sposa       | 6.  | Marcia Angell, "The Supreme Court and Assisted Suicide—The Ultimate Right," <i>NEJM</i> 1997; 336, pp. 436-439.         |
| Stamateris  | 7.  | George Annas, "The Bell Tolls for a Constitutional Right to PAS," <i>NEJM</i> 1997;337:1098-1104, pp. 440-444.          |
| Alakija     | 8.  | Johanna Groenewoud, "Clinical Problems with PAS in Netherlands," <i>NEJM</i> Feb, 24, 2000, pp. 445-446.                |
| Amirault    | 9.  | Robert Steinbrook, "Physician-Assisted Suicide in Oregon—An Uncertain Future," <i>NEJM</i> Feb. 7, 2002, pp. 447-450.   |
| Burns       | 10. | "Court Says Husband Can't Help Dying Wife Kill Herself," April 29, 200, p. 451.   |
| Cammarano   | 11. | Verhagen, "The Groningen Protocol—Euthanasia in Severely Ill Newborns," <i>NEJM</i> 2005; 352:959-962, pp. 452-455.     |
| Carbone     | 12. | "Kevorkian Loses Appeal," <i>NY Times</i> , Nov. 22, 2001, p. 456.  |
| Cardaropoli | 13. | Jo Roman, <i>Exit House</i> , pp. 457-458.  |

### **2. In Class Video: 60 Minutes—Dr. Kevorkian**

### **3. Position Paper #7: (Due Monday at 4:00 p.m.)**

The New Hampshire legislature overwhelmingly rejected a bill to authorize physician assisted suicide. Taking active measures to end the life of another person is homicide in the state of New Hampshire. If it is an intentional act, it is first degree homicide.

Dr. John Smith, a professor of medicine at Dartmouth Medical School, gave a Grand Rounds lecture on physician assisted suicide. In the course of his lecture Dr. Smith described three cases of physician assisted suicide in his own practice. In each of the cases, the patient had end stage terminal cancer and had requested assistance in dying. Dr. Smith gave the patients instructions on lethal dosages of medication and a prescription for a sufficient number of pills to end life. All took pills and died. In one case Dr. Smith had to help the patient swallow the pills by pushing them down the patient's throat. The New Hampshire Attorney General is informed of the lecture and after an investigation seeks an indictment against Dr. Smith.

Write an op-end piece for the Boston Globe on what you believe the Massachusetts legislature position should be on physician assisted suicide/active euthanasia.

## **Thursday, November 5: DECISION MAKING FOR THE INCOMPETENT PATIENT**

### **1. Packet:**

- |            |    |  |
|------------|----|--|
| Chase      | 1. | <u>In Re</u> Quinlan, pp. 459-460.   |
| Ellis      | 2. | In re Helga Wanglie, <i>NY Times</i> , Jan. 10, 1990, pp. 461-463.                       |
| Ernst      | 3. | Field & Romanus, "18 Year Decerebrate," pp. 464-466.                                     |
| Gabrielsen | 4. | Belchertown v. Saikewicz, 370 N.E. 2d 417 (Probate Court) (1977), pp. 467-471.           |
| Gazzerro   | 5. | Superintendent of Belchertown v. Saikewicz (Supreme Judicial Court) (1977), pp. 472-475. |
| Hay        | 6. | In re Storar, 420 N.E. 2d 64 (1981), pp. 476-478.  |
| Hornung    | 7. | In re Conroy, 98 NJ 321, 486 A. 2d 1209 (1985), pp. 479-485.                             |
| Jancy      | 8. | Joseph Quinlan, <i>Karen Ann</i> , pp. 486-496.  |

### **2. Position Paper #8: (Due Wednesday at 4:00 p.m.)**

Write a position paper on the guidelines you would propose for the Brigham & Women's Hospital for cases such as that described by Field and Romanus in the *18 Year Decerebrate* case (packet pp. 464-466).

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**Tuesday, November 10: WITHDRAWAL OF NUTRITION AND FLUIDS FROM INCOMPETENT PATIENTS**

**1. Packet:**

- Kasparian 1. Barber v. Superior Ct., 195 Cal. Rptr. 484 (1983), pp. 502-505.  
Lakkis 2. AMA Statement (1986), p. 506.  
Larsen 3. Brophy v. N.E. Sinai Hospital, 398 Mass. 417 (1986), pp. 507-510.  
(N.B. The description of how patients deprived of nutrition and fluids will die in Footnote 2 of Justice Nolan's dissent.)  
Mahoney 4. Cruzan v. Director, Missouri Department of Health, US, (1989), pp. 511-517.  
Morton ✓5. John Paul II, "Allocation on Nutrition and Fluids," March 20, 2004 pp. 517A-D.  
Orisma ✓6. CDF "Response to Certain Questions of the American Bishops on Nutrition and Fluids," August 1, 2007, p. 517E.  
Osler ✓7. Commentary on CDF, pp. 517-F-H.  
Pizzuti 8. George Annas, "The Case of Terry Schiavo," *NEJM* April 21, 2005, pp. 497-501.  
Pond ✓9. Rigili and Lori, "Human Dignity and the End of Life," *America*, August 4, 2008, pp. 501A-B.

**Tuesday, November 10: SPECIAL EVENING CLASS @ 7:00PM at Roberts House. (Yes, two classes on the same day!)**

Mrs. Brophy and Attorney Frank Reardon, who represented Mrs. Brophy will speak on the medical-legal issues in the Brophy case.

1. **In Class Video:** 20/20 Edition on Paul Brophy case.

**Thursday, November 12: NO CLASS. PREPARE TERM PAPER.**

**Tuesday, November 17: NO CLASS. PREPARE TERM PAPER.**

**THURSDAY, NOVEMBER 19: NO CLASS. PASS IN TWO (2) COPIES OF TERM PAPER @ 12:00 NOON AT MY OFFICE.**

There will be a 15 minute grace period. Late papers are accepted with a 5 point per day late penalty. If you have any problems printing you can send me your paper by e-mail and bring **two** copies of the paper to my office by 3:00PM without any late penalty.

**Tuesday, November 24: ECONOMICS OF HEALTH CARE DELIVERY**

**1. Packet:**

- Prince 1. "Preventing Patient Dumping," pp. 518-519.  
Quaranto 2. Wrenn, "No Insurance, No Admission," *NEJM* 1985;312:373, pp. 520-521.  
Reaves 3. Enthoven, "The History and Principles of Managed Competition," *Health Affairs* 1993, pp. 522-524.  
Seymour 4. Himmelstein, "A National Health Program for the US: A Physicians Proposal," *NEJM* 1989;320:102, pp. 525-530.  
Sposa 5. Rogers, "Cultural and Organizational Implication for Academic Managed Care Networks," *NEJM* 1994;331:1374-1377, pp. 531-534.  
Stamateris 6. Eileen McNamara, "Boys Last Hope," *Boston Globe*, September 15, 2000, p. 535.  
Alakija 7. Richard Knox, "Boy Who Fought for Treatment Dies," *Boston Globe*, April 29, 2000, p. 536.  
Amirault 8. Lester Thurow, "Learning to Say No," *NEJM* 1984, pp. 537-538.  
Burns 9. Norman Levinsky, "The Doctor's Master" *NEJM* 1984, pp. 538-539.  
Cammarano ✓10. Robert Truog, "Tackling Medical Futility in Texas," *NEJM* 2007;357:1-3, pp. 539A-C.  
Carbone ✓11. Barbara Howe Case 2006, pp. 539D-E.

**2. Position Paper #9: (Due Monday at 4:00 p.m.)**

If you were on the Mass Medicaid Board, how would you vote on the Stewart case? (p. 535).

**Thursday, November 26: HAPPY THANKSGIVING!**

**Tuesday, December 1: ECONOMICS OF HEALTH CARE DELIVERY (CONT.)**

**1. Packet:**

- Cardaropoli 1. AMA Council on Judicial Affairs, "Ethical Issues in Managed Care," *JAMA* 1995; 273:330-335, pp. 542-547.
- Chase 2. Social Security Act—COBRA (1985), pp. 548-549.
- Ellis 3. Paris and Moore, "Controlling the Costs: The Use of Financial Incentives in Managed Care," *America*, July 16-23, 2001, pp. 550-553.
- Ernst 4. James Robinson, "Reinvention of Health Insurance in the Consumer Era," *JAMA* 2004; 291:15; 1880-1886, pp. 554-560.
- Gabrielsen 5. Robert Steinbrook, "The Costs of Admission: Tiered Copayments for Hospital Use," *NEJM* 2004; 2539-2542, pp. 561-564.
- Gazzerro 6. Gina Kolata, "Co-Payments Go Way Up for Drugs with High Prices," *NY Times*, April 14, 2008, pp. 565.
- Hay 7. Liz Kowalczyk, "Uninsured Caught in Costly Twist," *Boston Globe*, November 7, 2004, pp. 572-574.
- Hornung 8. Charles Stein, "As Health Care Progresses, So Does the Cost," *Boston Globe*, January 30, 2005, pp. 575-576.
- Jancsy 9. Robert Pear, "Companies Fight to Ensure Coverage of Erectile Drugs," *New York Times*, February 22, 2005, pp. 577-581.

**Thursday, December 3: INFORMED CONSENT AND RESEARCH ON HUMAN SUBJECTS**

**1. Packet:**

- Kasparian 1. Munson, "Social Context of Research: Tuskegee, Willowbrook and Radiation and Baby Fae Experiments," pp. 582-587.
- Lakkis 2. Introduction, pp. 587-596.
- Larsen 3. Munson, Principles of the Nuremberg Code, p. 602.
- Mahoney 4. Marc E. Lippman, "High-Dose Chemotherapy Plus Autologous Bone Marrow Transplantation for Metastatic Breast Cancer," *NEJM*, April 13, 2000, pp. 603-604.
- Morton 5. Gina Kolata, "Hope for Sale," *NY Times*, Oct. 3, 1999(p1), pp. 605-612.
- Orisma 6. George Annas, "Ulysses and the Fate of Frozen Embryos," *NEJM*, Aug. 3, 2000, pp. 634.
- Osler 7. Susan Klock, "The Disposition of Unused Frozen Embryos," *NEJM*, July 5, 2001, pp. 635.
- Pizzuti 8. Denise Grady, "Baby Conceived to Provide Cell Transplant for His Dying Sister," *NY Times*, Oct. 4, 2000, p 636.
- Pond 9. Weissman, "Stem Cells—Scientific, Medical and Political Issues," *NEJM* 2002;346, pp. 643-645.
- Prince 10. Susan Okie, "Stem-Cell Research—Signposts and Roadblocks," *NEJM* 2005;353:1-5, pp. 646-650.
- Quaranto 11. George W. Bush, "On Stem Cell Research," July 19, 2006, pp. 650A-E.

**2. Position Paper #10: (Due Wednesday at 4:00 p.m.)**

Write a letter to your Senator on the ethical issues in federal support for stem cell research and what you believe should be the public policy of the US government on stem cell research.

**Tuesday, December 8: NEW FORMS OF REPRODUCTION**

**1. Packet:**

- Reaves 1. Munson, "Hello Dolly: The Advent of Cloning," pp. 651-653.
- Seymour 2. Louise Brown: First Test Tube Baby, pp. 653.
- Sposa 3. Bradley VanVoorhis, "In Vitro Fertilization," *NEJM* 2007;356:379-385, pp. 653A-F.
- Stamateris 4. Munson, "Septuplets: The Perils of Multiple Pregnancies," pp. 653-654.
- Alakija 5. Munson, "Post Menopausal Motherhood," pp. 654-655.
- Amirault 6. Munson, "Embryos in Court," *Davis and Nahamani Cases*, pp. 655-656.
- Burns 7. Munson, "Father Shopping: Sperm by Mail," p. 656.
- Cammarano 8. "Baby M," pp. 656-657.
- Carbone 9. "Calvert Case: Gestational Mother Changer Her Mind," p. 657.
- Cardaropoli 10. Introduction, pp. 657-664. **(Read Quickly)**

**(assignment continued on next page)**

- Chase 11. Congregation for the Doctrine of Faith, Instruction “*Dignitas Personae*,” Sept. 8, 2008, pp. 665A-I  
 Ellis 12. Deborah Spar, “Reproductive Tourism and the Regulatory Map,” *NEJM* 2005;352:531-533, pp. 669-671.

**OPTIONAL READING:** The complete text of *Dignitas Personae* is on Vista, “Recommended Readings.”

**Thursday, December 10: NEW FORMS OF REPRODUCTION (CONT.)**

**1. Packet:**

- Ernst 1. *People v. Sorensen*, 437 P.2d 495 (1968), pp. 672-673.  
 Gabrielsen 2. *C.M. v. C.C.*, 337 A.2d 821 (1977), pp. 673-674.  
 Gazzero 3. *Karen T. v. Michael T.*, 127 Misc. 2d, 14, 484, N.Y.S. 2d 780 (1985), pp. 675-676.  
 Hay 4. *Davis v. Davis*, Supreme Court of Tenn (1992), pp. 684-689.  
 Hornung 5. “SJC Explains Fertility Treatment Decision” (*AZ v. BZ*), *Boston Globe*, April 1, 2000, pp. 690-691.  
 Jancsy 6. Berkowitz, “Selective Reduction of Multifetal Pregnancies,” *NEJM* 1988;318:1093-1097, pp. 692-695.  
 Kasparian 7. “Gay Sperm Donor Father of Lesbians’ Child,” *Chicago Tribune*, November 20, 1994, p.  
 Lakkis 8. Gina Kolata, “Uncertain Area for Doctors: Saving Sperm of Dead Men,” *NY Times*, May 30, 1997, p. 697.  
 Larsen 9. Lisa Belkin, “Pregnant With Complications: Post-Menopausal Pregnancy,” *NY Times Magazine*, October 26, 1997, pp. 698-706.  
 Mahoney 10. George Annas, “Crazy Making: Embryos and Gestational Mothers,” *Hastings Center Report*, February, 1991, pp. 707-710.  
 Morton 11. George Annas, “The Shadowlands—Secrets, Lies, and Assisted Reproduction,” *NEJM*, September 24, 1998, pp. 711-714.  
 Orisma 12. Goodman, “We Need to Tame Our Reproductive Wild West,” *Boston Globe*, Jan. 10, 2002, pp. 716-717.  
 Osler 13. Stein, “Embryo Bank Stirs Ethics Fears,” *Washington Post*, January 6, 2007, pp. 718-720.  
 Pizzuti 14. Debra Spar, “The Egg Trade,” *NEJM* 2007;356:1289-1291, pp. 720A-C.

**2. Position Paper #11: (Due Monday at 4:00 p.m.)**

What should be the public policy with regard to:

- a. Disputes over Frozen embryos? (Compare *Davis v. Davis* and *Kass v. Kass* (In Notes after *Davis*) and *AZ v. BZ*.)
- b. Post-menopausal pregnancy?
- c. Selective reduction?
- d. Post-mortem fatherhood?
- e. Fetal ovary transplant?
- f. Pre-made embryos for sale?
- g. Women’s eggs?

One of the latest advances in reproductive technology brings to the fore the question of fetal ovary transplants. A female fetus in the first trimester of pregnancy already has nearly its full complement of eggs. If an ovary from a fetus aborted at this stage is transplanted into a woman with no ovaries (or whose ovaries are nonfunctional, as in natural menopause), the ovary may continue to develop and mature to the point where ovulation occurs in a natural manner without any additional medical intervention. Consequently it would be possible for a woman to conceive and bear a child whose genetic mother is the aborted fetus from which the ovary was removed.

**FINAL EXAM:** The exams will be scheduled by the Firms on December 14-15-16.

The final will be a half-hour oral exam. You will be in three person "Firms" drawn at random. The cases to be discussed will be distributed at the final class.

There will be a sign up sheet for the dates and times of the oral exam.