

Medical History and Bioethics/Philosophy 558

Ethical Issues in Health Care

Spring 2012

Instructors:	Phone	E-mail
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Organization: This class meets Tuesdays from 11:00 – 12:15 for lectures, and on Thursdays and Friday at the times below for small group discussions. This is a survey course in bioethics, for advanced undergraduates and graduate students. Our goal is to familiarize students with the range of issues and arguments found in the literature of bioethics, and to encourage independent and critical thinking and writing on these topics.

Lecture: Tuesdays 11:00 – 12:15, Nutritional Sciences 290

Discussions:

DIS 302	Thursdays 11:00-12:15	Grainger 2165
DIS 303	Thursdays 9:30 – 10:45	Educational Sciences 304
DIS 304	Thursdays 2:30– 3:45	Bascom 54
DIS 305	Fridays 9:30 – 10:45	Grainger 2185

Office Hours:

Norman Fost MD MPH By appointment: ncfost@wisc.edu, 263-8562

Fred Harrington Tuesdays 8:45-10:45, Aldo's Café (NE corner of Wisconsin Institutes for Discovery) and by appointment

Reading: The primary text for the course is *Ethical Issues in Modern Medicine* (noted as “EIMM” in the reading assignments below), by Bonnie Steinbock, John Arras, and Alex London (7th Edition, 2009). It is available at University Bookstore. Page numbers that follow are keyed to this book. Other readings for this course will be available on the Ebling Library website through My UW-Madison under the Library/Reserves link.

Grading: Students will be evaluated on the basis of weekly quizzes (20% total), based on the readings for that week; a 1200 – 1500 word (4 – 5 page) mid-term paper (30%), and a 2400 – 3000 word (8 – 10 page) final paper (50%). Put your name and discussion section on the first page of the paper, along with a final word count. Papers must be submitted by e-mail attachment in Word format (either .doc or .docx) to facilitate written comments by the instructor, but a printed copy must be hand delivered at the beginning of class on the due date to confirm that the paper has been received. The final grade can be raised or lowered by unusually constructive participation in discussion, or by an unusual lack of it. The mid-term paper is due at the beginning of discussion section, March 29/30; the final paper at the beginning of discussion section May 10/11. Never turn in the only copy of your paper.

Attendance: Attendance at lectures and discussion groups is required and can affect your grade. Minimum attendance for a passing grade = 12 lectures and 12 discussion sessions.

Students who anticipate needing an “incomplete” grade should read carefully the University’s policy, at http://registrar.wisc.edu/students/acadrecords/grades_and_policy/the_incomplete.php.

Students considering dropping the course should read that policy, at: http://www.lssaa.wisc.edu/70bascom/academic_policy/drop.html

Schedule:

1.	1/24	Introduction	Fost
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- (a) Film: “Who Shall Survive”
- (b) “Introduction: Moral Reasoning in the Medical Context”, 1 – 41 EIMM

2.	1/31	Paternalism and Public Health	Kelleher
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- (a) Daniel Wikler and Dan E. Beauchamp, "Lifestyles And Public Health," in Stephen Garrard Post (ed.), *Encyclopedia of Bioethics*, 3rd ed. (Macmillan Reference USA, 2003). (available on e-reserves)
- (b) Jacob Sullum, “An Epidemic of Meddling: The Totalitarian Implications of Public Health,” *Reason*. 39, no. 1 (2007): 22-31(available on e-reserves)
- (c) Robert Goodin, “Permissible Paternalism: In Defense of the Nanny State,” in Amitai Etzioni (ed.), *The Essential Communitarian Reader* (Rowman & Littlefield, 1998): 115-123. (available on e-reserves)
- (d) Kelly Brownell et. al., “Personal Responsibility and Obesity: A Constructive Approach to a Controversial Issue,” *Health Affairs* 29, no. 3 (2010): 379-387. (available on e-reserves)
- (e) Daniel M. Hausman and Brynn Welch, “Debate: To Nudge or Not to Nudge,” *Journal of Political Philosophy* 18, no. 1 (2010): 123–136. (available on e-reserves)

3.	2/7	Abortion	Streiffer
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- (a) “Why Abortion is Immoral” by Don Marquis, 547-555 EIMM
- (b) “A Defense of Abortion” by Judith Jarvis Thomson, 567-575 EIMM

Optional Reading:

- (c) “Why Most Abortions Are Not Wrong” by Bonnie Steinbock, 471-482 EIMM
- (d) “The Morality of Abortion” by Margaret Olivia Little, 492 – 500 EIMM

4.	2/14	Stem Cells/ Cloning	Streiffer
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- (a) President’s Council on Bioethics, “The Case Against Cloning-to-Produce-Children,” 637-650 EIMM
- (b) Steinbock, “Reproductive Cloning: Another Look,” 651-661 EIMM
- (c) Sandel, “Embryo Ethics – The Moral Logic of Stem Cell Research,” 707-709 EIMM
- (d) George and Lee, “Acorns and Embryos,” 709-715 EIMM
- (e) Fitzpatrick, “Surplus Embryos, Nonreproductive Cloning, and the Intend/Foresee Distinction,” 716-723 EIMM

5.	2/21	Consent	Schwarze
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- (a) Arras, "Antihypertensives and the risk of temporary impotence: a case study in informed consent," 87-88 EIMM
- (b) Katz, "Informed consent--must it remain a fairy tale?" 89-96 EIMM
- (c) Blackhall et al, "Bioethics in a Different Tongue: The Case of Truth-Telling," 101-109 EIMM
- (d) Freedman, "Offering Truth," 110-116 EIMM
- (e) Wynia M. "Invoking Therapeutic Privilege," Virtual mentor. Feb 2004, Vol 6, #2.
<http://virtualmentor.ama-assn.org/2004/02/msoc1-0402.html> (available on e-reserves)

6.	2/28	Foregoing Life-Sustaining Rx	Fagan
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- (a) *State of Tennessee Department of Human Services v. Mary C. Northern*, 361-365 EIMM
- (b) "Transcript of Proceedings: Testimony of Mary C. Northern," 365-368 EIMM
- (c) "A Chronicle: Dax's Case As It Happened," by Keith Burton, 379-383 EIMM
- (d) "Commentary," by Robert B. White, 383-384 EIMM
- (e) "Commentary," by H. Tristram Engelhardt, Jr. 384-385 EIMM
- (f) "The Health Care Proxy and the Living Will," by George J. Annas, 387-391 EIMM
- (g) "Enough: The Failure of the Living Will," by Fagerlin and Schneider, 391-401 EIMM
- (h) "Testing the Limits of Prospective Autonomy: Five Scenarios" by Norman L. Cantor, 402-403 EIMM
- (i) "Erring on the Side of Theresa Schiavo: Reflections of the Special Guardian and Litem," by Jay Wolfson, 405-409 EIMM
- (j) "Human Non-Person": Terri Schiavo, Bioethics, and our Future" by Wesley Smith, 409-410 EIMM
- (k) "Quality of Life and Non-Treatment Decisions for Incompetent Patients: A Critique of the Orthodox Approach," by Rebecca S. Dresser and John A. Robertson, 436-447 EIMM
- (l) "The Limits of Legal Objectivity," by Nancy K. Rhoden, 447-454 EIMM

7.	3/6	Foregoing Treatment Of Children: The Baby Doe Story	Fost
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- (a) "Counseling Families and Deciding Care of Severely Defective Children: A Way of Coping with 'Medical Vietnam'," by Raymond S. Duff (available on e-reserves)
- (b) "Counseling Families Who Have a Child with a Severe Congenital Anomaly" by Norman Fost (available on e-reserves)
- (c) "Extreme Prematurity and Parental Rights after *Baby Doe*" by John Robertson, 459-467 EIMM

Optional Reading:

- (d) *Montalvo v Borkovec* (available on e-reserves)

8.	3/13	Reproductive Technology	Charo
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- (a) "The Presumptive Primacy of Procreative Liberty," John Robertson, 599-609 EIMM
- (b) "Instruction on Respect for Human Life in Its Origin and on the Dignity of Procreation," Vatican 609-618 EIMM
- (c) "What are Families For? Getting to an Ethics of Reproductive Technology," Tomas H. Murray, 618-623 EIMM
- (d) "Payment of Egg Donation," Bonnie Steinbock, 627-636 EIMM

Optional Reading:

- (e) "Grade A: The Market for a Yale Woman's Eggs," Jessica Cohen. 623-626 EIMM

9.	3/20	Experimentation	Lederer
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- (a) "The Nuremberg Code," 739-740 EIMM
- (b) "The Jewish Chronic Disease Hospital Case," by John D. Arras, 740-749 EIMM
- (c) "The Willowbrook Hepatitis Studies," by David J. Rothman and Sheila M. Rothman, 749-753 EIMM
- (d) "The Willowbrook Hepatitis Studies Revisited," Saul Krugman (available on e-reserves, from 6th edition)
- (e) "Racism and Research: The Case of the Tuskegee Syphilis Study," Allan Brandt, 753-763 EIMM
- (f) "Tuskegee Re-Examined," Richard Shweder.
<http://www.spikedonline.com/sections/essays/index.htm> (available on e-reserves)
- (g) "Unethical Trials on Interventions to Reduce Perinatal Transmission of the Human Immunodeficiency Virus in Developing Countries" by Lurie and Wolfe, 783-788 EIMM
- (h) "AZT Trials and Tribulations," by Crouch and Arras, 788-793 EIMM

10.	3/27	The Wisconsin Cystic Fibrosis Newborn Screening Study	Fost
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- (a) Fost NC and Farrell PM. "A Prospective randomized trial of early diagnosis and treatment of cystic fibrosis: a unique ethical dilemma," Clinical Research, 37(3):495-500, 1989. (available on e-reserves)

****April 3*****Spring Break*****

12.	4/10	The Definition of Death	Fost
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- (a) "The Definition of Death," President's Commission, 339-348 EIMM
- (b) "The Whole-Brain Concept of Death Remains Optimum Public Policy," by James L. Bernat, 348-356. EIMM
- (c) "An Alternative to Brain Death," by Jeff McMahan, 356-360 EIMM
- (d) "Reconsidering the dead donor rule: Is it important that organ donors be dead?" Fost N., Kennedy Institute of Ethics Journal 14(3):249-260, 2004 (available on e-reserves)

13.	4/17	Human Growth Hormone: Treatment vs. Enhancement	Fost
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- (a) “hGH for Short Stature: Ethical Issues Raised by Expanded Access,” David B. Allen and Norman Fost (available on e-reserves)
- (b) “Is Short Stature a Problem? The Psychological View,” Linda D. Voss (available on e-reserves)
- (c) “Growth Hormone Treatment for Idiopathic Short Stature: Implications for Practice and Policy,” Leona Cuttler (available on e-reserves)
- (d) “Using Preimplantation Genetic Diagnosis to Save a Sibling: The Story of Molly and Adam Nash,” by Steinbock, 704-706 EIMM
- (e) “Genetic interventions and the Ethics of Enhancement of Human Beings,” by Savulescu, 879- 889 EIMM
- (f) “The case against perfection: What’s Wrong with Designer Children, Bionic Athletes, and Genetic Engineering,” By Sandel, 890-899 EIMM

14.	4/24	The Ashley X Case	Fost/Schalick
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- (a) Daniel F. Gunther, MD, MA; Douglas S. Diekema, MD, MPH. “Attenuating Growth in Children With Profound Developmental Disability: A New Approach to an Old Dilemma,” *Arch Pediatr Adolesc Med.* 2006;160:1013-1017. (available on e-reserves)
- (b) Brosco J, Feudtner C., “Growth attenuation: a diminutive solution to a daunting problem. *Arch Pediatr Adol Med* 2006 (Oct);160:1077-1078. (available on e-reserves)
- (c) Diekema D, Fost N. Ashley Revisited: A Response to the Critics. *Am J of Bioethics* 2010; Jan 10(1): 30-44. (available on e-reserves)
- (d) Eva Kittay and Jeffrey Kittay. “Whose Convenience? Whose Truth? A Comment on Peter Singer’s “A Convenient Truth”
http://www.thehastingscenter.org/Bioethicsforum/Post.aspx?id=350&term=kittay+and+%23filename+*.html (available on e-reserves)
- (e) Singer P. A convenient truth about disability. *Intl Herald Tribune.* Friday, January 27, 2007 (available on e-reserves)
- (f) “Prenatal Diagnosis and Selective Abortion: A Challenge to Practice and Policy” by Adrienne Asch, 675- 685 EIMM
- (g) “Disability, Prenatal Testing, and Selective Abortion” by Steinbock, 686-694 EIMM

Optional Reading:

- (h) S. Matthew Liao, Julian Savulescu, and Mark Sheehan, “The Ashley Treatment: Best Interests, Convenience, and Parental Decision-Making,” *Hastings Center Report* 37, no. 2 (2007): 16-20. (available on e-reserves)
- (i) Parents of Ashley. The Ashley Treatment.
<http://ashleytreatment.spaces.live.com/blog/cns!E25811FD0AF7C45C!1837.entry> (available on e-reserves)

15.	5/1	Justice and Health Care	Kelleher
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- (a) President’s Commission, “An Ethical Framework for Access to Health Care”, 191-199 EIMM
- (b) Dan Brock and Norman Daniels, “Ethical Foundations of the Clinton Administration’s Proposed Health Care System,” *Journal of the American Medical Association* 271(15) (1994): 1189-1196. (available on e-reserves)
- (c) H. Tristram Engelhardt, Jr., “Freedom and Moral Diversity: The Moral Failures of Health Care in the Welfare State,” 203-212 EIMM
- (d) Kaiser Foundation Affordable Care Act Animation, available at: <http://healthreform.kff.org/the-animation.aspx>.
- (e) Uwe Reinhardt, “No Such Thing as ‘Simple’ Health Reform,” *New York Times Economix Blog*, available at: <http://economix.blogs.nytimes.com/2010/01/29/no-such-thing-as-simple-health-reform/>. (available on e-reserves)
- (f) Uwe Reinhardt, “The Wyden-Ryan Plan: Déjà Vu All Over Again,” *New York Times Economix Blog*, available at: <http://economix.blogs.nytimes.com/2011/12/23/the-wyden-ryan-plan-deja-vu-all-over-again/>. (available on e-reserves)
- (g) Congressional Budget Office, “Long Term Analysis of a Budget Proposal by Chairman Ryan (April 5, 2011): **pages 1-4 only**. Full document available at: http://www.cbo.gov/ftpdocs/121xx/doc12128/04-05-Ryan_Letter.pdf. (available on e-reserves)

Optional

- (h) Norman Daniels, “Justice, Health, and Healthcare,” 231-234 EIMM
- (i) Gopal Sreenivasan, “Opportunity is Not the Key,” 235-236 EIMM

16.	5/8	Performance Enhancing Drugs	Fost
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- (a) Norman Fost, “Ethical and Social Issues in Anti-Doping Strategies in Sport etc,” (available on e-reserves)
- (b) Norm Fost, “Ben Johnson: The World’s Fastest Scapegoat,” *The New York Times*, Oct. 20, 1988 (available on e-reserves)
- (c) Norm Fost, “Let ‘em Take Steroids,” *The New York Times*, September 9, 1983. (available on e-reserves)
- (d) Thomas Murray, “The Coercive Power of Drugs in Sports Hastings Center Report, August 1983, 24 – 30. (available on e-reserves)
- (e) “We should accept performance-enhancing drugs in competitive sports” Costas B, Moderator. Debate transcript and audio. (available on e-reserves) <http://intelligencesquaredus.org/index.php/past-debates/we-should-accept-performance-enhancing-drugs-in-competitive-sports/>