

Ethical Issues in Health Care

Medical History and Bioethics 558

Spring 2016

Instructors:

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Organization: Class meets on Tuesdays from 11:00 – 12:15 for lectures, and 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, B239 Van Vleck

Discussions:

DIS 301	Friday, 9:30 – 10:45	2165 Grainger Hall
DIS 302	Wednesday, 9:30 – 10:45	342 Noland Zoology Building
DIS 304	Thursday, 9:30 – 10:45	4212 Helen C. White Hall
DIS 305	Thursday, 11:00 – 12:15	1323 Sterling Hall

Office Hours:

Josh Mund Friday, 1:00 – 3:00 1143 Medical Sciences Center

Rob Streiffer By appointment 5101 Helen C. White Hall / 1411 Medical Sciences Center

Readings: The primary text for the course is *Ethical Issues in Modern Medicine*, edited by Bonnie Steinbock, Alex London and John Arras (8th Edition, McGraw-Hill Education, 2013). It is available at University Bookstore. Page numbers that follow are keyed to this book. Other readings for this course are marked with a “*” in the schedule below and will be available through MyUW. The textbook is on reserve at College Library and at Ebling Library.

Grading: Students will be evaluated on the basis of weekly quizzes (20%; your lowest 2 quiz grades will be dropped), based on the readings for that week; a mid-term paper (30%) 1200 – 1500 words (excluding references; roughly 4 – 5 page) in length, and a final paper (50%) 2400 – 3000 words (excluding references; roughly 8 – 10 page) in length. Put your name and discussion section on the first page of the paper, along with a final word count. Papers must be submitted as an e-mail attachment in Word format (either .doc or .docx) to facilitate written comments the instructor, but a printed copy must also 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 based on unusually constructive participation in discussion or an unusual lack of it. Topics for the mid-term paper will be handed out on March 1, and the paper is due at the beginning of class, March 15; the final paper topic will be handed out April 12 and will be due at the beginning of class May 3. 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. We make no distinction between excused and unexcused absences, so miss classes at your own risk. For missed quizzes, it will be as if you got a zero on that quiz.

Students who anticipate needing an “incomplete” grade should read the University’s policy, at <https://registrar.wisc.edu/incompletes.htm>. Incompletes are generally discouraged and will only be granted in extenuating circumstances.

Students considering dropping the course should be aware of the University’s policy, at <https://kb.wisc.edu/lis/page.php?id=21705> and of the relevant deadlines, at: https://registrar.wisc.edu/spring_deadlines_at_a_glance.htm.

Outside Resources for Help

The Writing Center has several classes and numerous handouts on academic writing. They will also provide individual writing instruction. Appointments can be made by stopping in at 6171 Helen C. White or by calling 263-1992. Their web site is <http://www.writing.wisc.edu/>. They can be much more effective if you approach them early in the writing process. Strunk and White’s classic *Elements of Style* is a good general guide to writing, and Anthony Weston’s *Rulebook for Arguments* is a good guide to philosophical writing.

Study Skills: UW, as well as many other universities, have on-line materials available on how to improve your study skills as an undergraduate, and I encourage you to take a look at the URLs below and try to benefit from them.

<http://guts.wisc.edu/>

The University of Wisconsin-Madison supports the right of all enrolled students to a full and equal educational opportunity. The Americans with Disabilities Act (ADA), Wisconsin State Statute (36.12), and UW-Madison policy (Faculty Document 1071) require that students with disabilities be reasonably accommodated in instruction and campus life. Reasonable accommodations for students with disabilities is a shared faculty and student responsibility. Students are expected to inform me of their need for instructional accommodations by the end of the third week of the semester, or as soon as possible after a disability has been incurred or recognized. I will work either directly with you or in coordination with the McBurney Center (<http://www.mcburney.wisc.edu/>) to identify and provide reasonable instructional accommodations. Disability information, including instructional accommodations as part of a student’s educational record, is confidential and protected under FERPA.

Jim Pryor has a very helpful page on how to read and write philosophy papers at:

<http://www.jimpryor.net/teaching/guidelines/reading.html>

<http://www.jimpryor.net/teaching/guidelines/writing.html>

Keep in mind that some of the comments on writing a paper will not always be appropriate for every particular paper topic.

Schedule

1.	1/19	Introduction	Streiffer / Fost
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No assigned readings.

2.	1/26	Public Health: Statistical vs. Identified Lives	Kelleher
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- (a) * “Given Financial Constraints, It Would Be Unethical To Divert Antiretroviral Drugs From Treatment To Prevention,” Ruth Macklin and Ethan Cowan, *Health Affairs*, Vol. 31, No. 7 (2012): 1537 – 1544.
- (b) * “Reasonable Disagreement about Identified vs. Statistical Victims,” Norman Daniels, *Hastings Center Report*, Vol. 42, No. 1 (2012): 35 – 45, 41 (1-page excerpt).
- (c) * “Chapter 3: Why Undervaluing “Statistical” People Costs Lives,” in *Medical Ethics: A Very Short Introduction* by Tony Hope (Oxford: Oxford University Press, 2004): 26 – 40.

3.	2/2	Abortion	Streiffer
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- (a) “The Unspeakable Crime of Abortion,” Pope John Paul II, 543 – 545.
- (b) “Why Abortion Is Immoral,” Don Marquis, 556 – 563.
- (c) “A Defense of Abortion,” Judith Jarvis Thomson, 564 – 573.
- (d) Optional Reading: “On the Moral and Legal Status of Abortion,” Mary Anne Warren, 555 – 566.

4.	2/9	Human Embryonic Stem Cell Research and Cloning	Streiffer
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- (a) * “Embryonic Stem Cell Research: Ten Years of Controversy,” John Robertson, *Journal of Law, Medicine, and Ethics* (Summer 2010): 191 – 203.
- (b) “The Case Against Cloning-to-Produce-Children,” President’s Council on Bioethics, 669 – 683.
- (c) “Reproductive Cloning: Another Look,” Bonnie Steinbock, 683 – 693.

5.	2/16	The Ethics of Using Animals in Biomedical Research: A Case Study	Streiffer/Sandgren
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- (a) * “The Case for the Use of Animals in Biomedical Research,” Carl Cohen, *New England Journal of Medicine* Vol. 14, No. 314, 865 – 870.
- (b) * “Empty Cages: Animal Rights and Vivisection,” Tom Regan, in *The Ethics of Animal Research: Exploring the Controversy*, ed. Jeremy R. Garrett (Cambridge, MA: The MIT Press, 2012): 107 – 124.
- (c) * “On the Renewal of Maternal Deprivation Research at UW-Madison,” Lori Gruen, <http://www.newappsblog.com/2012/10/guest-post-by-lori-gruen-on-renewal-of-maternal-deprivation-research-at-madison.html>.
- (d) * “Mundane but Important Facts about the Peer-Rearing Animal Protocol Review,” Eric Sandgren, <https://animalresearch.wisc.edu/ethics/mundane-but-important-facts-about-the-peer-rearing-animal-protocol-review/>.

6.	2/23	Human Experimentation	Fost
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- (a) “The Nuremberg Code,” 711 – 712.
- (b) “The Jewish Chronic Disease Hospital Case,” John D. Arras, 712 – 721.
- (c) “The Willowbrook Hepatitis Studies,” David J. Rothman and Sheila M. Rothman, 753 – 757.

- (d) * “The Hepatitis Experiments at the Willowbrook State School,” Walter Robinson and Brandon Unruh, in *The Oxford Textbook of Clinical Research Ethics*, ed. Manuel et al. (Oxford: Oxford University Press, 2011): 80 – 85.
- (e) “The Tuskegee Syphilis Experiment,” J. Jones, 721 – 733.
- (f) * “Tuskegee Re-Examined,” Richard Shweder. <http://www.spiked-online.com/newsite/article/14972#.Vp0WNVMrKEJ>.
- (g) “Unethical Trials on Interventions to Reduce Perinatal Transmission of the Human Immunodeficiency Virus in Developing Countries,” Peter Lurie and Sidney Wolfe, 757 – 762.
- (g) “AZT Trials and Tribulations,” Robert Crouch and John Arras, 766 – 770.

7.	3/1	Consent in the Doctor/Patient Relationship	Schwarze
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- (a) * “No Surprises, Please!,” Dena Davis, *Narrative Inquiry in Bioethics*, Vol. 3, No. 1, (Spring 2013): 8 – 10.
- (b) “Errors in Medicine: Nurturing Truthfulness,” Francoise Baylis, 87 – 90.
- (c) “Bioethics in a Different Tongue: The Case of Truth-Telling,” Blackhall et al., 91 – 99.

**** Mid-term paper topic handed out ****

8.	3/8	Forgoing Life-Sustaining Treatment	Fagan
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- (a) State of Tennessee Department of Human Services v. Mary C. Northern, 325 – 329.
- (b) “Transcript of Proceedings: Testimony of Mary C. Northern,” 329 – 322.
- (c) “A Chronicle: Dax’s Case As It Happened,” Keith Burton, 343 – 347.
- (d) “Confronting Death: Who Chooses, Who Controls?” Dax Cowart and Robert Burt, 348 – 354.
- (e) “Enough: The Failure of the Living Will,” Angela Fagerlin and Carl Schneider, 355 – 365.
- (f) “Testing the Limits of Prospective Autonomy: Five Scenarios” Norman L. Cantor, 366 – 367.
- (g) “Erring on the Side of Theresa Schiavo: Reflections of the Special Guardian and Litem,” Jay Wolfson, 369 – 373.
- (h) “Quality of Life and Non-Treatment Decisions for Incompetent Patients: A Critique of the Orthodox Approach,” Rebecca S. Dresser and John A. Robertson, 398 – 409.
- (i) “The Limits of Legal Objectivity,” Nancy K. Rhoden, 409 – 416.
- (j) * “Whose Body Is It Anyway,” Atul Gawande, *New Yorker*, Oct 4, 1999, reprinted in *Complications* (New York: Metropolitan Books, 2002): 208 – 227.

[Note: for next year, cut out (a) and (b) and (d), add back in Brock and Buchanan on Competence. See if some of the others can be cut as well.]

9.	3/15	Forgoing 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,’” Raymond S. Duff, *Pediatrics*, Vol. 67, No. 3 (March 1981): 315 – 320.
- (b) * “Counseling Families Who Have a Child with a Severe Congenital Anomaly” Norman Fost, *Pediatrics*, Vol. 67, No. 3 (March 1981): 321 – 324.
- (c) “Extreme Prematurity and Parental Rights after *Baby Doe*” John Robertson, 421 – 429.
- (d) * *Montalvo v Borkovec*, 647 N.W.2d 413 (Wis. Ct. App. 2002), *cert. denied*, 653 N.W.2d 890 (Wis. 2002), and 538 U.S. 907 (2003).

- (e) Optional Reading: * “Who Should Survive? One of the Choices on Our Conscience: Mental Retardation and the history of Bioethics,” Armand Antommaria, *Kennedy Institute of Ethics Journal*, Vol. 16, No. 3 (September 2006): 205 – 224.

**** Mid-term paper due at the beginning of class ****

[Note: for next year, cut out (a) by Duff. Find another piece that disagrees with Fost. Perhaps make the Armand piece required rather than optional. Consider some of the Jonsen pieces cited in the Armand.]

	3/22	Spring Break	
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10.	3/29	Genetic Screening	Fost
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- (a) “My Genome, My Self,” Stephen Pinker, 804 – 814.
 (b) * Waiving Informed Consent in Newborn Screening Research: Balancing Social Value and Respect,” Tarini BA, Burke W, Scott CR, Wilfond BS, *Am J Med Genet Part C Semin Med Genet* 148C (2008):23–30.
 (c) Optional Reading: * “The Introduction of Cystic Fibrosis Carrier Screening into Clinical Practice: Policy Considerations,” Benjamin Wilfond and Norm Fost, *The Milbank Quarterly*. Vol. 70, No. 4 (1992): 629 – 659.

11.	4/5	The Wisconsin Cystic Fibrosis Newborn Screening Study	Fost
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- (a) * “A Prospective Randomized Trial of Early Diagnosis and Treatment of Cystic Fibrosis: A Unique Ethical Dilemma,” Norm Fost and Phil Farrell, *Clinical Research*, Vol. 3, No. 37 (1989) :495 – 500.

12.	4/12	The Definition of Death	Fost
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- (a) “The Whole-Brain Concept of Death Remains Optimum Public Policy,” James L. Bernat, 517 – 525.
 (b) “An Alternative to Brain Death,” Jeff McMahan, 530 – 536.
 (c) “Reconsidering the Dead Donor Rule: Is It Important that Organ Donors Be Dead?” Norm Fost, *Kennedy Institute of Ethics Journal*, Vol. 14, No. 3 (2004): 249 – 260.

**** Final paper topic handed out ****

13.	4/19	Justice, Health, and Health Care	Kelleher
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- (a) * “Justice and Fairness: A Critical Element In U.S. Health System Reform,” Paul Menzel, *Journal of Law, Medicine, and Ethics* (Fall 2012): 582 – 597.
 (b) * “What Is health Care Spending, “ (15 cards), <http://www.vox.com/cards/health-care-spending/what-is-health-care-spending> (Available on website.)

14.	4/26	The Ashley X Case	Fost / Schalick
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- (a) * “Attenuating Growth in Children With Profound Developmental Disability: A New Approach to an Old Dilemma,” Daniel F. Gunther, MD, MA; Douglas S. Diekema, MD, MPH. *Arch Pediatr Adolesc Med.*, Vol. 106 (Oct 2006): 1013 – 1017.
 - (b) * “Growth Attenuation: A Diminutive Solution to a Daunting problem,” Brosco J, Feudtner C., *Arch Pediatr Adol Med* Vol. 106 (Oct 2006): 077 – 1078.
 - (c) * “The Ashley Treatment,” Parents of Ashley,
<http://ashleytreatment.spaces.live.com/blog/cns!E25811FD0AF7C45C!1837.entry>
 - (d) * “A Convenient Truth about Disability,” Peter Singer , *Intl Herald Tribune*. Friday, January 27, 2007.
 - (e) * “Whose Convenience? Whose Truth? A Comment on Peter Singer's ‘A Convenient Truth’”, Eva Kittay and Jeffrey Kittay,
<http://www.thehastingscenter.org/Bioethicsforum/Post.aspx?id=350>.
 - (f) “Prenatal Diagnosis and Selective Abortion: A Challenge to Practice and Policy” Adrienne Asch, 675 – 685.
 - (g) “Disability, Prenatal Testing, and Selective Abortion” Bonnie Steinbock, 686 – 694
 - (h) Optional Reading: * “The Ashley Treatment: Best Interests, Convenience, and Parental Decision-Making,” S. Matthew Liao, Julian Savulescu, and Mark Sheehan, *Hastings Center Report*, Vol. 37, No. 2 (2007): 16 – 20.
- Add Fost and Diekema as an optional reading for next time.

15.	5/3	Performance Enhancing Drugs	Fost
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- (a) * “Ethical and Social Issues in Anti-Doping Strategies in Sport etc.,” Norm Fost, in *Sport: The Third Millennium* ed. Landry, Landry, and Yerles (Quebec City: Les Presses de L’Universite’ Laval, 1991): 479 – 485.
- (b) * Norman Fost, “Ben Johnson: The World’s Fastest Scapegoat,” *The New York Times*, Oct. 20, 1988.
- (c) * “Let ‘em Take Steroids,” Norm Fost, *The New York Times*, September 9, 1983.
- (d) * “The Coercive Power of Drugs in Sports,” Thomas Murray, *Hastings Center Report*, Vol. 13, No. 4 (August 1983): 24 – 30.
- (e) * “We Should Accept Performance-Enhancing Drugs in Competitive Sports,” Costas B, Moderator. Debate transcript and audio. (Available on website.)
<http://intelligencesquaredus.org/index.php/past-debates/we-should-accept-performance-enhancing-drugs-in-competitive-sports/>.

**** Final paper due at the beginning of class ****