

An introduction to

Bioethics and the Law

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Lesson based on material from Yale College PLSC 257: Bioethics and the Law
Professor Steven Latham

An Overview of Today

Lesson Plan

- ❑ Why is Bioethics important?
- ❑ Baby K Case study
- ❑ Duty to Care
- ❑ End of Life Care
- ❑ Difficult topics

The importance of Bioethics

- Who do you trust the most?
- When you're sick, who do you go to?
- Doctors are imperfect, just like everyone else
- Families don't always put their family member's interests first, either
- Importance of ethics committees

Case Study: Baby K

- Facts
 - Anencephaly
 - Susceptible to infection
 - Intubated in nursing facility
- Hospital Recommendations
 - DNR
 - Ethics committee
 - Quality of life
- Family Interests
 - Continue care



What do you think?

PHOTO

Should the hospital
continue treating Baby K?



Here's what happened

Federal Court in the Eastern District of Virginia

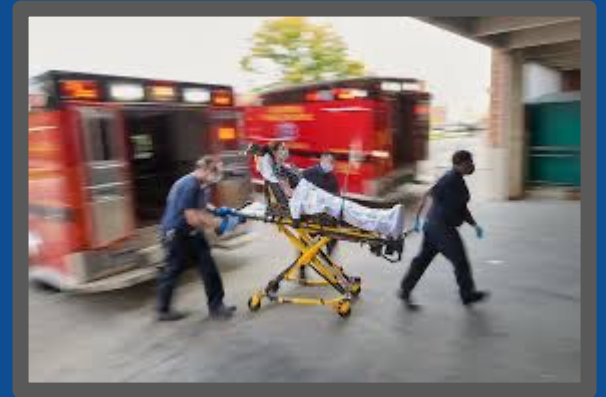
Decision: Hospital is required to treat Baby K

Why?

1. Emergency Medical Treatment and Active Labor Act
(EMTALA)
2. Americans With Disabilities Act

EMTALA

- Federal law
- Anyone coming to an emergency department to be stabilized and treated, regardless of their insurance status or ability to pay
- Where did this come from?



Here's what happened

Federal Court in the Eastern District of Virginia

Decision: Hospital is required to treat Baby K

Why?

1. Emergency Medical Treatment and Active Labor Act (EMTALA)
2. Americans With Disabilities Act

Americans With Disabilities Act (ADA)

“Prohibits discrimination against people with disabilities in several areas, including **employment, transportation, public accommodations, communications and access to state and local government' programs and services.**”



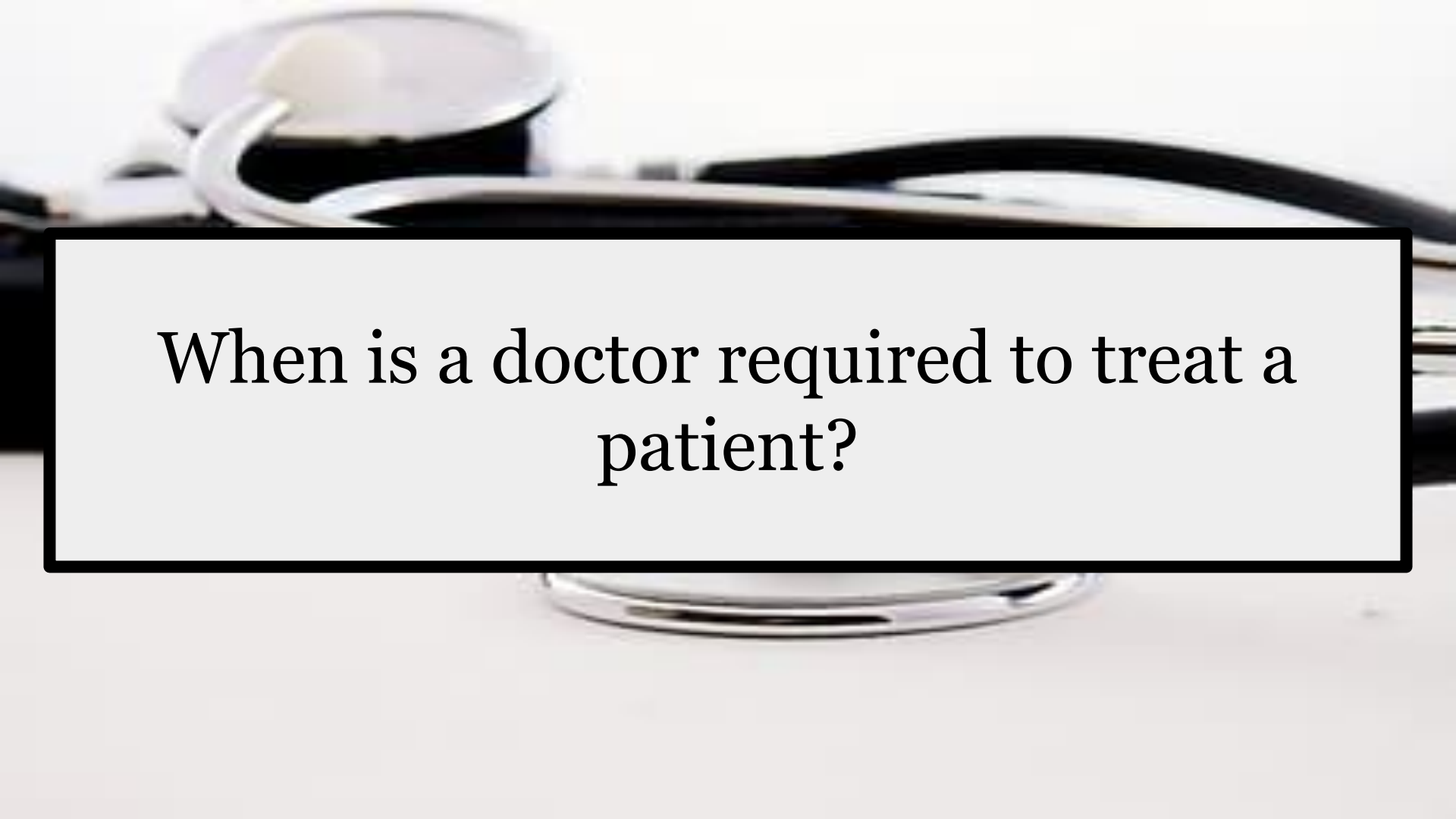
How does Baby K influence future decisions?

- Physician does not always have authority
 - Especially in cases of discrimination
- Privacy Rights
 - 4th amendment
 - End of life care
 - Parenthood
- Moral status arguments
 - Contemporary issues: what is life?
- Duty to Care
 - Doctor-patient Relationships
- How is this case different from other “End of Life” cases?
 - Baby K was never cognitively aware
 - Her wishes were not known

Duty to Care

Doctor - Patient Relationships

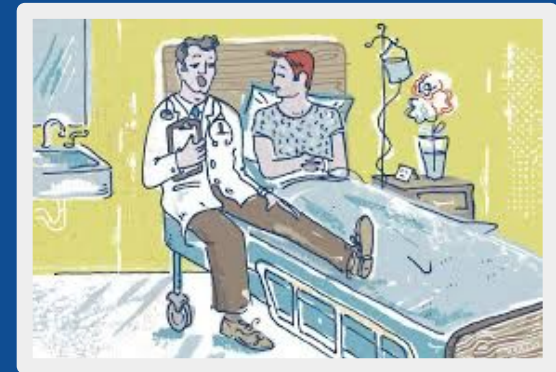
- When is the doctor **REQUIRED** to treat a patient?
- When are doctors liable?



When is a doctor required to treat a patient?

Duty to care

- Doctor - Patient relationships are formed voluntarily
- Physicians are not liable for anyone they encounter on the streets
- No Duty to initiate care
- Hurley V. Eddingfield
 - Doctor refused to treat a man who could not pay for treatment
 - But the relationship is a voluntary one
- Bragdon V Abbott
 - Dental work on a patient with HIV
 - Doctors cannot deny care because of a disability



End of Life Care

How do we consent to what happens to us at the end of our lives?

- Informed consent
- Karen Ann Quinlan

End of Life Care

- Informed consent
 - When treatment becomes battery
 - Doctor has to tell you
 - Diagnosis
 - Prognosis
 - risks/benefits with the proposed treatment
 - risks/benefits of alternative treatments (or no treatment at all)
- What happens when the patient is incapable of giving informed consent?
 - Baby K
 - Substantive Judgement
- Karen Ann Quinlan
 - Had been conscious prior to accident



A row of blue legal books on a shelf. The spines of the books are visible, with some text like "WEST'S LEGAL FORMS" and "Cooperatives" printed on them. A white rectangular box with a black border is centered over the books, containing the text "What did we cover today?".

What did we cover today?

Thank you for participating!

1. Baby K
 - a. EMTALA
 - b. ADA
2. Duty to Treat/ Right to Deny Care
 - a. Doctor-patient relationships
3. End of Life Care
 - a. Informed consent
 - b. Substantive judgement
4. Questions???