

MAY 24 2000

PHILOSOPHY AND HEALTH CARE
Philosophy 3860

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Prerequisite: None. No prior knowledge of medicine or ethics is required. (Not open to students with credit in Phil 264.)

Course Description:

This course provides a philosophical examination of concepts and issues central to the knowledge and practice of health care. Topics may include: private vs. public health care systems, allocation of health care resources, rights and responsibilities of health care personnel and patients, passive and active euthanasia, abortion, reproductive technology, research and experimentation, disclosure of diagnosis and risks, death and suffering.

Overview and Objectives:

Stories in the news involving people like Sue Rodriguez, Tracy and Robert Latimer, Dr. Jack Kevorkian and Dr. Henry Morgentaler help to focus our attention on some of many difficult questions about health care. These are questions of right and wrong, good and bad, and better and worse that each of us is likely to have to deal with in our personal or professional lives or both.

The objective of this course is to introduce you, the student, to basic philosophical concepts, theories and approaches to help in understanding and thinking critically about controversial issues in health care. These issues are issues of institutional and public policy, issues of professional ethics and issues in bioethics. The issues raise questions about who has the right to decide, and the criteria which decision-makers may wish to use in making ethical decisions.

This course should challenge you to think about:

1. the purposes of health care;
2. public and personal values and priorities;
3. entitlement to make decisions about starting, shaping and ending lives;
4. the bases on which to make ethical decisions; and
5. determinants of the value of life.

When is a life no longer worth living, if ever? When does human life obtain value at the beginning of life? How expansive is the right to decide what to do with one's own body? Why value autonomy? What should the doctor reveal? Which medical needs should be met when not all needs can be met? What is required of people in various kinds of human relationships? These are just some of the specific questions which arise from issues to be dealt with in this course.

Classroom sessions will be used for presentation of key concepts and ideas, debates, and discussions of challenging and illustrative cases, applying moral or ethical values and general principles.

Required texts:

- Eike-Henner W. Kluge, Readings in Biomedical Ethics: A Canadian Focus. Scarborough, Ontario: Prentice Hall Allyn & Bacon Canada, 1999.
John Thomas & Wilfrid Waluchow, well and good. Peterborough, Ontario: Broadview Press, 1998.

Course Requirements:

Very short paper, due Friday, 2 June (4:30) ...	15%
First exam, Monday, 5 June	25%
Second paper, due Monday, 12 June	20%
Final exam, Thursday, 15 June	25%
Brief written report or presentation	5%
Attendance/participation	10%

The purpose of each of the two short papers will be to show clear thinking about the issue you address, demonstrate understanding of opposing views, and formulate and defend a position of your own.

The brief written report or presentation will require you to introduce a case study to the class in order to initiate discussion. You should note the relevant facts, the nature of the ethical decision or dilemma, possible solutions, and, if you wish, your solution.

Proposed Topic Schedule

- 24, 25 May: I. Introduction. Philosophy. Ethics. General questions about health.
25, 29 May: II. Public vs. private health care systems. Value choices. Deciding what to include.
30 May: III. Ethical Theories... A concise introduction to basics.
31 May: IV. Allocation of scarce medical resources: General criteria. Specific cases. Futility.
1 June: V. Professional Ethics: Autonomy vs. paternalism, Doctor/nurse-patient relationships...
5 June: VI. Consent and the Competent Patient.
5 June: VII. Consent, Children and "Incompetent" Patients
6,7 June: VIII. End of Life Issues: Euthanasia. Assisted-suicide. Advance directives...
8,12 June: IX. Abortion and related issues. Pre-natal screening. Sex selection. Behaviour of pregnant women. Involvement of the father.
13,14 June: X. New Reproductive Technologies. The Right to Have Children. Artificial Insemination. Surrogacy.
[If time] XI. Sterilization of the Mentally Handicapped
• OR - Genetics.

Readings

Topic I. **Introduction.** Philosophy. Ethics. General questions about health.

Thomas and Waluchow (T&W after this reference), Introduction, pp. 1-10(a).

Kluge, Chapter 2, pp. 21-34 including Chapter introduction, selections from WHO & Daniel Callahan - The WHO Definition of Health, pp. 25-34.

Codes of Ethics (these may be referred to later as well):

Chapter 19, "Code of Ethics for Registered Nurses," pp. 517-24,
"Code of Ethics of the Canadian Medical Association," pp. 514-17.

II. **Public vs. private health care systems.** Value choices. Deciding what to include: what is "medically necessary"?

Kluge, Ch. 3, pp. 48-75 which includes Canada Health Act. Iglehart, "Canada's Health Care System Faces Its Problems," pp. 56-69; Freedman & Baylis, "Purpose & Function in Government-Funded Health Coverage," pp. 69-74.

III. **Ethical Theories** - including: Relativism, Objectivism and Liberalism. Law and Morality. Religion and Morality. Utilitarianism, Kant, Natural Law Theory, Natural Rights, Feminist Theory... A concise introduction to basics.

T&W, Introduction, pp. 10-59. Kluge, ch. 1, pp. 4-7, 10-11 (Feminist Ethics)

IV. **Allocation of scarce medical resources:** Macro and micro-allocation. General criteria. Specific cases. Futility.

Case 9.1 "Dialysis Machine Shortages" [Note: cases identified by number are to be found in the book by Thomas & Waluchow.]

Case 7.2 "Did Family Instability Warrant Non-Treatment of Baby Jesse"

Case 7.3 "A Jarvik-7 Heart"

Kluge, Chapter 4, pp. 76-77; McKneally et al., "Resource Allocation," pp. 115-21; Moss & Siegler, "Should Alcoholics Compete Equally for Liver Transplantation?" pp. 106-15; Truog et al., "The Problem with Futility," pp. 121-30.

Case 12.9 "To Resuscitate or Not to Resuscitate"

Case 12:14 "Queue-Jumping in the OR"

V. **Professional Ethics:** Autonomy vs. paternalism. Models of doctor/nurse-patient relationships. Patients' rights and responsibilities.

Case 12.12 "'Please Don't Tell My Husband...'"

Case 12.4 "Should Patients Be Informed of Remote Risks?"

Kluge, Chapter 5. Includes: Intro., Storch, "Moral Relationships

Between Nurse & Client," pp 145-53; Childress & Siegler, "Metaphors & Models of Dr.-Patient Relationships," pp. 133-44.

VI. Consent and the Competent Patient.

In Kluge:

Royal College of Physicians & Surgeons, "Informed Consent," pp. 166-8; Benjamin Freedman, "A Moral Theory of Consent," pp. 169-78.
Case 1.1 "When Physicians and Family Disagree"

VII. Consent, Children and "Incompetent" Patients.

In Kluge, C. Harrison et al., "Involving Children in Medical Decisions," pp. 195-99.

Case 8.6 "Religious Conflict Over a Life-Saving Blood Transfusion."

Case 5.2 "Research Involving Alzheimer Patients"

Case 6.1 "Non-Consensual Electro-Convulsive Shock Therapy"

Case 12.2 "Stephen Dawson"

In Kluge, "Re: S.D." (Stephen Dawson), pp. 183-87; E-H Kluge, "After 'Eve': Whither Proxy Decision Making?"

Case 6.2 "Discontinuing Forced Feeding of Anorexia Nervosa Patient"

VIII. End of Life Issues: Voluntary euthanasia and Assisted-Suicide. Active vs. Passive Euthanasia. Advance Directives. Nonvoluntary Euthanasia. "Defective newborns." Disconnecting life support.

Kluge, Chapter 14, pp. 363-83, 400-404. Intro. Rachels, "Active & Passive Euthanasia," pp. 372-76. Richard Doerflinger, "Assisted Suicide: Pro-Choice or Anti-Life," pp. 377-83. CMA, "Joint Statement on Resuscitative Interventions," pp. 400-403. "Rodriguez v. British Columbia," pp. 366-72.

Also in Kluge: "Malette v. Shulman," pp. 201-211; University of Toronto Bioethics Centre, "Advance Directives: Are They an Advance?" pp 211-21.

Case 12.10 "CPR & a Nurse's Responsibility (1)"

Case 12.11 "CPR & a Nurse's Responsibility (2)"

Case 12.13 "'Don't Start the Respirator'"

Case 8.1 "'Don't Let My Mother Die'"/Case 8.2 "'Please Let Me Die'"

Case 8.3 "Sue Rodriguez: 'Please Help Me to Die'"

Case 8.4 "Tracy & Robert Latimer: 'It Was Right to Kill My Daughter'"

Case 10.1 "Anencephalic Infants as Donors"

In Kluge, "R. v. Kitching and Adams," pp. 301-6

IX. Abortion and related beginning of life issues. "Liberal," "conservative," "moderate" and feminist views. Pre-natal screening. Sex selection. Behaviour of pregnant women. Involvement of the father.

In Kluge:

CMA, Committee on Ethics, "The Status of the Human Foetus," pp. 288-300; L.W. Sumner, "Toward a Credible View of Abortion," pp. 347-61; "R. v. Morgentaler," pp. 320-33; Susan Sherwin, "Abortion Through a Feminist Ethics Lens," pp. 347-61.
T&W, Case 2.1 "When a Couple Disagree Over Abortion"
Case 2.2 "The Role of Chantal Daigle's Boyfriend"
Case 2.3 "Protecting an 'Unborn Child': The Case of Ms. G."
Case 3.1 "Should Fetuses with 'Milder' Defects be Aborted?"
Case 10.2 "Fetal Tissue Transplantation"
Case 12.7 "Failed Contraception, Genetic Defect, & Parental Conflict"
Case 12.8 "Sex Selection for Non-Medical Reasons"
Case 12.3 "Ought We to Save Mother or Child?"

X. New Reproductive Technologies. The Right to Have Children.
Artificial Insemination. Surrogacy.

In Kluge: CMA, "The Right to Have Children," pp. 407-14; Christine Overall, "Access to In Vitro Fertilization," pp. 421-34; Chapter 16, ALL (pp. 445-67), includes: Royal Commission, "Infertility Treatments," pp. 446-8, "The Retrieval & Use of Human Ova," pp. 448-51, "Preconception Arrangements," pp. 451-2; CMA, "Surrogate & Gestational Motherhood," pp. 453-8; Nancy Jecker, "Conceiving a Child to Save a Child," pp. 458-67.
Case 4.1 "Difficulties With Therapeutic Donor Insemination"
Case 4.2 "The Legality & Morality of Surrogate Motherhood"

XI. Sterilization of the Mentally Handicapped - or - Genetics.

In Kluge, from Chapter 15, 3 readings (Supreme Court of Canada [Eve case], Kluge, Gillon) - or, for Genetics, Kluge, Chapters 17 & 18

Supplemental Readings from the texts:

Topic II.

In Kluge, Nelson & Drought, "Justice & the Moral Acceptability of Rationing Health Care: The Oregon Experiment," pp. 78-91.

Topic IV.

Case 9.2 "Budget Cutting..."

Topic V (w.r.t. paternalism).

In Kluge, Freedman et al., "Nonvalidated Therapies & HIV Disease," pp. 91-103.

Topic VIII.

Case 3.2 "Should Treatment be Withheld from Patients With Severe Mental Disabilities?"

Case 8.5 "The Brain Dead as Teaching Materials"

In Kluge, R. Puccetti, "Does Anyone Survive Neocortical Death?" pp. 306-18, especially III. "The Diagnostic Problem" and IV. "Seeds of Doubt," pp. 314-315.