

CLINICAL ETHICS: PRACTICE AND THEORY

*Sponsored by
Forum for Medical Ethics and Philosophy
University of Miami*



February 5 - 6, 1993

*Fontainebleau Hilton Resort and Spa
Miami Beach, Florida*

Division of Continuing Medical Education
University of Miami School of Medicine
P.O. Box 016960, D23-3
Miami, FL 33101

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DATED MATERIAL

KEYNOTE SPEAKERS

K. Danner Clouser, Ph.D., is a University Professor of Humanities at the Pennsylvania State University College of Medicine where, for more than two decades, he has been instrumental in building the first department of humanities within a medical school. Professor Clouser is a Founding Fellow of the Hastings Center and a Charter Member of the editorial board of *The Journal of Medicine and Philosophy*. He was a member of the NIH Fetal Tissue Transplantation Research Panel (1988), and he currently serves on the NIH National Advisory Council for Human Genome Research.

Charles Culver, M.D., Ph.D., is a psychiatrist with a long-standing interest in medical ethics. He is a former Professor of Psychiatry and the McInerney Professor of Medical Ethics at Dartmouth Medical School. He founded the Ethics Advisory Committee at Dartmouth-Hitchcock Medical Center and chaired it for 10 years. He has extensive experience as a bioethics consultant. He currently works in Argentina, helping to stimulate the growth of Medical Ethics in Latin America. He is bioethics columnist for *Consultor*, the Argentine Medical Newspaper. Dr. Culver is the author of *Philosophy in Medicine* (with Bernard Gert), and has edited the volume *Ethics at the Bedside*.

Bernard Gert, Ph.D., is the Eunice and Julian Cohen Professor for the Study of Ethics and Human Values at Dartmouth College. He has served as visiting professor at Johns Hopkins University, Edinburgh University and, under a Fulbright Award, The Hebrew University of Jerusalem. A former National Endowment for the Humanities Fellow, he was awarded the NEH-NSF Sustained Development Award. He is Principal Investigator on a National Institutes of Health project, "Ethical Issues Arising from the Human Genome Project." He has published numerous articles in philosophy, medical ethics and the philosophy of medicine, and is the author of the books *The Moral Rules: A New Foundation for Morality*, *Philosophy in Medicine* (with Charles Culver) and *Morality: A New Justification of the Moral Rules*.

Kenneth Goodman, Ph.D., is Founder and Director of the University of Miami's Forum for Medical Ethics and Philosophy. He is a Research Associate of the Center for the Advancement of Applied Ethics at Pittsburgh's Carnegie Mellon University, where he served until 1991 as Research Editor at the Center for Machine Translation. He is a former Managing Editor of the *Kluwer Journal*, *Machine Translation*, and is co-editor and co-author of recent books in the field. He has published/or presented articles on medical ethics, artificial intelligence and the philosophy of science, and, as a former journalist, has written extensively about science, medicine and science policy. He is editing a volume of papers on ethical issues in computing and medicine based on a symposium he chaired at the 1992 national conference of the American Association for the Advancement of Science.

Alan Meisel, J.D., is Professor of Law at the University of Pittsburgh and Director of the University's Center for Medical Ethics. He is of counsel to the Pittsburgh law firm of Klett Lieber Rooney and Schorling. Professor Meisel served on the staff of the President's Commission for the Study of Ethical Problems in Medicine, where he participated in the authorship of the Commission's studies on informed consent and on life-sustaining treatment. He is an authority on informed consent and the right to die. His most recent book, *The Right to Die*, won the 1989 Association of Publishers Award for the outstanding book in the legal practice category.

Steven A. Wartman, M.D., Ph.D., is Chairman of the Department of Medicine and Director of Medical Services at Mount Sinai Medical Center of Greater Miami, and Professor of Medicine at Mount Sinai, University of Miami School of Medicine. He founded and directed the Division of General Internal Medicine at Rhode Island Hospital and Brown University. In 1991, Dr. Wartman served as a U.S. Public Health Service Primary Care Policy Fellow. He has served on numerous federal panels and study sections, including the research review subcommittee for the Agency for Health Care Policy and Research and the consulting panel for the Division of Medicine, Health Resources and Services Administration. He is a Past President of the Society of General Internal Medicine. Dr. Wartman has published widely in the areas of medical education, career choice, medical ethics and patient treatment decisions.

UNIVERSITY OF MIAMI SCHOOL OF MEDICINE FACULTY

Donald M. Buckner, M.D., Associate Professor of Surgery and Pediatrics; Chief, Division of Pediatric Surgery, Department of Surgery

Marc M. Edelstein, M.D., Assistant Professor of Clinical Pediatrics; Director of Family Services, Camillus Health Center

Ann Flipse Gerber, M.D., Associate Director, Clinical Skills Program; Director of Community Clinical Experience Program

Bernard H. Holzman, M.D., Associate Professor of Pediatrics; Director, Pediatric Residency Training Program, Department of Pediatrics; Chair, Pediatric Bioethics Committee

Mervin H. Needell, M.D., Medical Director, Forum for Medical Ethics and Philosophy

J. Phillip Pennell, M.D., Associate Professor of Medicine and Director, Clinical Ethics and Medical Humanities, Department of Medicine; Medical Director, Ren Dialysis Center, University of Miami/Jackson Memorial Medical Center

COURSE OBJECTIVES

Rapid advances in medicine, biology and related fields continue to challenge our ability to apply ethical theory to clinical practice. From new life-sustaining technologies to computerized decision-support systems, the clinician has at hand -- or soon will -- an awesome armamentarium. Such an environment demands development and fresh analysis of those concepts central to the practice of medicine. The injunction to "do no harm," for instance, is of unclear value if we are unsure how to evaluate the effects of some new technology; and cherished models of the physician-patient relationship face extraordinary strain at the end of life, or when patients are (or seem to be) incompetent. The main objective of this conference, then, is to show how ethical theory can inform and guide clinical decision-making in times of rapid change. Specifically, participants will be able to

1. *Identify leading ethical issues that arise in clinical practice.* The conference participants grasp the form that these issues often take. Additionally, the format will help participants
2. *Apply key conceptual tools* that are available for analyzing and resolving ethical problems and dilemmas in clinical practice. Further, they will be better able to
3. *Evaluate various and conflicting approaches to such problems and dilemmas.* One lecture is of a legal nature and it will provide a valuable perspective on a particular set of difficulties at the end-of-life. Most generally, again, participants will be able to
4. *Better understand how ethical theory can be productively applied to real-world clinical dilemmas.*

Each of six topical lectures will be followed by small-group discussions at which conference faculty members will help participants analyze particular clinical cases.

ACCREDITATION

The University of Miami School of Medicine is accredited by the Accreditation Council for Continuing Medical Education to sponsor continuing medical education for physicians. The University of Miami School of Medicine designates this continuing medical education activity for 12 credit hours in Category 1 of the Physician's Recognition Award of the American Medical Association.

This course has been approved by the Florida Bar (Course # 10993) for 14.5 hours of General CLE Credit, including two hours of Ethics.

CLINICAL ETHICS: PRACTICE AND THEORY

All Sessions will be held in the French Rooms - Level III - Fontainebleau Hilton Resort and Spa

FRIDAY, FEBRUARY 5, 1993

7:30 AM Registration and Continental Breakfast

8:25 Welcome
Kenneth Goodman, Ph.D.

8:30-9:30 An Ethical Framework for Clinical Decision Making
K. Danner Clouser, Ph.D.

Within our ordinary concepts of morality lies a relatively coherent framework for moral reasoning. When uncovered and systematized, it yields an account of our moral intuitions and experience, and provides guidance and rationale for our moral decision making. It also provides us with a glimpse of the rational foundations of morality, as well as of the relationship of morality in general to professional ethics in particular.

9:45-10:45 Roundtable Discussions *

10:45-11:00 Refreshment Break

11:00-12:00 Forgoing Life-Sustaining Treatment:
The Role of Family Members
Alan Meisel, J.D.

A consensus has emerged that, ordinarily, the families of patients near death have the legal authority to act as surrogate decision-makers without having been judicially appointed as guardians. But the presumption of the authority of families to make such decisions without prior judicial imprimatur is subject to a number of limitations. Among these: (i) Families do not have unbridled discretion to make any decision they wish; (ii) In cases where there is a conflict among family members, the courts have authorized recourse to the judiciary for resolution of otherwise unresolvable disputes; (iii) Situations in which the continuation of life-sustaining medical treatment is no longer warranted according to medical standards, but the patient's family insists on doing so; such cases are likely to be increasingly troublesome in coming years.

12:15-1:15 PM Roundtable Discussions *

1:15-2:30 Lunch (on your own)

2:30-3:30 Irrational Treatment Preferences
Steven A. Wartman, M.D., Ph.D.

The trend toward shared decision making by patients and physicians has much to recommend it. However, the model faces complex challenges, not the least of which is that competent patients sometimes make irrational decisions. Understanding the sources and kinds of such decisions becomes necessary if we are to know when to respect the decisions and when to attempt to change them. Some kinds and sources of irrational decisions are the belief that "it won't happen to me"; the fear of pain; and inscrutable values or desires.

3:45-4:45 Roundtable Discussions *

4:45 Adjourn

SATURDAY, FEBRUARY 6, 1993

8:00 AM Continental Breakfast

8:30-9:30 Informed Consent and Refusal
Charles Culver, M.D., Ph.D.

The concepts of informed consent and informed refusal are perhaps the most basic in medical ethics. Yet as medical science progresses, they place increasing demands on the physician-patient relationship. How much information should a patient have before consent to a procedure can be considered informed? What if patients are not fully competent? When, if ever, is refusal of treatment evidence of incompetence? The questions point to the very core of human self determination and medical practice.

9:45-10:45 Roundtable Discussions *

10:45-11:00 Refreshment Break

11:00-12:00 Managing the Severely Ill and/or Dying Patient
Bernard Gert, Ph.D.

End-of-life decisions are among the most difficult and controversial in all of medicine. When, for instance, is it morally permitted to allow a patient to die? Is killing ever justified? May physicians help patients end their lives? Such questions are increasingly common as our population ages and as technology adds years, but not always quality, to life

12:15-1:15 PM Roundtable Discussions*

1:15-2:30 Lunch (on your own)

2:30-3:30 A Budget of Ethical Issues in Computational Medicine
Kenneth Goodman, Ph.D.

Computers and programs are increasingly available to assist in medical decision making. Indeed, some computer programs have been shown to render correct medical diagnoses more often than physicians. Increasingly, ordinary clinicians will have to confront the questions of whether to incorporate "computer assistants" in their practices: How much computing does a physician need to know before using a program on patients? Should treatment be terminated because of computer-based mortality predictions? Should computational evaluations of published data be applied to patient care? These questions and others will become pressing in the next decade.

3:45-4:45 Roundtable Discussions *

4:45 Evaluations/Adjourn

** Roundtable Discussions will consist of small-group sessions with University of Miami School of Medicine Faculty and the Keynote Speakers leading the discussion of specific cases germane to the previous session.*

Hotel Registration Request

February 5 - 6, 1993

CLINICAL ETHICS: PRACTICE AND THEORY

Mail with one night's deposit to: Reservations, Fontainebleau Hilton Resort and Spa
4441 Collins Avenue, Miami Beach, FL 33140 Tel:1-800-548-8886
or FAX with Credit Card Guarantee to: FAX # 305-534-7821

Name _____

Address _____

City, State, Zip _____

Telephone (____) _____ Rates: \$165 Single or Double
\$185 Triple, \$205 Quad, plus tax

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Check enclosed payable in U.S. Dollars to Fontainebleau Hilton Resort and Spa

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Card Number _____ Expiration Date _____

Name on Card _____

Authorized Signature _____

Make your reservation prior to January 14, 1993.

Services for the Disabled: If special arrangements are required for an individual with a disability to attend this meeting, contact the hotel prior to January 4, 1993.

Registration Form February 5 - 6, 1993

CLINICAL ETHICS: PRACTICE AND THEORY

Mail to: Division of CME, D23-3, P.O. Box 016960, Miami, FL 33101
or FAX with credit card payment to: FAX # 305-547-5613

Name _____ Degree _____

Address _____

City, State, Zip _____

Telephone (____) _____ Specialty _____

Type practice (check one): private academic hospital resident
government other (specify)

Tuition: Prior to January 1, 1993: \$300 Physicians and Attorneys in Practice
\$200 Physicians in training, U.S. military/government*, Psychologists, Allied Health Professionals
with verification

As of January 1, 1993: \$350 Physicians and Attorneys in Practice
\$250 Physicians in training, U.S. military/government*, Psychologists, Allied Health Professionals
*with verification

Check enclosed in the amount of \$_____ payable in U.S. Dollars to: Medical Ethics/Philosophy, UM

I wish to charge my registration fee(s) in the amount of \$_____ to the following credit card:
VISA MasterCard Discover

Card Number _____ Expiration Date _____

Name on Card _____

Authorized Signature _____

Services for the Disabled: If special arrangements are required for an individual with a disability to attend this meeting, contact the Division of CME prior to January 4, 1993.

HOTEL ACCOMMODATIONS

FONTAINEBLEAU HILTON RESORT AND SPA
4441 Collins Avenue, Miami Beach, FL 33140
Telephone: (305) 538-2000 (800) 548-8886; FAX (305) 534-7821

The Fontainebleau Hilton Resort and Spa is situated on 20 acres of oceanside gardens. Hotel features include: 2 magnificent outdoor pools with one-half acre grotto, free form, fresh water swimming pool with cascading waterfall; 3 whirlpool baths; 7 lighted tennis courts; and access to golf courses. Twelve award winning restaurants and lounges offer a wide variety of dining and entertainment experiences. A multi-lingual hospitality center and children's activities are available to hotel guests.

In addition to a 1200 square feet of white sandy beach and a 2-mile beachfront boardwalk, beach activities available include windsurfing, parasailing, Hobie Cats, and volleyball. The hotel's state-of-the-art spa features: a massage center, sauna, mineral baths, Adrien Arpel Salon, loofah and herbal wraps; computerized fitness evaluation; Nautilus Center, lifecycles, rowing machines, stairmasters, treadmills; Aerobics, Aqua-Aerobics, yoga reaching and stretching activities.

Special daily rates for this meeting are \$165 single or double occupancy, \$185 triple, and \$205 quad, plus tax, and are available 3 days prior to and after the meeting, subject to availability. One night's deposit is required. After January 14, 1993, reservations will be confirmed on a space-availability basis only.

Services for the Disabled: If special arrangements are required for an individual with a disability to attend this program, please contact the hotel no later than January 4, 1993.

REGISTRATION

Tuition: Prior to January 1, 1993:

\$300 Physicians and Attorneys in Practice
\$200 Physicians in training, U.S. military/government*, Psychologists, Allied Health Professionals

Tuition: As of January 1, 1993:

\$350 Physicians and Attorneys in Practice
\$250 Physicians in training, U.S. military/government*, Psychologists, Allied Health Professionals
* with verification from Chief of Service

Tuition includes admission to scientific sessions and roundtable discussions, continental breakfast prior to each day's session, refreshment breaks, and course materials. Refunds will be made only if written notice of cancellation is received prior to January 15, 1993. A \$75 fee is charged for all refunds. After January 15, 1993, no refunds will be made. In cases where a course is cancelled due to insufficient registrations a full tuition refund will be made.

For information contact: Division of Continuing Medical Education, D23-3, P.O. Box 016960, Miami, FL 33101 Telephone: (305) 547-6716 FAX: (305) 547-5613.

Services for the Disabled: If special arrangements are required for an individual with a disability to attend this program, please contact the Division of Continuing Medical Education no later than January 4, 1993.

SPECIAL AIRFARES AVAILABLE - CALL NOW!

Negotiated airfares from major gateway cities to Miami have been established with specific carriers for "Clinical Ethics: Practice and Theory" participants. These reduced-rate fares are available ONLY to course participants and their families when booked EXCLUSIVELY through CMI Management, Inc. DON'T DELAY. Space is limited!

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