HEALTH CARE ETHICS

Critical Issues for the 21st Century

Second Edition

Eileen E. Morrison, EdD, MPH, CHES

Professor, School of Health Administration
Texas State University San Marcos
San Marcos, Texas

JONES AND BARTLETT PUBLISHERS
Sudbury, Massachusetts
Boston    Toronto    London    Singapore
Writing is a solitary task, and yet no one really writes alone. Writers are accompanied by those who believe in and support them in their tasks. The second edition of Health Care Ethics: Critical Issues for the 21st Century is dedicated to all those who contributed their time and talent to update existing chapters or develop new ones.

On a personal level, I would like to dedicate the second edition of this text to those who have provided both inspiration and advice. First and foremost, there is always my son, Grant Edward, who believes that Mom can do the impossible—it just takes longer. There are also my colleagues and friends—you each know how much you have meant to me during this process. Finally, there are my publisher, Michael Brown and my editors, Katey Birtcher and Tracey Chapman, whose knowledge, guidance, and patience made major contributions to the quality and integrity of this work.
Contents

Contributors ................................................................. ix
About the Author ......................................................... xi
Preface ................................................................. xiii

PART I—FOUNDATIONS IN THEORY ........................................ 1

Chapter 1 Theory of Health Care Ethics ................................. 3
James Summers

Chapter 2 Principles of Health Care Ethics ............................... 41
James Summers

PART II—CRITICAL ISSUES FOR INDIVIDUALS ...................... 59

Chapter 3 The Moral Status of Gametes and Embryos: Storage and Surrogacy ........................................ 61
Glenn C. Graber

Chapter 4 The Ethical Challenge of the New Reproductive Technology ........................................ 71
Sidney Callahan

Chapter 5 Abortion: The Unexplored Middle Ground ............... 87
Olga Carol Petrozella

Chapter 6 Proposals for Human Cloning: A Review and Ethical Evaluation ........................................ 99
Kevin T. Fitzgerald

Chapter 7 Competency: What It Is, What It Isn't, and Why It Matters ........................................ 110
Byron Chell
Chapter 8  The Patient Self-Determination Act  .......... 123 
David B. Clarke

Chapter 9  Older People and Long-Term Care: Issues of Access  .......... 167 
Janet Gardner-Ray

Chapter 10  Respecting Autonomy of Elders in Nursing Homes .......... 184 
George J. Agich

Chapter 11  Death, Medicine, and Moral Significance of Family Decision Making .......... 201 
James Lindemann Nelson

Chapter 12  Ethical Issues in the Use of Fluids and Nutrition: When Can They Be Withdrawn? .......... 210 
T. Patrick Hill

Chapter 13  Ethical Issues Concerning Physician-Assisted Death .......... 222 
Barbara Supanich

PART III—CRITICAL ISSUES FOR HEALTH CARE ORGANIZATIONS .......... 235

Chapter 14  Health Care Institutional Ethics: Broader than Clinical Ethics .......... 237 
Carrie S. Zoubul

Chapter 15  Hospital Ethics Committees: Rules, Membership Structure, and Difficulties .......... 251 
John F. Monagle and Michael P. West

Chapter 16  Ethically-Important Distinctions Among Managed Care Organizations .......... 267 
Jessica Moore

Chapter 17  Bioethical Dilemmas in Emergency Medicine and Prehospital Care .......... 283 
Kenneth V. Iverson

Chapter 18  High-Technology Home Care: Critical Issues and Ethical Choices .......... 297 
Melissa F. Brandon

Chapter 19  Spirituality in Health Care Organizations .......... 321 
Dexter Freeman and Eileen E. Morrison
PART IV—CRITICAL ISSUES IN SOCIETAL HEALTH ........... 337

Chapter 20  Equality and Inequality in American Health Care .... 339
Nicholas King  

Chapter 21  Is Rationing of Health Care Ethically Defensible? .... 355
Chris Hackler  

Chapter 22  Domestic Violence: Changing Theory, Changing Practice ............. 365
Carole Warshaw  

Chapter 23  Ethics Issues in Disaster Relief .................. 382
Eileen E. Morrison and Karen J. Bawel-Brinkley  

Chapter 24  Looking Toward the Future ...................... 397
Eileen E. Morrison  

Glossary ......................................................... 409  

Index .............................................................. 419
Contributors

George J. Agich, PhD
Professor of Philosophy
Director of BGeXperience Program
Bowling Green State University
Bowling Green, Kentucky

Karen J. Bawel-Brinkley, RN, PhD
Associate Professor
School of Nursing
San Jose University
San Jose, California

Melissa F. Brandon, RN, MS, FACHE
Project Safety Specialist
Post Market Safety Surveillance
Research and Development
Alcon Laboratories
Ft. Worth, Texas

Sidney Callahan, PhD
Distinguished Scholar
The Hastings Center
Garrison, New York

Bryon Chell, JD
Executive Director
California Medical Assistance Counsel (ret.)
Sacramento, California

David B. Clarke, DMin, JD, MPH
Director, Massachusetts Health Decisions
Sharon, Massachusetts

Kevin T. Fitzgerald, SJ, PhD
Research Associate Professor
Georgetown University
Washington, D.C.

Dexter Freeman, DSW
Assistant Professor of Social Work
Texas State University
San Marcos
San Marcos, Texas

Janet Gardner-Ray, EdD
Chief Executive Officer
Country Home Healthcare Inc.
Charlottesville, Indiana

Glenn C. Graber, PhD
Professor of Philosophy
University of Tennessee
Knoxville, Tennessee

Chris Hackler, PhD
Director, Division of Medical Humanities
University of Arkansas for Medical Sciences
Little Rock, Arkansas

T. Patrick Hill, PhD
Senior Policy Fellow
Edward J. Bloustein School of Planning and Public Policy
Rutgers University
New Brunswick, New Jersey
Kenneth V. Iverson, MD, MBA
Professor of Emergency Medicine
Director of the Arizona Bioethics Program
University of Arizona
Tucson, Arizona

Nicholas King, PhD
Assistant Professor
Departments of Bioethics and History
School of Medicine
Case Western Reserve University
Cleveland, Ohio

John F. Monagle, MA, Phd,
D.A.S.H.R.M
President, American Institute of Medical Ethics
Davis, California

Jessica Moore, DHCE, MA
Research Associate
Case Western Reserve University
Cleveland, Ohio

Eileen E. Morrison, EdD, MPH
Professor, School of Health Administration
Texas State University at San Marcos
San Marcos, Texas

James Lindemann Nelson, PhD
Professor of Philosophy, Faculty Associate
Center for Ethics and Humanities in the Life Sciences
Michigan State University
East Lansing, Michigan

Olga Carol Petrozella, RN, MSN,
MSED, EdD
Professor and Director of the Institute of Ethics in Healthcare
Miami Dade College
Miami, Florida

Barbara Supanich, RSM, MD
Medical Director
Palliative Medicine and Senior Care
Holy Cross Hospital
Silver Spring, Maryland

James Summers, PhD
Professor, School of Health Administration
Texas State University
San Marcos
San Marcos, Texas

Carole Warshaw
Executive Director, Domestic Violence & Mental Health Policy Initiative
Director, National Center on Domestic Violence, Trauma & Mental Health
Chicago, Illinois

Michael P. West, EdD, FACHE
Executive Director
Fort Worth Center
University of Texas at Arlington
Arlington, Texas

Carrie S. Zoubul, JD, MA
Borchard Fellow
Center for Health Science and Public Policy
Brooklyn Law School
Brooklyn, New York
Eileen E. Morrison is a professor in the School of Health Administration at Texas State University San Marcos. Her academic background includes a doctorate from Vanderbilt University and a Master of Public Health Degree from the University of Tennessee. In addition, she holds a clinical degree in dental hygiene.

Dr. Morrison has taught graduate and undergraduate ethics courses and provided professional workshops on ethics to physicians, nurses, clinical laboratory professionals, dental professionals, and counselors. She has authored articles and chapters on ethics for a variety of publications. In addition, she is the author of *Ethics in Health Administration: A Practical Approach for Decision Makers*, published by Jones and Bartlett.
Preface

Important works often are created by walking in the footsteps of giants. This aphorism is especially true when considering this new edition of *Health Care Ethics: Critical Issues for the 21st Century*. In the first edition, giants in the field of bioethics, Monagle and Thomasma, used their wisdom and forward thinking to coordinate the writings of influential writers in bioethics and ethical theory. They envisioned challenges to be faced in the continuing evolution of the healthcare system that are still germane today. In creating the first edition, they assisted readers’ understanding of what the future might hold for health care. The first edition raised both consciousness and conscience for healthcare professionals.

Many changes and challenges have occurred in health care since the publication of the first edition. In light of these changes, it became necessary to revisit some of the areas raised in the previous edition. Contributors updated their chapters with current examples and introduced new thought-provoking concepts. Additional experts in bioethics, long-term care, health administration, and other areas also added new content to existing chapters. New authors provided chapters on areas of concern such as the ethics of spirituality and of disaster response.

When studying complex issues such as those that arise in healthcare ethics, it is often helpful to have an organizational model. For this new edition, the model of a Greek or Roman temple was used in homage to some of the early ethics writers (see Figure 1).

Notice that the foundation of the temple is ethics theory and principles that will be the first part of this new edition. Not only does this section provide a theoretical framework, it also facilitates the analysis of issues presented in subsequent chapters.

The rest of the text is organized around the three main pillars of the model: individual, organizational, and societal issues. An introduction to each part provides an overview of the issues to be discussed in the chapters that follow. Each chapter within the area has its own overview to better acquaint the reader with key chapter concepts. At the end of each chapter, discussion questions provide
the opportunity for thoughtful analysis and application of the issues raised in the chapter.

Although it is not possible to know all of what the future of health care holds, the expectation for this new edition of Health Care Ethics: Critical Issues for the 21st Century is that it will challenge the reader to think beyond the existing system of medicine. It is also hoped that many of the issues will spark curiosity and lead to future exploration and thought. However, the overall intent of this new edition is to increase awareness of future ethical issues and enhance the ability to formulate professional or organizational responses to these issues.