Balancing Law and Ethics in Healthcare Dilemmas

September 15-17, 2017
Oglebay Resort & Conference Center
465 Lodge Drive
Wheeling, WV 26003

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Sponsored by the University of Pittsburgh Consortium Ethics Program and University of Pittsburgh School of Medicine Center for Continuing Education in the Health Sciences.

The Consortium Ethics Program is a regional ethics education network funded by its member institutions and co-sponsored by the University of Pittsburgh Department of Medicine, Division of General Internal Medicine, Section of Palliative Care and Medical Ethics and University of Pittsburgh Center for Bioethics & Health Law.

Aviva Katz, MD, MA, Director
INTRODUCTION: This weekend conference will provide an intensive review of legal issues that occur in contemporary health care ethics. It is aimed at providing health care and legal professionals with an introduction to the frameworks and skills needed to navigate the complex terrain that occurs within various clinical settings as ethical dilemmas and legal issues arise, and potentially conflict. Participants will gain practical experience in discerning the differences and similarities between ethical and legal resolutions of conflicts that occur in treatment decisions, including advance directives, informed consent, assessing decision making capacity, selecting a surrogate decision maker, and forgoing life sustaining treatment. Many presentations will use a case-based approach to maximize audience participation, and a mock trial will demonstrate ethical and legal decision making in “real time.”

CONFERENCE OBJECTIVES: At the conclusion of this conference, participants should be able to:
1. Explore the relationship between legal and ethical approaches in healthcare with respect to treatment decision making, including the issues of end-of-life decision making, informed consent, and assessing decision making capacity;
2. Articulate the legal and ethical perspectives regarding current societal issues in health care treatment, including advance care planning and objections/preferences to treatment and the right to receive or refuse health care treatment;
3. Discuss the legal and ethical issues raised in medical decision making for vulnerable populations.

TARGET AUDIENCE: Lawyers, Physicians, Nurses, Social Workers, Pastoral Care, Psychologists, and other Health Care Professionals with an interest in healthcare ethics.

AGENDA:

FRIDAY, SEPTEMBER 15, 2017

11:00 am Registration
12:15 pm Welcome and Introductions
12:30 pm PLENARY SESSION: Truth-telling in Medicine: A Look at Canterbury v. Spence
Kate Molchan, JD, MA, PhD(c)
Review the development and early history of informed consent and how the Canterbury case helped to shape the reasonable person standard. We will discuss considerations for valid consent and its use within the healthcare setting.

2:00 pm BREAK
2:10 pm Break Out Sessions (please choose one)
Session 1A: Law, Ethics and Moral Reasoning (with a nod to Micah 6:8) as an Instrument of Reconciliation
David Korman, JD
Examine the mutual influences that exist between law and ethics; identify assumptions and goals underlying law and ethics and how they differ; explore a protocol for reconciliation between law and ethics when they are seemingly in conflict.

Session 1B: Understanding the Applicability, Advantages, and Disadvantages of Various Types of Mental Health Advance Directives
Gary Gushard, Esq.
Differentiate between various types of advance directives; discuss the applicability/appropriateness of those types in various situations. Discuss the mental capacity necessary to execute a valid advance directive and also explore the similarities/differences between voluntary advance directives and court imposed guardianships.

3:30 pm BREAK
3:40 pm Break Out Sessions (please choose one)
Session 2A: Should Age Be Used to Limit Healthcare Spending?
Alex John London, Ph.D
Currently around 45 million Americans are age 65 or older, just over 14% of the US population. By 2060 this number is expected to double, such that about 1 in every 4 American will fall into this age group. As America ages health care expenses are expected to grow accordingly. This talk will examine the strengths and weaknesses of ethical arguments, grounded in a “prudent insurance” ideal and the “fair innings” model of intergenerational justice, that have been offered for using age as a criterion for limiting health care spending.

Session 2B: Recognizing and Reporting Elder Abuse and Neglect
Peter D. Giglione, Esq.
We will discuss and identify signs and symptoms of elder abuse and neglect of patients admitted from skilled nursing facilities, assisted living facilities, personal care homes and their own residences; discuss common bases of civil lawsuits and look at Pennsylvania’s criminal laws relating to elder abuse/neglect and the mandatory reporting requirements associated.

5:00 pm Adjourn for the Day

SATURDAY, SEPTEMBER 16, 2017

8:30 am—12:00 pm Break Out Sessions (please choose either Option 1 or Option 2)

OPTION 1:

8:30 am Session 3A: Law and Ethics in Healthcare: Who’s Making Treatment Decisions Now?
Alan Steinberg, Esq.
This session will review the different laws that affect a patient’s and a physicians rights to make treatment decisions, identify the ethical issues involved when there is tension between the insurer and payment for those treatments and the decision to provide the treatment or even make it available to the patient.
9:50 am  BREAK

10:00 am  Session 3B: End of Life Decision Making in Clinical Practice  
Randy Hebert, MD, MPH, MMM
Review the basic ethical principles of end of life decision making and examine the clinical process of making such decisions with patients, families and surrogates and examine the factors that facilitate or impede the end of life decision making process.

11:10 am  BREAK

11:15 am  Session 3C: The Importance of Truthfulness in Respecting Patient Autonomy  
Aviva L. Katz, MD, MA
Explore the philosophic support for the importance of truth telling in medicine and discuss the nature of error in medical care and consider the difficulty in disclosing error and recognizing the importance truthfulness.

OPTION 2:

8:30 am  Session 3D: Mock Trial—Application to Discontinue Artificial Life Support and Allow Direct Organ Donation  
Peter D. Giglione, Esq. and David Korman, JD
Used in many law school programs, the mock trial is an effective teaching tool that provides a unique educational experience for the learner by providing a glimpse into the inner workings of court case. Different legal positions of each side are presented, ethical issues that give rise to the case and the ethical dilemmas are identified; allowing participants to appreciate the strengths and weaknesses of the legal system in resolving ethical conflict.

10:00 am  BREAK

10:15 am  Mock Trial (continued)

12:00 pm  LUNCH

12:45 pm  PLENARY SESSION: The Ethical Highs and Lows of New Medical Marijuana Laws and Practices  
Amy VanDyke, MSW, LSW, PhD
Explore the ethical and legal controversies of medical marijuana; discuss conflicting reports of the therapeutic advantages and risks of cannabis; and discern various levels of response needed across health care systems to ethically implement the new laws and practices for patients as well as employers.

2:00 pm  ADJOURN FOR THE DAY

SUNDAY, SEPTEMBER 17, 2017

8:30 am  Breakout Sessions (choose one):

Session 4A: Two Case Studies and Their Choices: What’s the Legal Thing to Do? The Ethical Thing to Do? And the Right Thing To Do?  
Alan Steinberg, JD
Explore the decision making process when there are competing legal, ethical and practical objectives and discuss the various practical components in “duty to warn” situations using various case scenarios.

Session 4B: Improving Healthcare Quality: Applying Organizational Ethics for System Change  
Kate Molchan, JD, MA, PhD(c)
Explore considerations for a systems-based approach to organizational ethics; and discuss the practical problems to implementation and identify issues of putting a systems based approach into practice.

9:30 am  BREAK

9:40 am  Breakout Sessions (choose one):

Session 5A: Adjudications of Incapacity and the Appointment of Guardians to Facilitate Surrogate Decision Making  
Gary Gushard, Esq.
Discuss the legal process involving guardianships; and identify, compare and contrast the different types of guardianships and discuss the rights and responsibilities of appointed guardians.

Session 5B: The Nature of Suffering and Goals of Care  
Randy Hebert, MD, MPH, MMM
Explore the meaning of suffering and discuss perceptions of suffering in terminally ill patients and ways to ameliorate suffering

Session 5C: Unilateral DNR Orders  
Amy VanDyke, MSW, LSW, PhD
Examine multi-factorial difficulties with establishing unilateral DNR orders in opposition to patient or surrogate wishes and analyze best practices related to policy development including legal and ethical considerations. Explore various considerations in developing effective system-wide unilateral DNR orders and practices moving forward.

10:40 am  BREAK

10:50 am  PLENARY SESSION: How Should States Value Life?  
Alex John London, PhD
Explore different kinds of “quality of life” judgements and delineate situations in which such judgements play a critical role. Clarify important normative issues related to the question of whose judgement of the value of life should inform public policy in liberal, democratic countries.

11:50 am  WRAP UP, EVALUATION

12:00 pm  CONFERENCE ADJOURNMENT
Registration Information

Fees and Registration: Includes conference materials, all break services, and lunch on Saturday.

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<th>Registration:</th>
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<tr>
<td>CEP Members:</td>
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Accreditation:
- Psychology (APA): $30.00
- Legal (CLE): $25.00
- Social Work: $15.00

Payment Options: Check or money order (Payable to: University of Pittsburgh)

Meals: Optional Lunch on Friday from 11:00 am—12:00 pm not included in registration fee above, cost is $15.00pp ("Deli Board Buffet": variety of deli meats and cheeses, selection of breads, three salads, dessert, and beverage.

Lunch on Saturday (included in the registration fee) “Wrap It Up Buffet”: choice of wraps—smoked turkey, orange mandarin shrimp, & sundried tomato; variety of salads, chips, turnovers, and assorted beverages.

Conference Confirmation: All registered attendees will receive email confirmation of registration and information on how to access all available materials prior to the conference.

Conference Location & Lodging: Oglebay Resort & Conference Center, 465 Lodge Drive, Wheeling, WV. A room block and special rates have been reserved for “The University of Pittsburgh Consortium Ethics Program”

- Deluxe Room: $119.00 + tax
- Preferred Deluxe Room: $149.00 + tax
- Premium Room: $179.00+ tax

Contact Oglebay directly to make overnight reservations: 304-243-4000. Reservations must be made no later than August 15, 2107. The room block will be released after this date and discounted room rates cannot be guaranteed.

Alternative hotel options in the area: SpringHill Suites Wheeling (855-239-9485); Hampton Inn Wheeling (304-547-4222); Super 8 Wheeling (855—238-1592); McLure House Hotel (800—491-7598).

Registration Deadline: Conference registrations will be accepted until 4:00 pm 9/8/17 (note that overnight room availability cannot be guaranteed after 8/15/17).

Cancellation Policy: All cancellations must be in writing and sent via US mail, email (cep@pitt.edu) or fax (412-623-3592). Cancellations received by 4:00 pm, 9/08/2017 will be fully refunded. Cancellations after 9/08/17 and before 4:00 pm on 9/11/17 will receive a 50% refund. After 9/11/17 no refunds will be issued, but a replacement may be designated.

ACCREDITATION:
The University of Pittsburgh School of Medicine is accredited by the Accreditation Council for Continuing Medical Education to provide continuing medical education for physicians.

The University of Pittsburgh School of Medicine designates this live activity for a maximum of 11.75 AMA PRA Category 1 Credits™. Physicians should claim only the credit commensurate with the extent of their participation in the activity.

Other health care professionals are awarded 1.1 continuing education units (CEU’s) which are equal to 11.7 contact hours.

12.0 credit hours of continuing education is provided through co-sponsorship of the University of Pittsburgh School of Social Work, an approved provider of social work continuing education through the Pennsylvania Board of Social Workers, Marriage and Family Therapists and Professional Counselors. These credits satisfy requirements for LSW, LCSW, LPC and LMFT renewal. For information on these continuing education credits contact (412) 624-3711.

Western Psychiatric Institute and Clinic is approved by the American Psychological Association to offer continuing education for psychologists. Western Psychiatric Institute and Clinic maintains responsibility for this program and its content. This program is being offered for __11.5__ continuing education credits.

Application has been made to The Pennsylvania Continuing Legal Education Board for continuing education credits.

All individuals in a position to control the content of this education activity are required to disclose all relevant financial relationships with any entity producing, marketing, re-selling, or distributing health care goods or services, used on, or consumed by, patients.

Participation by all individuals is encouraged. Advance notification of any special needs will help us provide better service. Please notify us of your needs at least two weeks in advance of the program by calling 412-623-2033.

The University of Pittsburgh is an affirmative action, equal opportunity institution.
Please Select the Breakout Sessions that you wish to attend:

FRIDAY, SEPTEMBER 15, 2017
2:10 pm – 3:30 pm  Break Out Sessions (please choose one)
☐ Session 1A: Law, Ethics & Moral Reasoning (D. Korman)
☐ Session 1B: Understanding Mental Health Advance Directives (G. Gushard)

3:40 pm – 5:00 pm  Break Out Sessions (please choose one)
☐ Session 2A: Should Age Be Used to Limit Healthcare Spending? (A. London)
☐ Session 2B: Recognizing and Reporting Elder Abuse/Neglect (P. Giglione)

SATURDAY, SEPTEMBER 16, 2017
8:00 am—12:00 pm Break Out Sessions (please choose either Option 1 or Option 2)
☐ Option 1:
  8:30 am  Law and Ethics in Healthcare: Who’s Making Treatment Decisions? (A. Steinberg)
  10:00 am  End of Life Decision Making in Clinical Practice (R. Hebert)
  11:15 am  Importance of Truthfulness in Respecting Patient Autonomy (A. Katz)
☐ Option 2:
  8:30 am  Mock Trial: Application to Discontinue Artificial Life Support (P. Giglione/D. Korman)

SUNDAY, SEPTEMBER 17, 2017
8:30 am – 9:30 am  Breakout Sessions (choose one):
☐ Session 1: Two Case Studies: What is the Legal, Ethical and Right Thing To Do? (A. Steinberg)
☐ Session 2: Improving Healthcare Quality—Applying Organizational Ethics (K. Molchan)

9:20 am – 10:30 am  Breakout Sessions (choose one):
☐ Session 1: Transfers of Decision Making/Guardianship (G. Gushard)
☐ Session 2: Nature of Suffering and Goals of Care (R. Hebert)
☐ Session 3: Unilateral DNR Orders (A. VanDyke)

IN ORDER TO MEET REGISTRATION DEADLINES, PLEASE FAX (412-623-3592) OR EMAIL (joc10@pitt.edu)
REGISTRATION FORMS, BEFORE PROCESSING FOR PAYMENT

Payment Mailed to: Consortium Ethics Program
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Confirmation Letters and Directions will be mailed by September 1, 2017