

Confidential working Draft Revised 11/01/2010

Seminar on Health Law and Social Policy

Summary Syllabus

This seminar will explore the intersections of health care, law, politics, and ethics in the U.S. in the 21st Century. We will meet in Vanderbilt Hall, Room 202, on Thursdays from 4:00 to 6:00, beginning Thursday, September 2, 2010. Each discussion will be led by Sylvia A. Law and, most weeks, another person from a different discipline and perspective.

We will address four central themes: 1) the consequences that flow from characterizing an issue as social, medical, ethical, scientific, religious or legal, 2) the role of rights, and the complexity of constructing rules and (often fragile) enforcement mechanisms, 3) consideration whether policy is set or money raised at the federal, state, local, professional, family or individual level, 4) the pervasive influences of class, race and gender.

This is a preliminary listing of topics, readings and leaders.

September 2, 2010. The historic roots of the organization of health care and health care financing in the United States. Why did we make the choices we did?

Paul Starr, *The Social Transformation of American Medicine* (1982). [pp. 102-112 (licensing). 112-127 (medical education). 145-147, 154-169, 177-179 (hospitals). 295-320 (the Blues and organized labor), 367-370 (Medicare and Medicaid).]

The book is on reserve in the library. Or you could order your own copy, used, from Amazon.

Optional reading.

T. R. Reid, *The Healing of America* (2009). Book, on reserve in library.

September 9, 2010. Access and Money. The crisis confronting the uninsured, Medicaid, Medicare, employers, and hospitals.

The U.S. spends more on medical care than any other nation, yet large and growing numbers of people living in the U.S. (citizens and non-citizens) have no health insurance. Since World War II, most private insurance has been based on employment. However, employment based insurance has decreased in recent decades. Common strategies to address this problem include expanding existing sources of health insurance from

individuals, employers and state and local governments. Every source of insurance coverage pushes back. We rely on hospitals to provide care for people in emergent need. The cost of that care is passed on to people with insurance: the cost of insurance goes up, and, as a result, the number of people who can afford insurance decreases. Apart from this vicious circle, access to good quality health care depends on factors other than insurance coverage.

Janny Scott, *Life at the Top in America Isn't Just Better, It's Longer*, N. Y. TIMES (May 16, 2005).

<http://query.nytimes.com/gst/fullpage.html?res=980DE3DC1F30F935A25756C0A9639C8B63&sec=&spon=&pagewanted=2>

Atul Gawande, *The Cost Conundrum*, NEW YORKER (June 1, 2009).

http://www.newyorker.com/reporting/2009/06/01/090601fa_fact_gawande

The Uninsured: A Primer. Kaiser Family Foundation, Oct. 2009.
<http://www.kff.org/uninsured/upload/7451-05.pdf>.

Medicaid.

Kaiser Family Foundation, *Medicaid at a Glance* (2007).

<http://www.kff.org/medicaid/upload/7235-02.pdf>

Kaiser Family Foundation, *Medicaid and CHIP and Child Health Care*, (July 2010).

<http://www.kff.org/uninsured/upload/7698-04.pdf>

Kaiser Family Foundation, *Medicaid and State Budgets: From Crunch to Cliff* (Oct. 2009). <http://www.kff.org/medicaid/upload/8001.pdf>.

Kaiser Family Foundation, *Medicaid Beneficiaries and Access to Care* (Oct. 2009).

<http://www.kff.org/medicaid/upload/8000.pdf>

Medicare.

Kaiser Family Foundation, *Medicare Spending and Financing Fact Sheet* (August 2010).

<http://www.kff.org/medicare/upload/7305-04-2.pdf>

Hospitals.

Joel S. Weissman, *The Trouble with Uncompensated Hospital Care*, 352 N. Eng. J. Med. 1171 (2005).

<https://ezproxy.library.nyu.edu/login?url=http://proquest.umi.com/pqdweb?did=817655191&sid=5&Fmt=4&clientId=9269&RQT=309&VName=PQD>

Francis J. Serbaroli, *New Law Curbs Hospital Charges, Collection Actions*, N. Y. L. J., May 20, 2006. **On Blackboard.**

September 16, 2010.

Quality of Care: The Basics.

The United States has an unparalleled capacity to provide medical care to save lives and promote well-being. However, it is now widely understood that our medical care system often fails to deliver on its potential, and indeed causes preventable injuries. This class begins an exploration of the complex relationship between medical malpractice litigation and quality of care. The incidence of common medical procedures varies from area to area, with no demographic explanation.

Lucian L. Leape, Donald M. Berwick, *Five Years After To Err is Human: What Have We Learned?*, 293 JAMA 2384 (2005).

<https://ezproxy.library.nyu.edu/login?url=http://jama.ama-assn.org/cgi/content/full/293/19/2384>

Rosenblatt et al, *Law and the American Health Care System*, (2008 draft). **HARD COPY PACKAGE.**

Atul Gawande, *Complications: A Surgeon's Notes on an Imperfect Science* 64-70 (anesthesiology), 187-201 (autopsies). (2002). **HARD COPY PACKAGE.**

John K. Iglehart, *A New Era of Medical Imaging B Progress and Pitfalls*, 340 N.Eng. J. Med. 2822 (2006).

<https://ezproxy.library.nyu.edu/login?url=https://library.med.nyu.edu/cgi-bin/ezproxyT.pl?url=http://proquest.umi.com/pqdweb?did=1070089351&sid=4&Fmt=3&clientId=83650&RQT=309&VName=PQD>

Atul Gawande, *Notes of a Surgeon: On Washing Hands*, 350 N. Eng. J. Med. 1283 (2004).

<https://ezproxy.library.nyu.edu/login?url=https://library.med.nyu.edu/cgi-bin/ezproxyT.pl?url=http://proquest.umi.com/pqdweb?did=591445051&sid=9&Fmt=3&clientId=83650&RQT=309&VName=PQD>

Bruce C. Vladeck, *Everything New is Old Again*, Health Affairs -Web Exclusive Collection VAR-108 (Oct. 2004).

<http://content.healthaffairs.org/cgi/reprint/hlthaff.var.108v1>

Paul Krugman, *Health Care Confidential*, N.Y. Times (Jan. 27, 2006).
<http://select.nytimes.com/2006/01/27/opinion/27krugman.html? r=1>

September 23. The Patient Protection and Affordable Health Care Act

This year Congress adopted the most comprehensive change in health care financing in the United States since the adoption of Medicaid and Medicare in 1965. This class will explore some of the details of the PPACA, the political process leading to its adoption of the PPACA, alternatives considered and rejected and the currently on-going issues of implementation. Disputes over insurance coverage for abortion were an important part of the political debate and will be considered in a later class.

Michael Sparer, *Medicaid and the U.S. Path to National Health Insurance*, 360 N. Eng. J. Med. 323 (2009). <http://content.nejm.org/cgi/reprint/360/4/323.pdf>.

Rosenbaum, Rosenblatt, Law & Frankfort, *Law and the American Health Care System*, Note, The PPACA.

The Cause of My Life: Inside the fight for universal health care, Newsweek, July 18, 2009. <http://www.newsweek.com/2009/07/17/the-cause-of-my-life.html>.

James A. Morone, *Presidents and Health Reform: From Franklin D. Roosevelt to Barack Obama*, 29 Health Affairs 1096 (June 2010).
<http://ezproxy.library.nyu.edu:2603/cgi/content/full/29/6/1096>

Marie Gottschalk, *Sick on Arrival: The Care Reform in the Age of Obama*, 18 New Labor Forum 28 (2009). <http://www.polisci.upenn.edu/faculty/MGNLF.pdf>

Peter R. Orszag and Ezekiel J. Emanuel, *Health Care Reform and Cost Control*, 363 N.E.J.M. 601 (2010). <http://www.nejm.org/doi/pdf/10.1056/NEJMp1006571>

Sara Rosenbaum and Jonathan Gruber, *Buying Health Care, the Individual Mandate, and the Constitution*, 363 N.E.J.M. 401 (2010).

<http://www.nejm.org/doi/pdf/10.1056/NEJMp1005897>

Wendy K. Mariner and George J. Annas, *Health Insurance Politics in Federal Court*, 363 N.E.J.M. 1056 (2010).

Co-leader: Prof. James Morone, Department of Political Science, Brown University.

September 30, 2010. Childbirth and the periodic malpractice crisis.

Abby Epstein, *The Business of Being Born*, (2007). This video is available on line from Netflix. Or, I have a copy from Netflix that I can lend you to watch.

Rosenblatt et al, *Law and the American Health Care System*, 1268-1281 (1999). (childbirth, midwifery, coercive treatment of pregnant women.)

Lynn Paltrow and Kathrine Jack, *Pregnant Women, Junk Science, and Zealous Defense*, 34 *Champion* 30 (2010).

<http://advocatesforpregnantwomen.org/publications/Champion30.pdf>

Carol Sakala and Maureen P. Curry, *Evidence-Based Maternity Care: What It is and What it Can Achieve* (Milbank Memorial Fund, 2008).

<http://www.childbirthconnection.org/article.asp?ck=10575>

Sylvia A. Law, *Childbirth: An Opportunity for Choice that Should be Honored*, 33 *NYU Rev. of L. & Soc. Change* 101 (2007). (VBAC)(EFM).

Anemona Hartocollis, *St. Vincent's Closing Puts Midwives in Jeopardy*, *N. Y. TIMES* (May 5, 2010).

Cathleen F. Crowley, *Doctors say bill endangers lives*, *ALBANY TIMES UNION* (June 18, 2010).

Midwife Reform Bill Passes Legislature, *News Channel 134*, July 1, 2010.

Alastair MacLennan, *Who Will Deliver Our Grandchildren? Implications of Cerebral Palsy Litigation*, 294 *JAMA* 1688 (2005).

<https://ezproxy.library.nyu.edu/login?url=http://jama.ama-assn.org/cgi/content/full/294/13/1688>

Book review, Frank A. Sloan & Lindsey M. Chepke, *Medical Malpractice* (2008), 358 *N.Eng.J.Med.* 2853 (2008).

<https://ezproxy.library.nyu.edu/login?url=http://proquest.umi.com/pqdweb?did=1500912361&sid=3&Fmt=3&clientId=9269&RQT=309&VName=PQD>

Co-Leader: Lynn Paltrow, President, National Advocates for Pregnant Women.

October 7, 2010. Reproductive Freedom: Abortion and Contraception.

Alan Guttmacher Institute, *Facts on Publicly Funded Contraceptive Services in the United States* (June 2010).

http://www.guttmacher.org/pubs/fb_contraceptive_serv.pdf

Alan Guttmacher Institute, *Facts on Contraceptive Use in the United States* (June 2010).

http://www.guttmacher.org/pubs//fb_contr_use.pdf

Adam Sonfield, *Contraception: An Integral Component of Preventive Care for Women*, 13 *Guttmacher Policy Review* (Spring 2010)

<http://www.guttmacher.org/pubs/gpr/13/2/gpr130202.html>

Alan Guttmacher Institute, Emergency Contraception, (August 2010).

http://www.guttmacher.org/statecenter/spibs/spib_EC.pdf

Rhonda Copelon and Sylvia Law, "Nearly Allied to Her Right to Be": MEDICAID FUNDING FOR ABORTION: THE STORY OF HARRIS V. MCRAE, CHAPTER IN LAW STORIES: WOMEN'S RIGHTS (forthcoming 2010). **HARD COPY PACKAGE.**

Lynn Harris, *Can We Ever Win the Abortion Wars*, SALON (Jan.22, 2010).

http://www.salon.com/life/feature/2010/01/22/abortion_dispatches_interview/index.html

Adam Sonfield, *The Potential of Health Care Reform to Improve Pregnancy-Related Services and Outcomes*, 13 Guttmacher Policy Review 13 (Summer 2010).

Laura Meckler, *Strict Abortion Rules Mean Fewer Insurers May Offer Coverage*, Wall St. J., March 23, 2010.

Co-Leader: Lois Uttley, Executive Director, MergerWatch.

October 14, 2010. Health Care and Citizenship.

There is wide public support for the ethical proposition that essential medical care, unlike other important goods and services, should be distributed on the basis of medical need, rather than on wealth or social status. While recognizing that this normative proposition is often violated, this class asks to whom it extends. What, if anything, do we as a society, or medicine as a profession, owe to people who are not citizens? What constitutes quality, or even minimally adequate, care for people who are perceived to be different? What are the social and medical costs of excluding some people from medical care?

National Immigration Law Center, *How Are Immigrants Included in Health Care Reform?* April 2010.

<http://www.nilc.org/immspbs/health/immigrant-inclusion-in-HR3590-2010-04-19.pdf>

Kaiser Family Fund, *Immigrants' Health Coverage and Health Reform: Key Questions and Answers*, Dec. 2009. <http://www.kff.org/healthreform/upload/7982.pdf>.

Kaiser Family Fund, *Health Care for Undocumented Immigrants Cost \$1.1B in 2000, Study Finds*,

<http://dailyreports.kff.org/Daily-Reports/2006/November/21/dr00041208.aspx>

Fitzhugh Mullan, *Immigration Pediatrics*, 24 Health Affairs 1619 (2005). <http://ezproxy.library.nyu.edu:2603/cgi/content/full/24/6/1619>

Katrina S. Firlik, *TB or Not To Be*, Wall Street Journal, May 11, 2006. <http://www.opinionjournal.com/editorial/feature.html?id=110008362>

Sarah Kershaw, *New York, Faulting U.S., Says It Will Pay for Cancer Care for Illegal Immigrants*, N.Y. TIMES (Sept. 26, 2007).

http://www.nytimes.com/2007/09/26/nyregion/26spitzer.html?_r=1&pagewanted=print

Deborah Sontag, *Immigrants Deported, by U.S. Hospitals*, N. Y. TIMES (August 3, 2008).

<http://www.nytimes.com/2008/08/03/us/03deport.html>

Deborah Sontag, *Jury Finds for Florida Hospital That Deported Patient*, N. Y. TIMES (July 27, 2009).

<http://www.nytimes.com/2009/07/28/us/28deport.html>

Kevin Sack, *Hospital Falters as Refuge for Immigrants, Deported, by U.S. Hospitals*, N. Y. TIMES (Nov. 22, 2009).

<http://www.nytimes.com/2009/11/21/health/policy/21grady.html?emc=eta1>

Kaiser Family Fund, *Citizenship Documentation in Medicaid* (2007).
http://www.kff.org/medicaid/upload/7533_03.pdf

Greenery Rehabilitation Group v. Hammon, 150 F.3d 226 (2nd Cir. 1998).

Lewis v. Thompson, 252 F.3d 567 (2nd Cir. 2001).

Aliessa v. Fayad, 730 N.Y.S.2d 1 (N.Y. Court of Appeals 2001).

Kevin Sack & Catrin Einhorn, *Deal Would Provide Dialysis to Illegal Immigrants in Atlanta*, N.Y. Times, August 31, 2010.

http://www.nytimes.com/2010/09/01/health/policy/01grady.html?_r=1&ref=health&pagewanted=print

Co-Leader: Elizabeth Benjamin, Director Healthcare Restructuring Initiatives, Community Service Society.

October 21, 2010. Race, Gender Disparities, and Language Access.

Several recent studies document that women and racial minorities receive less medical care and less favorable outcomes for a variety of common conditions including heart disease, cancer and pain. The U.S. health care system seeks to serve people from diverse cultures, many of whom do not speak English. How do we address this phenomenon as advocates, administrators, medical educators, and public health officials?

Excerpts from Sara Rosenbaum and David Frankfort, *Law and the American Health Care System* (2008). **Hard copy.**

June Elchner and Bruce C. Vladeck, *Medicare As A Catalyst For Reducing Health Disparities*, 24 Health Affairs 165 (March/April 2005).

<http://ezproxy.library.nyu.edu:2603/cgi/content/full/24/2/365>

Arnold M. Epstein, *Health Care in America B Still too Separate, Not Yet Equal*, 351 N. Eng. J. Med. 603 (2004).

<https://ezproxy.library.nyu.edu/login?url=http://content.nejm.org/cgi/content/full/351/6/603>

David Malebrache, *Learning About Medicine and Race*, 23 Health Affairs 220 (2004). <http://content.healthaffairs.org/cgi/reprint/23/2/220?maxtoshow=&HITS=10&hits=10&RESULTFORMAT=&andorexactfulltext=and&searchid=1&FIRSTINDEX=0&volume=23&firstpage=220&resourcetype=HWCIT>

Marsha Lillie-Blanton and Caya B. Lewis, *Policy Challenges and Opportunities in Closing the Racial/Ethnic Divide in Health Care*, Kaiser Family Foundation (March, 2005).

<http://www.kff.org/minorityhealth/loader.cfm?url=/commonspot/security/getfile.cfm&PageID=51965>

Nicolas Bakalar, *Disparities: Care After Heart Attack Appears Less than Equal*, N. Y. Times, (March 21, 2006). <http://www.nytimes.com/2006/03/21/health/21disp.html>

Ron Winslow, To Close Gaps in Care, More Health Plans Ask About Race. Wall St. Jour. (June 1, 2004) at http://online.wsj.com/article_print/0,,SB108603679771125031,00.html

Kenneth Kipnis, Quality Care and the Wounds of Diversity (1998). http://www.apaonline.org/publications/newsletters/v97n2_Medicine_03.aspx

Jennifer B. Lee, *What is the Two-Headed Phone*, N.Y. Times, (May 12, 2009). <http://cityroom.blogs.nytimes.com/2009/05/13/what-is-that-two-headed-phone/?pagemode=print>

New York Lawyers for the Public Interest, *Is Your Pharmacy in Compliance with the Law?* (2009).

Courtney Gross, *Language Barriers at the Drugstore*, Gotham Gazette, (Feb. 4, 2009). <http://www.gothamgazette.com/print/2420>

Co- Leaders: Marianne Engleman Lado and Nisha Agerwall, New York Lawyers for the Public Interest

October 28, 2010. Medical Education, Physician Supply and Compensation.

The United States is exceptional in that doctors earn more than doctors in any other developed or developing nation. We are also exceptional in demanding long, costly physician training, and assuming that individual students/doctors bear these costs. Our patterns of medical education and compensation produces more surgical specialists, and fewer primary care doctors than other countries. This, in turn, undermines quality of care and increases costs. We depend on foreign medical graduates to staff essential, but less attractive, forms of care.

Miriam Laugeirsen. Siren Song: Physicians, Congress and Medicare Fees, 34 J. Health Pol., Pol'y & L. 157 (2009). <http://ezproxy.library.nyu.edu:6662/cgi/reprint/34/2/157>

Zuckerman et al., *Trends in Medicaid Physician Fees, 2003-2008*, Health Affairs, April, 2009.

<http://content.healthaffairs.org/cgi/reprint/hlthaff.28.3.w510v1?ijkey=FtFdm/8MJTtuk&keytype=ref&siteid=healthaff>.

Timothy Stolfus Jost, *The Independent Payment Advisory Board*, 363 N. Eng. J. Med. 103 (2010).

Thomas Bodenheimer, et al., *A Lifeline for Primary Care*, 360 N. Eng. J. Med. 2693 (2009).

<https://ezproxy.library.nyu.edu/login?url=http://content.nejm.org/cgi/content/full/360/26/2693>

David C. Goodman, *Improving Accountability for the Public Investment in Health Profession Education: It's Time to try Health Workforce Planning*, 300 JAMA 1205 (2008).

<https://ezproxy.library.nyu.edu/login?url=http://jama.ama-assn.org/cgi/content/full/300/10/1205>

Susan Okie, *Becoming a Physician: An Elusive Balance -- Residents= Working Hours and the Continuity of Care*, 356 N. Eng. J. Med. 2665 (2007).

<https://ezproxy.library.nyu.edu/login?url=http://content.nejm.org/cgi/content/full/356/26/2665>

Anemona Hartocollis, *New York Hospitals Create Outcry in Foreign Deal*, N.Y. Times (Aug 5, 2008). <http://www.nytimes.com/2008/08/05/nyregion/05grenada.html>

Sheri Qualters, *7th Circuit Cites New Health Care Law in Medicare Ruling*, National Jour., Aug. 26, 2010.

<http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1202471159193&src=EMC-Email&et=editorial&bu=National%20Law%20Journal&pt=NLJ.com-%20Daily%20Headlines&cn=20100827NLJ&kw=7th%20Circuit%20cites%20new%20health%20care%20law%20in%20Medicare%20ruling&slreturn=1&hbxlogin=1>

Ishani Ganguli, *The Case for Primary Care – A Medical Student's Perspective*, 363 N.Eng. J. Med. 207 (2010).

Co-leader: Ronda Kotelchuck, Executive Director, Primary Care Development Corporation.

November 4, 2010. The Perennial Nursing Shortage and non-physician Health Care Providers

In the early 20th Century, physicians succeeded, to a remarkable degree, in establishing hegemony over the definition and treatment of illness. Nonetheless, patients need a panoply of

other skilled workers to meet their needs. The study of health policy often focuses only on physicians.

This class examines some contemporary issues confronting non-physician providers: nurses, nurse practitioners, physical therapists, psychologists, chiropractors, optometrists, podiatrists and others. Nurses are perennially in short supply and many in the nursing profession question whether the organization of medical care limits nurses ability to provide quality care and find satisfaction in their work. Many non-physician providers question the assumption that their work should always be under physician supervision while others seek access to reimbursement in independent settings.

Review, Paul Starr, *The Social Transformation of American Medicine*, pp. 220 to 225 (physician control of other necessary professionals).

The Future of Nursing: Leading Change, Advancing Health, Institute of Medicine, Oct. 2010.

http://www.nap.edu/catalog.php?record_id=12855

American College of Nursing, Nurse Shortage Fact Sheet, Oct. 2010.

<http://www.aacn.nche.edu/Media/pdf/NrsgShortageFS.pdf>

Patricia Benner et al., *Educating Nurses: A Call for Radical Reform*, (Summary and highlights) 2010.

<http://www.carnegiefoundation.org/elibrary/educating-nurses-highlights>

Theresa Brown, *Is There a Nurse in the House?*, N.Y. Times, June 18, 2010.

http://www.nytimes.com/2010/06/19/opinion/19brown.html?_r=1&ref=barbara_boxer

Theresa Brown, *When the Nurse Disagrees with the Doctor*, N.Y. Times, Oct. 13, 2010.

<http://well.blogs.nytimes.com/2010/10/13/how-far-should-a-nurse-go/?scp=1&sq=Theresa%20Brown&st=cse>

Linda Aiken, *Achieving an Interdisciplinary Workforce in Health Care*, 348 N. Eng. J. Med. 164 (2003).

<https://ezproxy.library.nyu.edu/login?url=http://content.nejm.org/cgi/content/full/348/2/164>

Jeff Holtz, *Severe Nursing Shortage Seen in the State by 2020*, N.Y. Times (May 27, 2007).

<http://query.nytimes.com/gst/fullpage.html?res=9E05E0D81730F934A15756C0A9619C8B63>

Celia W. Dugger, *U.S. Plan to Lure Nurses May Hurt Poor Nations*, N.Y. Times (May 24, 2006). <http://www.nytimes.com/2006/05/24/world/americas/24nurses.html>

Mirta Ojito , *Doctors in Cuba Start Over in US*, N.Y. Times (Aug 03, 2009).

<http://www.nytimes.com/2009/08/04/health/04cuba.html?scp=1&sq=cuba%20medicine&st=cse>

American Dental Hygienists= Association, *Dental Hygiene: Focus on Advancing the Profession* (2005). http://www.adha.org/downloads/ADHA_Focus_Report.pdf

Should Psychologists Have Prescribing Authority? 55 *Psychiatric Services* 1420 (2004) YES. Deanna F. Yates, *A Psychologist=s Perspective*. NO. Jack G. Wiggins, *Beyond Medication Errors*; Jeremy A. Lazarus, *Implications for Medication Errors and Patient Safety*.

<http://psychservices.psychiatryonline.org/cgi/reprint/55/12/1420>

Co- Leaders: Bobbi Berkowitz, Dean, Columbia School of Nursing, Caroline Dorsen, Coordinator, Adult Primary Care Master's and Post-Master's Program, NYU School of Nursing.

November 11, 2010. Palliative Care and Choice at the End of Life.

In 1997, a unanimous Supreme Court rejected a constitutional claim that liberty and privacy protect the rights of competent, terminally ill people who seek physician assistance in hastening death. Since 1997, experience under Oregon=s Death with Dignity Act has been reassuring and a large majority of Americans support patient choice in these circumstances. Efforts to change the law have been made in several states, both in the legislatures and under state constitutions. In 2009 Washington State adopted a law similar to Oregon's and the Montana Supreme Court held that physician assistance to help terminally ill patients hasten death did not violate state law. In 2001, Attorney General John Ashcroft challenged the Oregon law as violating the federal controlled substances law. The Supreme Court rejected his claim in 2006. In 2005, Congress, the courts and the nation confronted related issues in the dispute over Terry Schiavo. This conversation will address the complex issues of choice at the end of life, including palliative care.

NOTE. Rights of competent people to refuse medical treatment. Quinlan. Cruzan.

PALIATIVE CARE.

Sara J. Imhof and Brian Kakie, *Promoting a Good Death: Determinants of Pain Management Policies in the U.S.*, 33 *J. Health Pol., Pol'y & L.* 907 (2008). <http://ezproxy.library.nyu.edu:6662/cgi/reprint/33/5/907>

Medical News Today, *Experts call for balance in addressing Under Treated Pain and Drug Abuse*, March 21, 2006.

Gail Gazelle, *Understanding Hospice -- An Underutilized Option for Life=s Final Chapter*, 357 *N. Eng. J. Med.* 321(2007).

<https://ezproxy.library.nyu.edu/login?url=http://content.nejm.org/cgi/content/full/357/4/321>

END OF LIFE CARE.

Jane Gross, *For the Elderly, Being Heard About Life's End*, N. Y. TIMES (May 5, 2008).

<http://www.nytimes.com/2008/05/05/health/05slow.html#>

Edward Lazarus, *Why Congress's Intervention Predictably Didn't Help the Schindlers: Putting Federal Judges in an Unfair Pressure Cooker in the Terri Schiavo Case*, FindLaw, March 31, 2005. <http://writ.news.findlaw.com/lazarus/20050331.html>

Dr. Timothy Quill, *A Tragedy Compounded*, 352 N. Eng. J. Med. 16 (2005). <https://ezproxy.library.nyu.edu/login?url=http://content.nejm.org/cgi/content/full/352/16/1630>

Harriet McBryde Johnson, *Why Congress was Right to Stick up for Terri Schiavo*, Slate Magazine, posted Wednesday, March 23, 2005. <http://www.slate.com/id/2115208/>

Deficiencies in End-of-Life Care Across U.S., Medical News Today, 19 Feb. 2010. www.medicalnewstoday.com/printerfriendlynews.php?newsid=179582.

In the Matter of **Baby "K"** (The **Baby K** Case), 16 F.3d 590 (4th Cir 1994).

Robert D. Truog, *Tracking Medical Futility in Texas*, 357 N. Eng. J. Med. 1 (2007). <https://ezproxy.library.nyu.edu/login?url=http://content.nejm.org/cgi/content/full/357/1/1>

Judith Graham, *Bishops change feeding tube guidelines*, Chicago Tribune, Feb. 8, 2010. <http://www.chicagotribune.com/health/ct-met-catholic-hospitals-20100208,0,3456275.story>

PHYSICIAN HASTENED DEATH.

Washington v. Glucksberg, 521 U.S. 702 (1997).

Twelfth Annual Report on Oregon's Death with Dignity Act (2009).

<http://www.oregon.gov/DHS/ph/pas/docs/year12.pdf>

Gonzales v. Oregon, 546 U.S. 243 (2006).

Co- Leader: Dr. David Muller, Dean for Medical Education, Manager, Institute for Medical Education, Mount Sinai School of Medicine.

November 18, 2010. Prescription Drugs.

In the past three decades prescription drugs have dramatically improved human life and health. At the same time, the costs of prescription drugs have been the fastest rising component of the health care dollar, and drug companies are consistently the most profitable industry in the U.S. Why are drug costs so high? If they are too high, what can be done? Does the current regulatory process strike the right balance between access to new drugs and devices and assuring safety?

F.M. Scherer, *The Pharmaceutical Industry B Prices and Progress*, 351 N. Eng. J. Med. 927 (2004).

<https://ezproxy.library.nyu.edu/login?url=http://content.nejm.org/cgi/content/full/351/9/927>

Kaiser Family Foundation, Prescription Drug Trends, September 2010.

<http://www.kff.org/rxdrugs/upload/3057-08.pdf>

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For the most part, the U.S. assumption is that the provision and financing of health care and the education of health care professionals is a non-governmental function, controlled by professional norms, market competition, and, occasionally, governmental regulation, state or federal. Why has the U.S. rejected the assumption that the organization and financing of health care should be a public function? "Public health" represents an exception to this generalization. What defines the appropriate sphere of public health? How has the concept of public health changed over time? These questions will be explored in the concrete context of HIV, and briefly in the context of vaccination and bioterrorism.

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Co-leader: Prof. James Colgrove, Mailman School of Public Health, Columbia University.

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The community health center program is one of the few bright spots in our health care landscape, providing high quality care at reasonable cost, reducing racial and linguistic disparities, and responding to community needs. A more recent effort to integrate medical and social services involves 23 pediatric departments in hospitals around the country that have developed programs bringing lawyers into the hospital to help parents and children address health problems that the doctors are not equipped to solve. Why are these programs so marginal?

This session will explore how the organization of medical education can promote or undermine these forms of service.

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