BIOL5813 Biomedical Ethics

Fall 2020 | Face-to-face Class

# Instructor Information

Instructor: Elizabeth Machunis-Masuoka, PhD, MA

Email: [elizabeth.masuoka@msutexas.edu](mailto:elizabeth.masuoka@msutexas.edu)

Office Location: Bolin 307D

Office Hours: M 1:00 – 3:00pm; T 8:00 – 10:00am; W 1:00 – 2:00pm

# Course Overview

The purpose of this course is to provide students with knowledge that is essential to answering complex moral questions affecting both every day and research-based decision-making processes. It is imperative for students to maintain the highest ethical principles while students and then as members of the broader community. No course on ethics can address all issues; rather, the intent is to provide you with a basis upon which to at least begin to frame answers to problems you may encounter in the future.

# Required Materials

There is no required text for this course. However, the following book is highly recommended: Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics*, 7th edition, Oxford University Press, 2013.

You will need a copy of *Frankenstein*, by Mary Shelley. You need to **READ** it. Any version is fine.

You will also need access to D2L. You do not need to print the papers uploaded to D2L, but you must at least read them, make notes about them, and think about them.

# Supplemental Websites

1. The Bioethics Research Library at Georgetown University (Kennedy Institute of Ethics): <https://bioethicsarchive.georgetown.edu>
2. The Hastings Center: <http://www.thehastingscenter.org/>
3. The Department of Bioethics at the National Institutes of Health: <http://www.bioethics.nih.gov/home/index.shtml>
4. The Berman Institute of Bioethics at Johns Hopkins: <http://www.bioethicsinstitute.org/>
5. There are other programs and archives associated with bioethics that are freely accessible on the web, many of which are associated with specific religious traditions. In this class we will, of necessity, focus on Western ethics, but we will not bias our discussions for or against any specific religious tradition.

# Attendance

Attendance is mandatory except for Covid-19-related issues. This class only meets once per week and you are expected to be here and to stay for the entire class period. If you miss class, you must provide an explanation for your absence and it must have been for an exceptionally good reason.

# Covid-19 Policies

Masks or appropriate face coverings will be required of all faculty, staff and students while on campus, as defined by the University’s Facial Covering Requirement (see MSU website):

1. In common areas on campus including, but not limited to, classrooms and other spaces used for teaching, research, and creative activity, student center, library, hallways, elevators, stairwells, restrooms, break rooms, foyers, event rooms and lobbies
2. Other areas where physical distancing of at least 6 feet is not maintained. Even when physical distancing of at least 6 feet can be maintained, face coverings are strongly recommended.

I required that all students wear masks at all times in the classroom to protect each other and me. Moreover, I ask that all students sit at least 6 feet apart in the classroom while wearing their masks. Please finish eating before coming to class. An occasional removal of the mask to drink is fine, so long as the mask goes back on.

In accordance with state health officials, and as previously announced in our phased approach to returning to campus, all members of the MSU Texas community should undergo daily health screening assessments, which include checking temperature. Download, install, and USE the MSU Safety App, which provides a link to a COVID-19 screening assessment. The MSU Safety App is available on the [Apple Store](https://webmail.msutexas.edu/owa/redir.aspx?C=i9mJSc_F7YqUs3F9IlwF56NBEJm_BNpe_RXPYAgcUjotyO35pSHYCA..&URL=https%3a%2f%2fapps.apple.com%2fus%2fapp%2fmsu-safety%2fid1141951126) or [Google Play App Store](https://webmail.msutexas.edu/owa/redir.aspx?C=gedn0PLEN-bh3x_pTUAby5N2vnJLlLH_U2k26OmC5VctyO35pSHYCA..&URL=https%3a%2f%2fplay.google.com%2fstore%2fapps%2fdetails%3fid%3dcom.cutcom.apparmor.mwsu%26hl%3den_US). Use of the App creates a record of your general health that can be used to assess attendance and trace contacts, should the need arise.

Weekday classes will begin as scheduled on Monday, August 24. Those courses offering face-to-face instruction may do so through November 24. Students will not be required to return after the Thanksgiving Break, November 25-27. The campus will remain open and accessible through the last week of instruction and finals week as students will complete coursework and final exams remotely.

# Participation

You are expected to have read all assigned materials prior to class and to come ready to discuss them. You may not simply sit on the side and listen; all must participate because all of you have different backgrounds and thus different senses as to how hard questions should or could be answered. **Everyone’s opinion and position is welcome in this class.** You may be asked to provide evidence to support your position, but **no one** should be afraid to state their position. We will discuss all possibilities that arise as they arise. You will not be marked down because your position is different from mine, so **do not** attempt to figure out what I think and give me only my opinion back at me. I want to know what **you** think.

# Policy on Late Work

Graduate students are expected to perform at a level higher than that of undergraduates. Thus, no late work of any kind will be accepted for any reason. This is a non-negotiable policy. Failure to prepare your work by the given deadline and/or failure to give a good faith effort will result in a zero for the assignment.

# Problems with the Mechanics of Writing

You will be asked to write several papers in this course. If you require help with the basic mechanics of writing, you will need to work with the Writing Center. I will help you some (mainly by pointing out that your grammar is poor), but I will not typically edit student work at the sentence level. You may work with other students in the class on issues of grammar, etc., or with anyone else willing to work with you (please do not bug other faculty members), but ultimately you should have learned basic writing skills long before now. Final copies of assignments that are turned in with basic writing problems will be graded harshly and will result in poor grades in the class.

# General Formatting Requirements

All assignments that are not written in class must be typed using the following formatting: 12pt Times New Roman font, double-spaced, 1-inch margins all the way around, page numbers on all pages. All assignments are to include a suitably descriptive title, your name, the date, and the assignment title/category. Your **thesis statement** (the argument that you are going to attempt to convince me of in your writing) should always be made bold-faced and underlined so that I can find it.

# Plagiarism

All forms of plagiarism are to be consciously and methodically avoided at all costs (this is, after all, a class on ETHICS). **Plagiarism is NEVER acceptable and there is no such thing as ‘accidental’ plagiarism.** Any assignment submitted in this class that is found to contain any form of plagiarism, no matter how minor an infraction, will receive a zero for a grade and you will receive no participation credit for that assignment. A second infraction will earn you an “F” in the course.

# Course Grades

Case Studies (multiple; of my choosing) 70%

Class Presentation of a Case Study you select 10% Video presentations

Written Paper for your Case Study 10%

Attendance 5%

Participation 5%

Overall grades will be determined using straight percentages: A = 90-100%; B = 80-89%; C = 70-79%; D = 60-69%; F is anything below 60. Attendance and participation are demerit modifiers (you lose points when you miss class and/or fail to participate). Most of your grade will be assessed using written responses to case studies.

# How to Present a Case Study

Over the course of the semester, you will be asked to analyze several case studies. A sample of how to analyze a case study has been provided to you (“Artificial Nutrition and Hydration”). Below are the general parts that must be included for each case study presented in this class.

1. Summarize the case: provide a short summary of the case that is NOT simply you re-typing the case as it is actually given to you.
2. Define and identify the ethical dilemma: what is the core issue?
3. Clarify the case:
   1. Who are the stakeholders (all sides) and is the core ethical dilemma the same or different for each stakeholder?
   2. What are the medical issues in general (diagnosis, prognosis, treatment options – these are the three big questions that will need to be answered)?
   3. What are the patient and family preferences? If these are not indicated (advanced directive, for example), then state this.
   4. Quality of life: is there any indication of how the patient feels about their quality of life or other indications as to what this is?
   5. Note: In some cases, you will not know a lot of this (i.e., fetus), so you will need to tailor your case study to the case at hand.
4. Context: social context, family dynamics, cultural context, religious background, financial situation, etc. – anything that could influence the resolution of the case.
5. Analyze and balance the values involved using the 4 principles of bioethics as presented by Beauchamp and Childress. Which of the 4 are the most important? Do they conflict? Do the important principles differ based on stakeholder? What should be the priorities? What choices are there to resolving the case?
6. Make a recommendation:
   1. You must clearly state what you would do if you had to decide; what you would recommend if you had to make a recommendation.
   2. Link your choices to each stakeholder.
   3. If a decision was already rendered for this case, analyze it – do you agree or disagree? Should the resolution have included ideas that it did not?
   4. This is an important element in your case study so don’t be vague – you do not need a medical degree to know what you think is right or wrong in these cases, but you do need to be able to explain to me why you think something is right or wrong. Remember, this is not about you, this is about doing what is best for the patient.
7. Draw final conclusions
   1. Is there meaning for similar cases or is your recommendation really only applicable here?
   2. How good a solution was reached (either by you or in reality)? Is there any hope of improving such decisions?
   3. Should the law be changed to reflect your recommendations?
   4. Draw any other conclusions you can.

There is no set length requirement for your analyses so long as you address all the points above and bolster your work with outside references (i.e., do not simply give me an opinion paper, but begin to use the papers I have given you, other resources, etc. to formulate your responses).

# Schedule

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| **Date** | **Topic** | **Readings (see appropriate folder on D2L)** |
| Aug 24 | Course Introduction | How to Write a Case Study: Coyle N, Todaro-Franceschi V. (2012) “Chapter 6: Artificial Nutrition and Hydration.” *Hospice Foundation of America* 85-97.  Free Writing |
| Aug 31 | Introduction to Bioethics | Beauchamp TL. “Ethical Theory and Bioethics” from Beauchamp and Walters, *Contemporary Issues In Bioethics*, 6th Edition (New York: Wadsworth, 2003).  Farmer P. (1999) “Pathologies of Power: Rethinking Health and Human Rights.” *American Journal of Public Health* 89(10): 1486-1496.  Farmer P. (1997) “Listening for Prophetic Voices in Medicine.” *America* 177(1): 8-13. |
| Sep 7 | HOLIDAY | NO CLASS |
| Sep 14 | History | Taylor T. (1947) “Opening Statement for the United States of America.” <https://digitalcommons.law.uga.edu/nmt4/2>. This is also available, along with complete trial documents, at http://Nuremberg.law.harvard.edu/. |
| Sep 21 | Personhood | Gaddie G. (2018) “The Personhood Movement’s Effect on Assisted Reproductive Technology: Balancing Interests Under a Presumption of Embryonic Personhood.” *Texas Law Review* 96: 1293-1326.  Samar VJ. (2017) “Personhood Under the Fourteenth Amendment.” *Marquette Law Review* 101(2): 287-331. |
| Sep 28 | Genetic Technologies | Ecklund EH, Peifer JL, White V, Chan E. (2017) “Moral Schemas in Articulation and Intuition: How Religious People Evaluate Human Reproductive Genetic Technologies.” *Sociological Forum* 32(2): 277-297.  Wallis JM. (2020) “Is it ever morally permissible to select for deafness in one’s child?” *Medicine, Health Care and Philosophy* 23: 3-15.  Häyry M. (2004) “There is a difference between selecting a deaf embryo and deafening a hearing child.” *Journal of Medical Ethics* 30: 510-512. |
| Oct 5 | Healthcare Inequalities | Wade L. (2020) “An Unequal Blow.” *Science* 368(6492): 700-703.  Coven J and Gupta A. (2020) “Disparities in Mobility Responses to COVID-19.” *NYU Stern School of Business*.  Mein SA. (2020) “COVID-19 and Health Disparities: the Reality of ‘the Great Equalizer’.” *Journal of General Internal Medicine*.  Manchanda EC, Couillard C, Sivashanker K. (2020) “Inequity in Crisis Standards of Care.” *The New England Journal of Medicine.* DOI: 10.1056/NEJMp2011359  Fairchild A, Gostin L, Bayer R. (2020) “Vexing, Veiled, and Inequitable: Social Distancing and the “Rights” Divide in the Age of COVID-19.” *The American Journal of Bioethics*. https://doi.org/10.1080/15265161.2020.1764142. |
| Oct 12 | Rationing | Scheunemann LP, White DB. (2011) “The Ethics and Reality of Rationing in Medicine.” *Chest*. 140(6): 1625-1632.  Solomon MZ, Wynia MK, Gostin LO. (2020) “Covid-19 Crisis Triage—Optimizing Health Outcomes and Disability Rights.” *The New England Journal of Medicine*. DOI: 10.1056/NEJMp2008300  Emanuel EJ, Persa G, Upshur R, et. al. (2020) “Fair Allocation of Scarce Medical Resources in the Time of Covid-19.” *The New England Journal of Medicine.* DOI: 10.1056/NEJMsb2005114. |
| Oct 19 | Human Trials During Epidemics | Nuffield Council on Bioethics. (2020) *Research in global health emergencies: ethical issues.* (Short Report)  Guy RK, DiPaola RS, Romanelli F, Dutch RE. (2020) “Rapid repurposing of drugs for COVID-19.” *Science* 368(6493): 829-830.  Shah SK, Miller FG, Darton TC, et. al. (2020) “Ethics of controlled human infection to address COVID-19.” *Science* 368(6493): 832-834.  Hope T, McMillan J. (2004) “Challenge studies of human volunteers: ethical issues.” *Journal of Medical Ethics* 30: 110-116.  Shirley D-AT, McArthur MA. (2011) “The utility of human challenge studies in vaccine development: lessons learned from cholera.” *Vaccine: Development and Therapy* 1: 3-13.  Bambery B, Selgelid M, Weijer C, Savulescu J, Pollard AJ. (2016) “Ethical Criteria for Human Challenge Studies in Infectious Diseases.” *Public Health Ethics* 9(1): 92-103. |

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| **Date** | **Topic** | **Readings (see appropriate folder on D2L)** |
| Oct 26 | Body as Property | Bergman HR. (1992) “Case Comment: Moore v. Regents of the University of California.” *American Journal of Law & Medicine* 18(1&2): 127-145.  Rao R. (2016) “Informed Consent, Body Property, and Self-Sovereignty.” *The Journal of Law, Medicine & Ethics* 44: 437-444.  Delaney J, Mershenov DB. (2009) “Why Consent May Not Be Needed for Organ Procurement.” *The American Journal of Bioethics* 9(8): 3-10. |
| Nov 2 | Anti-Vaxxers | Wadman M. (2020) “Antivaccine forces gaining online.” *Science* 368(6492): 699.  Reiss DR, Diamond J. (2019) “Measles and Misrepresentation in Minnesota: Can There Be Liability for Anti-Vaccine Misinformation that Causes Bodily Harm?” *San Diego Law Review* 56: 531-580. |
| Nov 9 | Right to Die | Gorsuch NM (2004) “The Right to Assisted Suicide and Euthanasia.” *Harvard Journal of Law & Public Policy* 23(3): 599-710. |
| Nov 16 | Frankenstein | Shelley M. *Frankenstein*. (1818)  Van den Belt H. (2018) “Frankenstein lives on.” *Science* 359(6372): 137.  Kupferschmidt K. (2018) “The Long Shadow of Frankenstein.” *Science* 359(6372): 146-147.  Cohen J. (2018) “How a Horror Story Haunts Science.” *Science* 359(6372): 148-150.  Shultz D, Arranz A. (2018) “Creating a modern monster.” *Science* 359(6372): 151.  Kupferschmidt K. (2018) “Taming the Monsters of Tomorrow.” *Science* 359(6372): 152-155. |
| Nov 23 | Student Presentations  (by video) | 1.  2.  3.  4. |
| Nov 30 | Student Presentations  (by video) | 5.  6.  7. |
| Dec 7 | Finals | All Outstanding Work is DUE  Final Exam (Free Writing Redux) DUE |

Presentations: Each student gets a MAX of 40 minutes; 20-25 minutes for a presentation, 15-20 minutes for discussion (or, you can simply lead a discussion for 40 minutes).