



Law, Ethics and Death



Special Ethics CLE Opportunity!

Join leading law-and-ethics commentators for an exciting and provocative look at state statutes, death and dying, preventive lawyering and the new federal privacy regulations.

Friday, May 12, 2000 • Orlando Airport Marriott • Orlando, Florida

Sponsored by:

The Florida Bar Health Law Section, The Florida Bioethics Network, Robert Wood Johnson Foundation, and the Florida Academy of Healthcare Attorneys, an affiliate of the Florida Hospital Association

Course Goals

Upon completion of this program participants will be able to understand and describe the ethical and legal issues related to end-of-life care, identify advantages and shortcomings of Florida's advance directive statute, and articulate the ethical duties of lawyers when counseling clients in matters related to health law, including end-of-life issues, compliance and privacy.

8:15 - 9:00 a.m.

Registration Check-in & Continental Breakfast

9:00 - 9:10 a.m.

Welcome and Introductions

9:10 - 10:00 a.m.

Since When Do You Have to be Terminally Ill to Refuse Medical Treatment?

FS 765 requires thresholds such as terminal illness, persistent vegetative state, or end-stage condition to be medically certified prior to withholding or withdrawing life sustaining-treatment. This seems to conflict with Floridians' constitutional right to refuse even life-sustaining treatment, as articulated in the Browning case. This presentation will also analyze the questions surrounding the statutory definitions of these thresholds, particularly the new "end stage condition."

Bill Allen, J.D., Assistant Professor

Program in Medical Ethics, Law and Humanities

University of Florida College of Medicine, Gainesville, FL

10:00 - 10:50 a.m.

Ethical Issues for Lawyers in End-of-Life Medical Care

While lawyers are seldom involved directly in end-of-life medical care, their clients are faced with and must apply legal standards in an ethical manner. How much morphine may be given as pain medication? When is medical treatment so futile that physicians and hospitals may refuse to administer it? Is there liability when unwanted life-prolonging treatment is given?

Whitney Durand, J.D., Chattanooga, TN

10:50 - 11:00 a.m.

Break

11:00 - 11:50 a.m.

Preventive Lawyering, Ethics and Managed Care Contracts

This session will examine the extent to which lawyers representing parties to managed care contracts can anticipate and address with their

clients the possible ethical issues they foresee arising out of performance of those contracts. The concept of preventive lawyering will also be seen to apply to institutional policies and client documents related to end-of-life care.

Kathy L. Cerminara, J.D., Assistant Professor

Shepard Broad Law Center, Nova Southeastern University,
Ft. Lauderdale, FL

12:00 - 1:00 p.m.

Lunch (included in registration)

1:00 - 1:50 p.m.

Death and Confidentiality

Comprehensive compliance with new Federal privacy and confidentiality regulations presents institutional counsel with one of the greatest challenges ever in the area of policy development and associated liability. This challenge is all the more striking when it is recognized that the availability of advance directives in connected records and databases has so far not been addressed in commentary on the new privacy regulations. Institutional policies and risk management related to electronic patient records must be made to accommodate advance-care documents, even in the face of evidence that some such documents are sometimes misinterpreted and can lead to patient abandonment.

Kenneth W. Goodman, Ph.D., Director, Bioethics Program

Co-Director, Program in Business, Government and
Professional Ethics, University of Miami, Miami, FL

1:50 - 2:00 p.m.

Break

2:00 - 2:50 p.m.

Panel Discussion: Life, Death and Best Interests — Does Florida's Law on Withdrawal of Treatment Make Any Sense?

Panel Members: Whitney Durand, Bill Allen, Kathy Cerminara and Kenneth Goodman, Moderator

3:00 p.m.

Evaluations and Adjournment