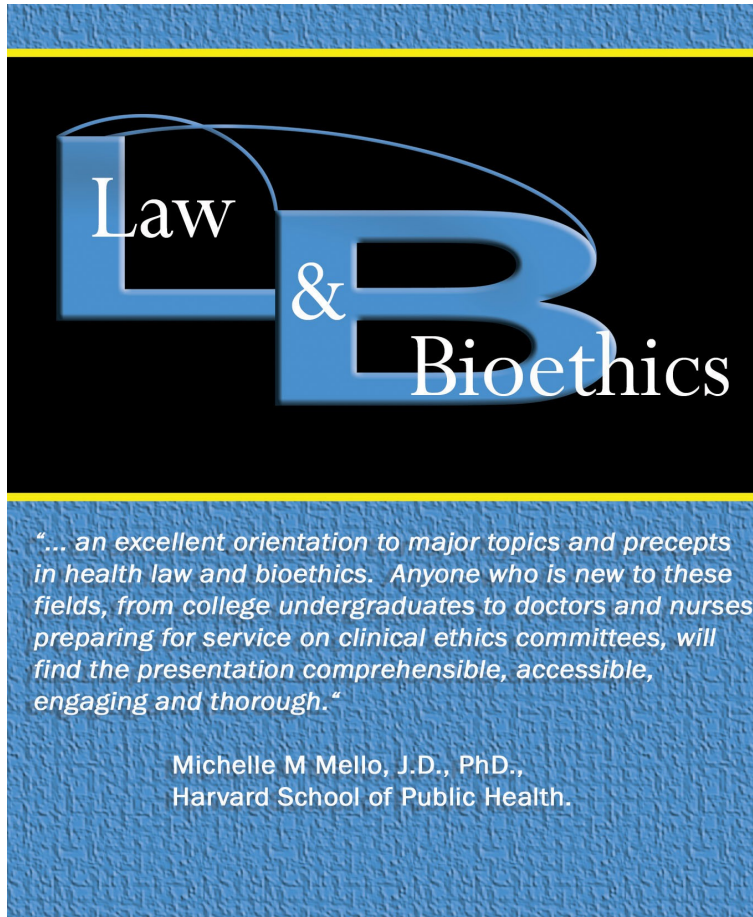


**Overview**  
**Law & Bioethics: A Multimedia Presentation**  
Gary E. Jones, PhD., JD., MPH  
Joseph P. DeMarco, PhD.



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## Basic Overview

*Law & Bioethics* provides a detailed study of bioethics, including its links to varied legal requirements. It is built on ten main units, each of which takes full advantage of interactivity, multimedia, and a layered approach that puts the user in full command of additional ample material. Its layered approach makes *Law & Bioethics* suitable as a lasting resource as well as an easy-to-use interactive study of bioethics.

The main units are:

- **Basic Bioethics**
- **Basic Law**
- **Duty to Treat**
- **Informed Consent**
- **Informed Refusal**
- **Transplantation**
- **Confidentiality**
- **Human Reproduction**
- **Mental Illness**
- **Right to Care**

In addition to its ten main presentations, *Law & Bioethics* includes an astounding collection of supporting material:

- *Bioethics Digest*, providing basic information on all major bioethics topics
- *Ethics Primer*, covering over 50 ethical approaches
- Over 150 carefully organized, summarized and edited court cases
- Health laws from every state
- Supporting background material for each topic
- Interactive case studies and self tests

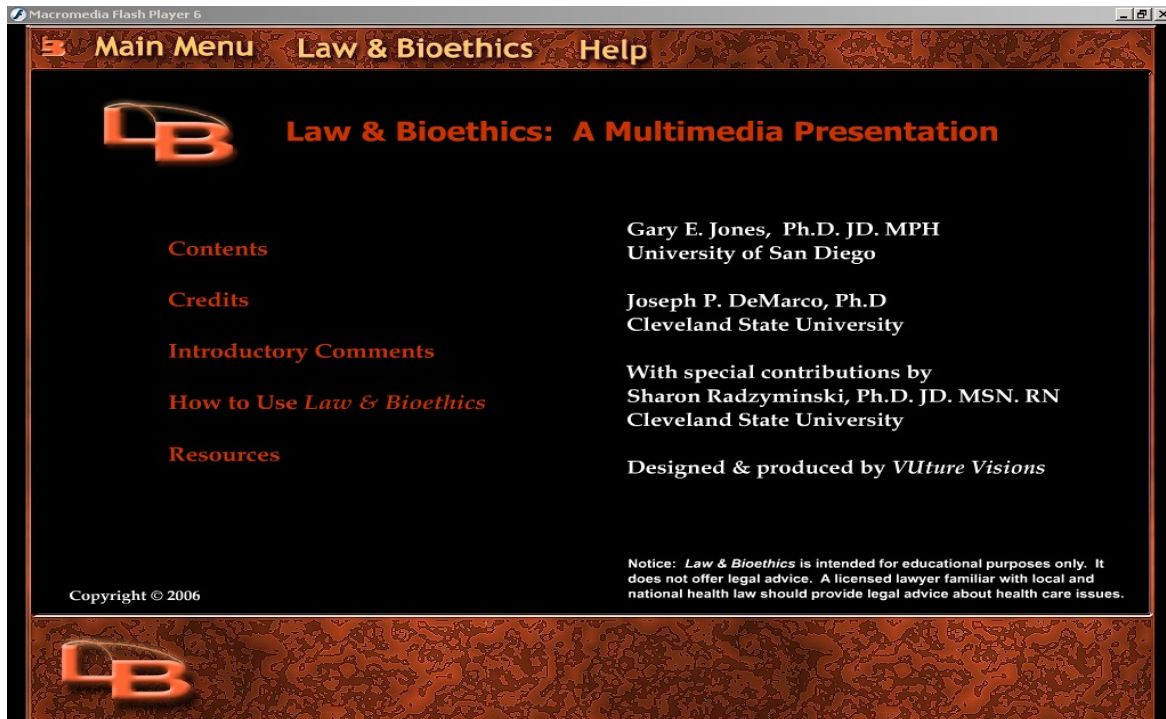
*Law & Bioethics* has been praised by leading bioethicists, legal scholars, and medical educators:

“Anyone ... from college undergraduates to physicians and nurses preparing for service on clinical ethics committees will find the presentation comprehensible, accessible, engaging, and thorough.” Dr. Michelle M. Mello, Harvard School of Public Health

“*Law & Bioethics* uniquely fills an important education need for this complex topic.” Dr. Paul J. Ford, Department of Bioethics, Cleveland Clinic

“*Law & Bioethics* provides an excellent program with a multi-layered approach that puts at the fingertips of ethics committee members the resources to address the ethical and legal issues confronted in the clinical setting on a daily basis.” Dr. Jenny Hyle, Director of Ethics, St. John’s Mercy Health Care

## Title Page



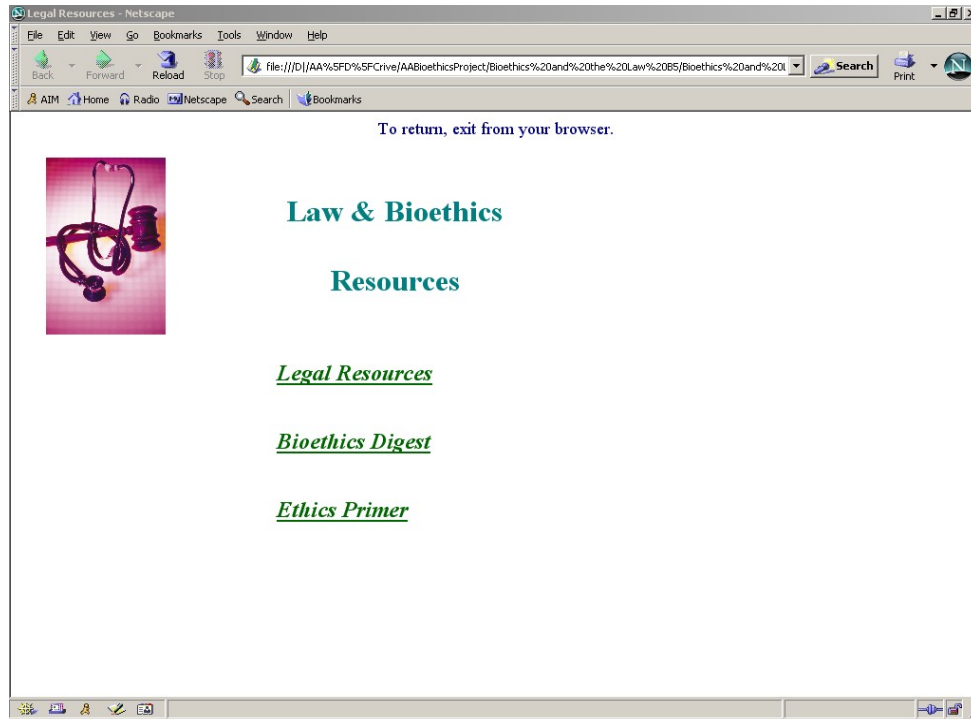
The title page contains links (in red) to:

- Contents
- Credits
- Introductory Comments
- How to Use *Law & Bioethics*
- Resources

*Contents* moves to a table of contents page, providing links to each of the ten main topics as well as a link back to the title page.

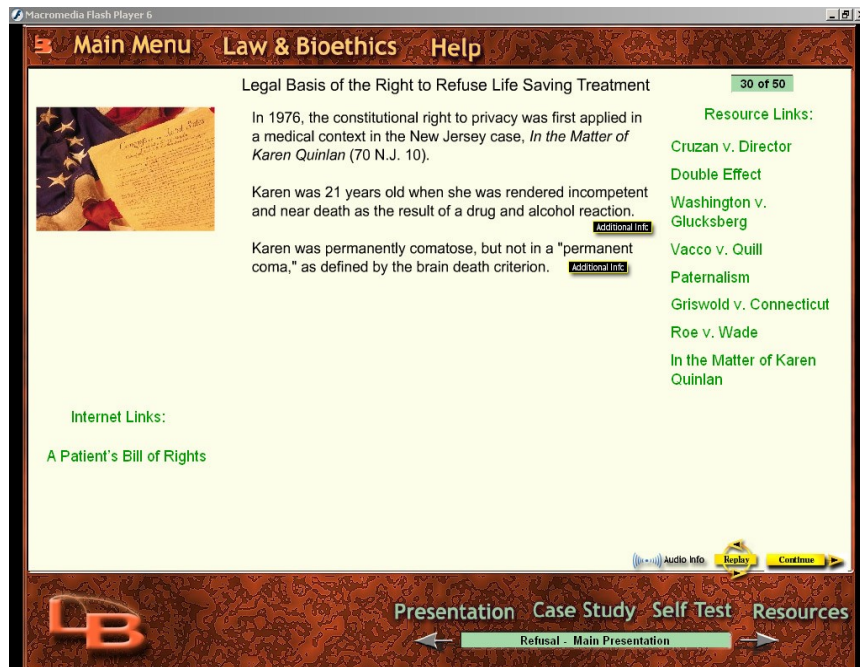
On the title page, *Introductory Comments* and *How to Use Law & Bioethics* open large files; these take several seconds to load. Return to the title page by clicking “Stop” on the opened window. “Replay” moves to the beginning of the file.

*Resources* provides access to all of the presentation's resources. Clicking *Resources* will call your web browser. This takes several seconds. The web page that first opens links to: *Legal Resources*, *Bioethics Digest*, and *Ethics Primer*. To return to *Law & Bioethics*, exit from your browser.



## Main Presentation

Each page (called a 'frame') of the main presentation is numbered on the top right. The



pictured frame, above, is number 30 of 50. Navigation on the lower right moves to the next frame and to the previous frame. Below that, the bottom navigation links to sections of the topic; it stays constant throughout the topic. Current sections of the topic, for example, *Main Presentation*, are indicted in the lower green box. Lower arrows navigate to other sections within the topic.

Aside from the central information contained on the page, there is a graphic on the upper left that is usually related to the context of the page. A title appears for each frame.

Some pages provide links to audio files that contain additional information. To play the audio, click the audio link on the lower right. Audio files will not play if your computer is not appropriately equipped or if your sound system is disabled.

On the right side, in green, are links to documents. These are sequentially added as they first become relevant to the information presented. Clicking a link will call your web browser, which takes several seconds. Return to the presentation by exiting your browser.

The small black information boxes link to additional information. When the box follows a paragraph, the information is directly relevant to it. When the box is at the bottom right of the frame, the link is to material related to the information on the entire frame.

Words in red are links to additional information related to the highlighted word.

When information buttons or the highlighted words are clicked, a black additional information window appears.

The screenshot displays a web application interface with a dark brown, textured header and footer. The header contains navigation links: [Main Menu](#), [Law & Bioethics](#), and [Help](#). The main content area has a light yellow background. On the left, there is a graphic of a document with the title "Constitution - Bill of Rights" and an American flag. The main text area is titled "Legal Basis of the Right to Refuse Life Saving Treatment" and includes the text: "In 1976, the constitutional right to privacy was first applied in a medical context in the New Jersey case, *In the Matter of Karen Quinlan* (70 N.J. 10). Karen was 21 years old when she was rendered incompetent and near death as the result of a drug and alcohol reaction." To the right of the main text, there is a "Resource Links:" section with a list of links: [Cruzan v. Director](#), [Double Effect](#), [Washington v. Glucksberg](#), [Vacco v. Quill](#), [Paternalism](#), [Griswold v. Connecticut](#), [Roe v. Wade](#), and [In the Matter of Karen Quinlan](#). A small "30 of 50" indicator is visible in the top right corner of the main content area. Below the main text, there is an "Internet Links:" section with a link to [A Patient's Bill of Rights](#). A black "Additional Information" window is open over the main text, containing the text: "Karen Quinlan was attending a party at the house of a friend and ingested a small amount of thallium and alcohol. Feeling tired, she took a nap. Several hours later, friends realized that Karen had not returned to the gathering. They found her unconscious. She was taken to a hospital, and an assessment was made as to the extent of damage to her brain from lack of oxygen. It was determined that Karen was near death and would not regain consciousness." The window has a "Close Window" button in the bottom right corner. The footer contains a logo "LB" on the left and navigation links: [Presentation](#), [Case Study](#), [Self Test](#), and [Resources](#). Below these links is a green bar with the text "Refusal - Main Presentation" and arrows pointing left and right.

The additional information window is closed by clicking “Close Window” on the lower right of the box. Moving to the next or previous frame is not permitted until the information window is closed. The buttons on the lower right are absent while the window is open.

Some additional information windows require scrolling to advance the text. To scroll, click the up and down arrows (which appear when needed) at the right side of the window.

Links on the lower left are to Internet information. These links require an active Internet connection. Clicking links to the Internet will open your browser. This will take several seconds. Exit from your browser to return to the presentation.

On the final frame of the main presentation, the forward arrow typically proceeds to the topic menu page.

Main presentations are occasionally interrupted by a student question and answer. This opens a video file; allow time for the video to load.

The screenshot shows a presentation slide with a light yellow background. At the top, the title "Live Donors: Incompetent Donor" is displayed in black text, with a small green box containing the number "7" to its right. On the left side, there is a small image of a person in blue scrubs. To the right of this image, the text reads: "Several court cases have examined organ donation involving incompetent people." Below this text is a blue-bordered window titled "Question and Answer with Professor Jones". Inside this window, the text "Transplantation Question 1" is centered above a video frame showing a man speaking. To the right of the video frame, the text reads: "I'm shocked that courts would permit people to perform dangerous intrusive surgery on a mentally challenged child in order to help a normally functioning child. Doesn't this violate one of the strongest principles in bioethics, that people should never be used merely as means but should always be treated with respect, as ends in themselves?" At the bottom right of the video window, there are two red buttons labeled "Replay" and "Continue". Below the video window, the text continues: "grieve at the absence of her brother. The Court concluded that it was in the girl's best interest to donate one of her kidneys." On the right side of the slide, there is a vertical list of green text links: "Resou", "Uniform", "Gift Act", "Mansaw", "Organ B", "Williams", "Strunk v", and "Little v. I". On the left side, there is a vertical list of green text links: "Internet L", "UNOS", "Presumed Consent", and "OPTN".

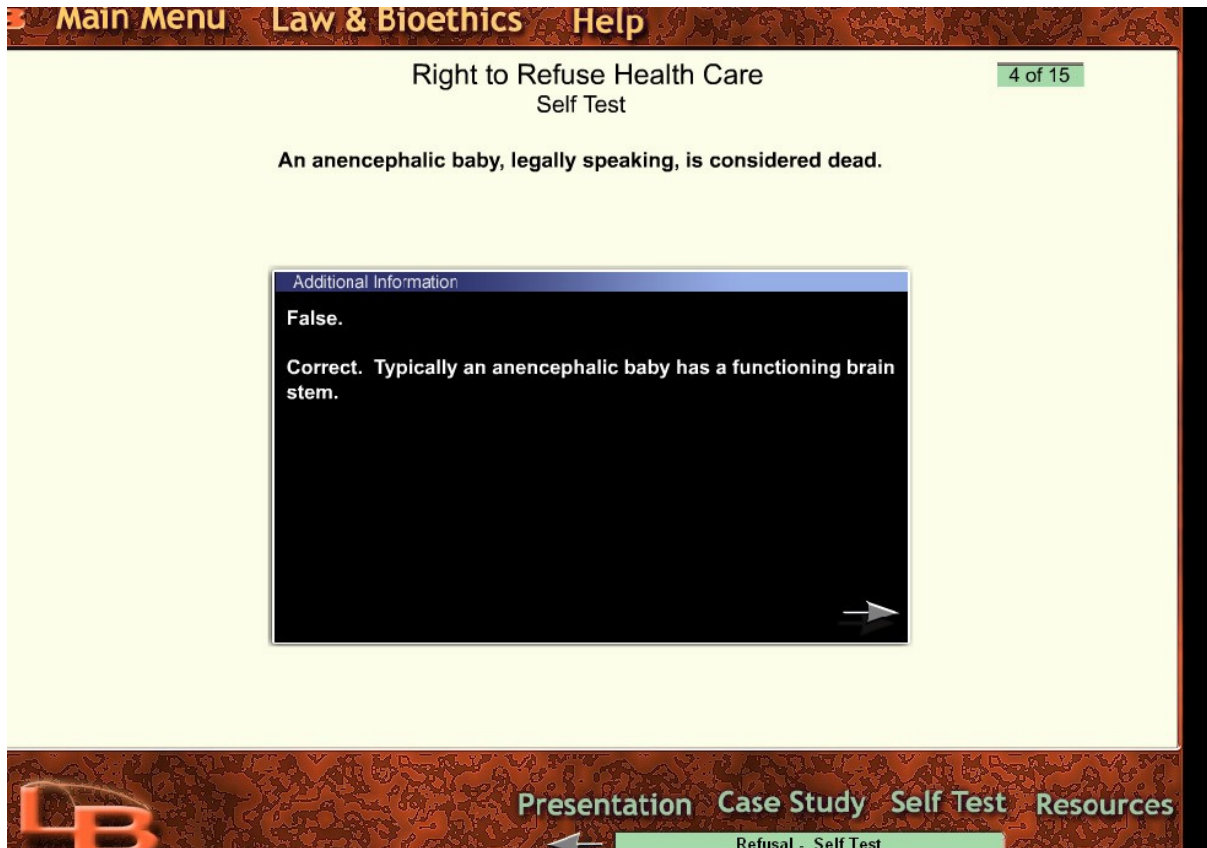
Questions and answers open in a new window. Buttons in the lower right corner of the window advance to the next frame of the presentation or replay the video question and answer.

## Self Test

Each topic contains a self test. Self tests are composed of a series of questions with multiple choice answers. On the upper right, the number of the question is provided along with the

total number of questions.

After selecting an answer, a black feedback window opens, repeating the answer selected and evaluating it. The forward arrow in the lower right corner of the feedback window typically advances to the next question. A back button, visible when the the feedback window is not present, returns to the previous question. On the final question, clicking the forward arrow typically proceeds to the topic menu page.



## Case Study

One or more case studies follow most main presentations. The first page presents the case. Clicking the continue button advances to the first question. Selecting an answer opens a black window containing feedback. On the final question, clicking the forward arrow typically proceeds to the topic menu page. In the upper right is the number of the frame, including the case presentation and the questions, as well as the total number of frames.

Main Menu Law & Bioethics Help

Informed Consent Case Study 2 of 6

Kobe Smith is a 62-year-old male. During his previous check up, his PSA reading was 14. He underwent a biopsy, and cancer was discovered. Mr. Smith was very reluctant to agree to either surgery or radiation therapy. His urologist, Dr. A., realized this and attempted to ease his fears. She told Mr. Smith that all would be fine, that side effects, such as incontinence and decreased sexual functioning, were much better than death and probably would not occur. Mr. Smith

Additional Information

Yes.

Incorrect. In this case, Dr. A. was attempting to keep Mr. Smith from rejecting surgery. This is not morally appropriate.

consent process with Mr. Smith?

LB Presentation Case Study Self Test Resources

Informed Consent - Case Study

## ***Bioethics Digest***

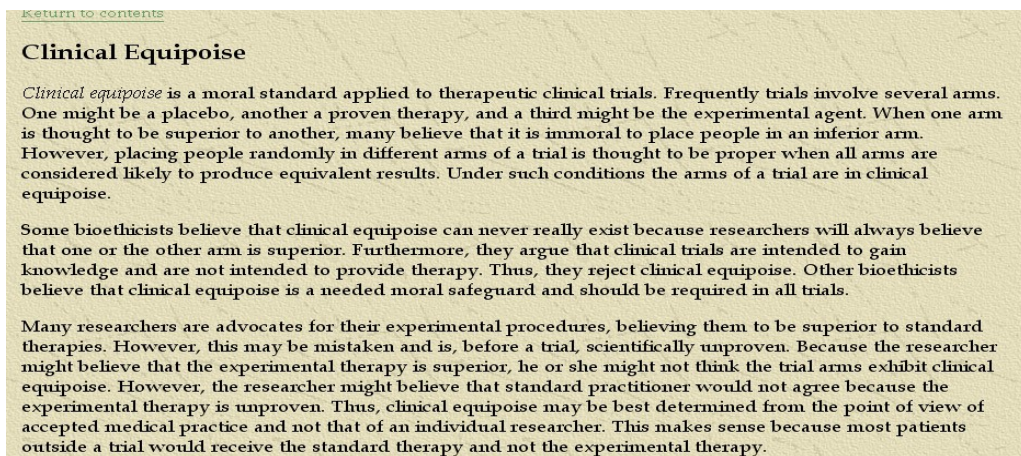
The *Bioethics Digest* is available from the *Resources* button on the title page and from the *Main Menu*.

The *Bioethics Digest* opens in your web browser, first displaying the *Contents* page. This takes several seconds. To return to the presentation, exit your web browser.





An alphabetical list provides a link to each topic. Return to the presentation by exiting your browser.



While in an entry, the *Bioethics Digest* contents are available from the *Return to Contents* button. To return to the presentation, exit from your browser.

## **Ethics Primer**

The *Ethics Primer* is available from the *Resources* button on the opening title page and from the *Main Menu*. The contents page links to approximately 60 topics in moral theory.

To return, exit from your browser.

## MORAL THEORY: A PRIMER by JOSEPH P. DeMARCO

### TABLE OF CONTENTS

[Click for Titles Only](#)

#### [ABSOLUTISM](#)

#### [ACT-UTILITARIANISM](#)

The Basic View: Utilitarianism is a consequentialist theory  
Analyzing the Utilitarian Principle  
Jeremy Bentham's Analysis of Pleasure  
John Stuart Mill's Analysis of Pleasure  
The Main Strength of Utilitarian Theory: happiness, a fundamental human value  
Problems with Act-utilitarianism  
Is Act-utilitarianism Impractical: Can we calculate happiness?  
Does Act-utilitarianism Succumb to Obvious Counterexamples?  
Rule-utilitarianism  
Is the Pursuit of Happiness an Unhappy Fate?

#### [AGREEMENT IN MORAL THEORY: DAVID GAUTHIER](#)

Morality and the Prisoner's Dilemma  
Problem of the free-rider  
Moral values and nonmoral constraints  
Deriving what ought to be from what is

Each topic is supported by links to additional information. Clicking on highlighted words opens a new, smaller browser window. You may need to scroll down to read the contents of the windows. The window can be enlarged by clicking the small rectangle in the upper right corner of the window, or else by holding your mouse over a corner until the mouse arrow changes into a double arrow. Click and hold your mouse button down and drag. When the window is no longer needed, be sure that it is closed. Clicking outside the window, in a PC, will shrink it. Use the *Close Window* button to exit from the extra information window.

**MORAL PRINCIPLES**

[The nature of moral principles](#)  
[Applying moral principles](#)  
[The major principled theories](#)

**The nature of moral principles**

Principles in any field involve the activities, from basketball to physics or axioms from which many other approaches to ethics usually involve **and range** of the theory. By using this way principles are designed to provide often hold the golden rule, do onto may decide that a certain action is would not be acceptable.

Because principles, using only a potentially offering instruction on an *abstract* when it leaves out concrete detail. A principle is *general* when it covers a broad domain, including many different types of actions as well as other things such as political organization and **virtues**. A principle gives basic insight because it helps to establish other, more concrete and less general, aspects of the field. For

**VIRTUE THEORY**

We may think of any capacity that allows us to function in an exceptional or excellent way as a *virtue*. The virtue of an art critic is to know good art, and a virtuoso diagnostician is able to spot unusual illnesses. Some practitioners are better than others, in art and in medicine, so we may say that some are more virtuous, in a non-moral sense.

If it were enough to have simple rules or set routines to follow, all normally intelligent people could become equally good practitioners. But this is not the case. Some people have special insight and talent in accounting, law, philosophy, business, sports, art, teaching, communications, mathematics, or medicine, and their judgments are especially valuable in those areas. Based on their experience, their studies, and their special insight, these people become leaders and reformers in

Close Window

## Court Cases

*Law & Bioethics* contains approximately 160 edited court cases. These are available from the *Main Menu*, *Legal Resources* links, as well as from the *Resources* link at the bottom of presentation pages. The bottom *Resources* opens cases related to the currently selected topic. Each link calls your web browser, which takes a few seconds. To return to the presentation, exit your browser.

When *Legal Resources* is selected from the *Main Menu*, a contents page is called that links to



court cases and supporting documents, arranged by topic.

After selecting a *Court Cases* for a topic, a contents page appears that contains summaries of each topic's cases. The links above summaries are to the edited cases.

[Return to Menu](#)

## Case Summaries: Informed Refusal

[The Brain Death Standard](#)  
[Substituted Judgments](#)  
[Withdrawal of Treatment for Never Competent Adults](#)  
[Anencephalic Infants](#)  
[Physician Assisted Suicide](#)  
[Privacy](#)  
[Removal From a Ventilator](#)  
[Removal of Hydration and Nutrition](#)  
[Parental Authority](#)  
[Refusal of Treatment For Religious Reasons](#)

### The Brain Death Standard

[People v. Eulo, 482 N.Y.S.2d, 1984](#)

This New York case involved the fact that a shooting victim was declared dead using the *brain death* standard. The problem was that the state statute did not include brain death as an appropriate standard. The Court questioned how it "may construe these expressions of the term 'death' in the absence of clarification by the Legislature. When the Legislature has failed to assign definition to a statutory term, the courts will generally construe that term according to 'its ordinary and accepted meaning as it was understood at the time.'" Thus, the Court permitted the use of the brain death standard. [Top](#)

### Substituted Judgments

To return to the presentation, exit your browser. To return to the case summaries, click the *Return to contents* button.

[Return to contents](#)

## ***The People of the State of New York v. John Eulo (482 N.Y.S.2d 436) 1984***

### Court of Appeals of New York

At approximately 10:30 p.m. on February 6, 1979, a New York City police officer found a man lying faceup in a Brooklyn street with a bullet wound to the head. The officer transported the victim in his patrol car to the Brookdale Hospital, where he was placed in an intensive care unit. Shortly after arriving at the hospital, the victim became comatose and was unable to breathe spontaneously. He was placed on a respirator and medication was administered to maintain his blood pressure.

The next morning, the victim was examined by a neurologist. Due to the nature of the wound, routine tests were applied to determine the level, if any, of the victim's brain functions. The doctor found no reflex reactions and no response to painful stimuli. The mechanical respirator was disconnected to test for spontaneous breathing. There was none, and the respirator was reappplied. An EEG indicated an absence of activity in the part of the brain tested. In the physician's opinion, the bullet wound had caused the victim's entire brain to cease functioning.

The following day, the tests were repeated and the same diagnosis was reached. The victim's mother had been informed of her son's condition and had consented to a transfer of his kidneys and spleen. Death was pronounced following the second battery of tests and, commencing at 9:25 p.m., the victim's kidneys and spleen were removed for transplantation. The respirator was then disconnected, and the victim's breathing and heartbeat stopped.

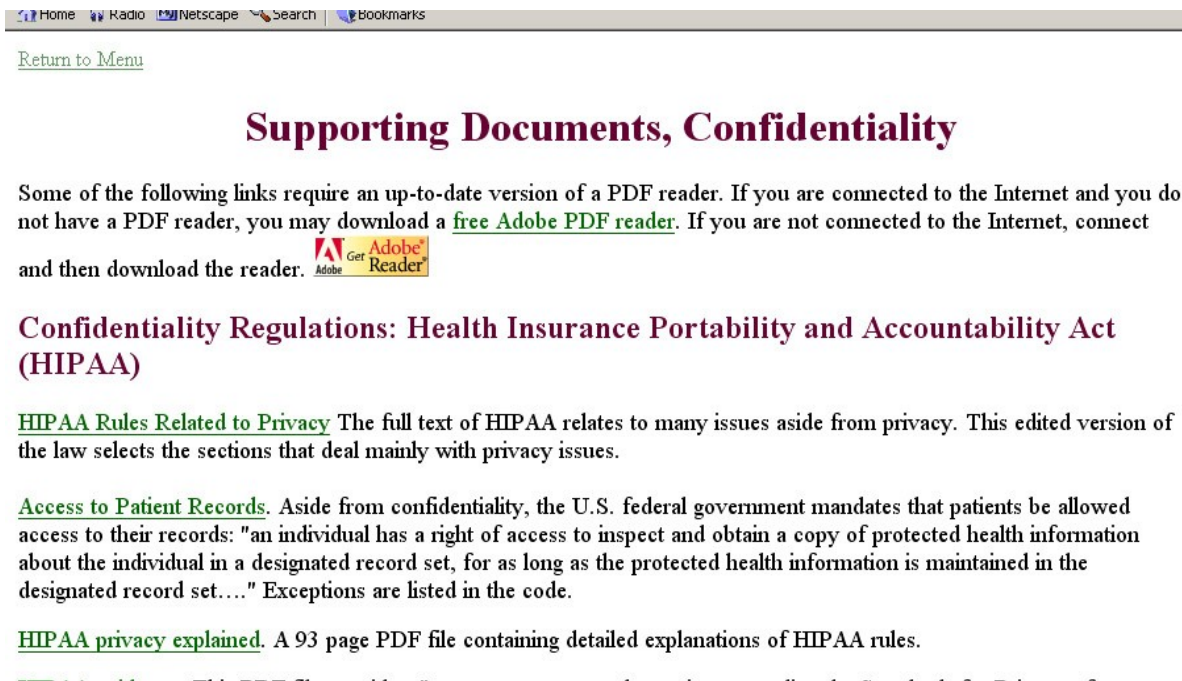
An investigation led to defendant's arrest. While in police custody, defendant admitted to the shooting. He was indicted for second degree murder and criminal possession of a weapon. A jury convicted him of the weapons count and of first degree manslaughter. The conviction was affirmed by a divided Appellate Division.

## Supporting Documents

Supporting documents are provided for most topics. These are available from resource links. The resource links open your web browser. This may take several seconds.

Supporting documents are sometimes in PDF files, and require a PDF reader, which is available free on the Internet. A link to the free download may be provided in the supporting documents menu.

In supporting documents, return to the contents by clicking the link at the top. To return to the presentation, exit from your browser.



The screenshot shows a Netscape browser window with a menu bar containing 'Home', 'Radio', 'Netscape', 'Search', and 'Bookmarks'. Below the menu bar is a link labeled 'Return to Menu'. The main content area features a large, bold, dark red heading: 'Supporting Documents, Confidentiality'. Below this heading is a paragraph of text: 'Some of the following links require an up-to-date version of a PDF reader. If you are connected to the Internet and you do not have a PDF reader, you may download a [free Adobe PDF reader](#). If you are not connected to the Internet, connect and then download the reader.' This text is followed by a small graphic of the Adobe Reader logo. Below the paragraph is another bold, dark red heading: 'Confidentiality Regulations: Health Insurance Portability and Accountability Act (HIPAA)'. Underneath this heading are three paragraphs of text, each starting with a green underlined link: 'HIPAA Rules Related to Privacy', 'Access to Patient Records', and 'HIPAA privacy explained'. The text describes the scope of HIPAA, the right of access to patient records, and the availability of a detailed PDF explanation.

## State Codes

State codes are provided for every state. A menu linking to each state's codes can be called from resource links. The resource links open your web browser, which may take several seconds. To return to the presentation, exit from your browser.

Each state's content page links to codes by subject matter. After selecting a code, return to the contents page by using your browser's back button.

Return to the presentation by exiting your browser.

**Warning: Codes are presented for educational purposes only. Statutes are often interpreted by courts, declared unconstitutional, amended, and repealed. The statutes in this section have been edited and so are not always complete. As always, legal advice on any particular case should come from a qualified attorney. In short, these codes must not be relied upon for legal advice.**

### Selected and Edited Codes: California

[Abortion](#)

[Alternative Medicine](#)

[Anatomical Gifts](#)

[Child Abuse: Mandatory Reporting](#)

[Communicable Diseases](#)

[HIV: Treatment](#)

[Hysterectomy: Informed Consent](#)

[Mental Health: Commitment and Treatment](#)

[Mental Health: Informed Consent](#)

[Mental Health: Outpatient Assistance](#)

## Opening *Law & Bioethics*

Open *Law & Bioethics* by double clicking "Law\_Bioethics" on your CD. The presentation opens in full screen. On PCs, to resize simultaneously press "Ctrl" and "F."

Installation is not required.

## System Requirements

*Law & Bioethics* is designed to work on most operating systems. It has been extensively tested on Windows XP and on Mac OS X.

The pixel setting we recommend is 1024 by 768 pixels. In a lower setting, such as 800 by 600, some blurring of letters may occur.

*Law & Bioethics* includes video files. When these are opened, it typically takes several seconds for the video to appear, depending on the speed of your your CD. Do not re-click the button that called the video file.