

Department of Health Law, Bioethics and Human Rights 2004-2005 Annual Report

Faculty

The Department of Health Law, Bioethics and Human Rights is the most active and most influential academic health law and bioethics program in the United States. The Department's five full-time faculty have all been in the department for more than a decade, two since the School was founded. They are four attorneys and one physician/bioethicist. In addition, we have fourteen part-time faculty members from a variety of disciplines. Together we can teach all major areas of **health law, bioethics, and human rights** at SPH and throughout the University.

Teaching

During the past year, we taught **11 courses at SPH, 2 at the Law School and 1 in the Med School**. Michael Grodin is course manager for "Essentials of Public Health" in the Medical School (first year BUSM students) and 4 department faculty teach the "health law, bioethics and human rights" segment of the course, and two in a new "Literature and Medicine" luncheon seminar. We developed a new 4-credit "Genetics, Law, and Public Health" course this year (Roche), a new doctoral level seminar on "Law and Ethics for Public Health Leaders" (Dept. faculty), and completely restructured our capstone course (Mariner), as well as added a new capstone requirement (an oral presentation to department faculty and graduating concentrators). We are a teaching resource to the University and other departments at the school, and to BMC where we do grand rounds, case consultations, ongoing clinical conferences, mentor MED students, and teach MED electives in health law, bioethics and human rights.

In continuing education, the Department continues to co-sponsor (with the Francois-Xavier Bagnoud Center for Health and Human Rights at the Harvard School of Public Health) our Annual Intensive Course in Health and Human Rights, a weeklong course in June on health and human rights. This year, its fifth, it was attended by 100 professionals from more than 30 countries on 6 continents.

Research and Publications

Full-time faculty members in the department **published 23 articles and 2 books** during the year. George Annas continues to write the "Legal Issues in Medicine" feature for the *New England Journal of Medicine*. His most recent articles were on Terri Schiavo and Torture. Annas also published a new book, *American Bioethics: Crossing Human Rights and Health Law Boundaries* (Oxford University Press, 2005). Grodin and Annas, along with Sofia Gruskin and Stephen Marks, are co-editors of *Perspectives on Health and Human Rights* (Routledge), also published in 2005. An article in the *American Journal of Public Health* by Mariner, Annas and Glantz on the 100th anniversary of the most important case on public health law, *Jacobson v. Massachusetts*, explored the current status of public health law in the United States and how it has evolved as society and public health practice has changed.

Our major ongoing research projects are in the areas of patient rights and patient safety, terrorism and civil rights, genetic privacy, health and human rights, human experimentation regulation, mental health law and ethics, torture epidemiology and prevention, the rights of refugees and asylum seekers, disease surveillance and health insurance contracting. The Boston Center for Refugee Health and Human Rights (Grodin) continues to receive funds from the United Nations (Voluntary Fund for Torture Victims) and the Department of Health and Human Services (Office of Refugee Resettlement), as well as a special UN grant to develop a web-based course on caring for torture survivors.

Kaley Klanica completed the JD/MPH program as our health law and bioethics fellow. Our visiting scholar this past year, P. Tim Howard, an attorney with the Public Health Advocacy Institute, completed his Ph.D. dissertation on the role of “cause lawyers” as policy leaders on national public health issues.

Service

Department faculty members take their obligations to support public health education and practice in the U.S. seriously, and do so by serving on a variety of school, university, city, state and federal panels, as well as speaking throughout the U.S. and abroad. Department faculty members consistently give approximately 40 major **oral presentations** a year. This year’s speeches included those at the annual meetings of the American Public Health Association, American Ophthalmology Association (Hawaii), International Association of Bioethics (Sydney), American Association of Bioethics, American Psychoanalytic Association, Washington D.C. Bar Association, and a variety of bioethics and human rights programs at universities around the country.

This year our department co-sponsored two major conferences, one locally and another internationally. In April 2005, we co-sponsored a one-day conference with Boston University School of Law (co-chaired by Annas & Mariner), “Genetic Disability: DNA Profiling of Embryos and Fetuses,” held at the Boston University School of Law to examine embryo and fetus screening and testing in the context of “disability”. Next year’s conference, “Terri Schiavo: One Year Later” is scheduled for March 31, 2006 in BU’s Conference Auditorium. The international conference was held in Lisbon, Portugal in June (Annas, Grodin, Mariner & Roche). The First Bi-Annual Program in Health Law and Bioethics was a joint initiative with the Luso-American Development Foundation (Lisbon), and the National School of Public Health (Lisbon), and was facilitated by one of our former Visiting Scholars, Paula Faria of the National School of Public Health.

Department faculty hold posts in national organizations, including co-chairs of the **American Bar Association’s** Committee on Medical Practice and Medical Research, Science and Technology Section (Annas & Mariner), and co-chair of the Bioethics and Human Rights Committee, Section on Individual Rights and Responsibilities (Annas). Department members participate actively in **public education** through appearances on local and national TV, and interviews with local and national radio, newspaper and magazine reporters. Of particular note this year was our active participation in the Terri Schiavo debate, including interviews on NPR, CNN, CBS Evening News, *Boston Globe*, *Boston Herald*, *Los Angeles Times*, *Newsday*, *USA Today*, *Chicago Tribune*, *Chronicle of Higher Education*, *Time* as well as an op-ed in the *Boston Globe* by Glantz (see notable quotes below).

Our most important ongoing development project is our NGO, **Global Lawyers and Physicians** (Annas and Grodin), which brings physicians and lawyers together to promote health and human rights (www.glphr.org). GLP sponsored a unique workshop on military medical ethics at Georgetown University in June to attempt to bring active military and human rights groups into a dialogue on the topic. Another project of GLP is the development of an international patient bill of rights (Mariner). The Department along with GLP and the Boston Center for Refugee Health and Human Rights developed **The Asylum Preparation Project** in October 2004. The Boston Center for Refugee Health and Human Rights uses this set of documents to prepare both the asylum applicant and the expert witness for an initial asylum officer interview and the EOIR merits hearing. The Boston Center for Refugee Health and Human Rights (www.bcrhhr.org) is devoted to serving victims of torture (Grodin). The Center served more than 270 patients from 50 different countries this year, 70% of whom were seeking political asylum. All of these activities are directly related to global health, and especially to the health and human rights paradigm for improving global health.

Notable Accomplishments

George Annas was chosen the 2005 University Lecturer. The lecture will be delivered on November 10, 2005 and will mark the first time this lecture will be presented by an SPH faculty member.

Michael Grodin was elected to the Gold Humanism Honor Society, a national public foundation dedicated to fostering humanism in medicine, in October 2004. The award is for "outstanding humanism in medicine and integrity as a physician faculty member" and for being an "exemplary role model for humanistic behavior."

Notable Quotes

"The ruling tries to paint a black-and-white picture: Insurers make contract decisions, and doctors make medical decisions. But, in fact, it doesn't work that way."

Wendy Mariner, professor of law, Boston University, commenting on a US Supreme Court managed care opinion. USA TODAY, June 22, 2004, 7B.

"Do we want public policy made by lawsuit?"

Wendy Mariner, professor of health law at Boston University, commenting on lawsuits brought against hospitals for bill collection actions against uninsured patients. National Law Journal, July 19, 2004, 44.

"It's not likely"

Patricia Roche, an assistant professor of health law at Boston University's School of Public Health, asked about whether HIPAA prohibited NY Yankee executives from disclosing medical information about Jason Giambi, Newsday (NY), August 12, 2004, A82.

"...health care facilities are about caring for people's health, and not anything else. We're not a police force. We're not a law enforcement force. We're not a congressional force. We're clinicians."

Dr. **Michael Grodin**, codirector Center for Refugee Health and Human Rights, BMC, Boston Globe, Aug. 23, 2004, B1, responding to a proposal that physicians check a patient's immigration status before treatment.

"On its own ethical terms it was as if the government had declared that murder was illegal but a privately funded mafia was OK."

George Annas, Boston University on President Bush's

policy against federal funding of embryonic stem cell research
quoted by Ellen Goodman, Boston Globe, October 25, 2004, A14.

“The idea of making good, effective and beneficial drugs...for a specific population is a wonderful thing. The question is whether it’s ethically justifiable if it’s not going to actually benefit those people because it ultimately has to be affordable.”

Dr. Michael Grodin, Director of the Law, Medicine and Ethics Program, Boston University School of Public Health, on BiDil, Voice of America News, November 18, 2004.

“You have to be living in a cave not to know that reusing needles is bad.”

Leonard Glantz, Boston University Professor, Boston Globe, December 25, 2004, B1, responding to allegations that a Harvard researcher reused needles on human subjects.

“The problem with these articles is not that they present conflicting recommendations for regulatory policy, but that they include misinformation about the HIPAA regulations and how they govern research activities.”

Patricia A. Roche, Department of Health Law, Bioethics and Human Rights, Boston University School of Public Health, letter to the editor, SCIENCE, Feb. 25, 2005, 1200.

“The scandal in the Schiavo case...starts with the grandstanding of Florida Governor Jeb Bush and the ‘right to life’ groups who wish to use this sad family dispute to make political points in their anti-choice agenda.”

Leonard H. Glantz, Professor of Health Law, Boston University School of Public Health. Op/ed, Boston Globe, March 22, 2005, A19.

“This is not about Terri Schiavo. I think this is about abortion and stem cells. Congress wants to say that we need pro-life judges because the judiciary is out of control and favors death over life.”

George J. Annas, Chairman of the health law department, Boston University School of Public Health. TIME, April 4, 2005, p. 24

“[The AbioCor artificial heart] is not something that is compassionate or humanitarian for end-stage heart patients. If anything, it’s humanitarian maybe for stockholders of the company.”

George Annas, Boston University ethicist, NPR, Morning Edition, June 23, 2005.