

LEGISLATING MEDICAL ETHICS

*A Study of the New York State
Do-Not-Resuscitate Law*

Edited by

ROBERT BAKER

Dept. of Philosophy, Union College, Schenectady, NY, USA

and

MARTIN A. STROSBURG

Graduate Management Institute, Union College, Schenectady, NY, USA

with the assistance of

JONATHAN BYNUM

Dept. of Philosophy, Rutgers University, New Brunswick, NJ, USA



KLUWER ACADEMIC PUBLISHERS

DORDRECHT / BOSTON / LONDON

TABLE OF CONTENTS

PREFACE	xi
ROBERT BAKER AND MARTIN A. STROSBURG / Introduction	xv
PART I / THE TASK FORCE AND THE LAW	
NEW YORK STATE TASK FORCE ON LIFE AND THE LAW / Executive Summary	3
MARTIN A. STROSBURG / The New York State Do-Not-Resuscitate Law: A Study of Public Policy-Making	9
ROBERT BAKER / The Legitimation and Regulation of DNR Orders	33
PART II / THE DNR CONTROVERSY IN NEW YORK STATE	
TRACY E. MILLER / Taking Stock of Policies for Do-Not-Resuscitate Orders: Perception and Practice	105
JANE GREENLAW / Where Are We Going with Do-Not-Resuscitate Policies?	133
DAVID AXELROD / New York State's Do-Not-Resuscitate Law	137
GEORGE ANNAS / New York's Do-Not-Resuscitate Law: Bad Law, Bad Medicine, and Bad Ethics	141
UNION COLLEGE CONFERENCE / Edited Transcript of Question & Answer Sessions at Union College Conference	157
PART III / CASE STUDIES	
CAROLYN SHEARER ANTONELLI / Implementation of the New York Do-Not-Resuscitate Law at a Teaching Hospital	163
DEBORAH DAMM O'BRIEN / One Family's Experience with the New York DNR Law	169

TIMOTHY E. QUILL / When the Ambulance Goes Home: A Tragic Flaw in the New York State Do-Not-Resuscitate Law	173
CAROL CLAY / Implementation of the New York State DNR Law at a Community Hospital	181
LAWRENCE R. FAULKNER / The New York DNR Law and the Disabled: The Experience of the New York State Office of Mental Retardation and Developmental Disabilities	187
DAVID FINLEY / Striking a Balance	205

PART IV / RESEARCH

ROBERT ZUSSMAN / The Do-Not-Resuscitate Order as Ritual	215
RUSSELL S. KAMER AND JOHN A. McCLUNG / New York's Do-Not-Resuscitate Law: Burden or Benefit?	227
JUDITH C. AHRONHEIM, SATHYA MAHESWARAN AND CARL ROSENBERG / Does the New York State DNR Law Prevent Medically Inappropriate DNR?	235
TIMOTHY E. QUILL AND NANCY M. BENNETT / The Effects of a Hospital Policy and State Legislation on Resuscitation Orders for Geriatric Patients	241
NORTON SPRITZ / The New York State DNR Law: Views of the Members of the New York Chapter of the American College of Physicians	251
ROBERT BAKER, MARTIN A. STROSBERG, JOSEF SCHMEE, I. ALAN FEIN, VIRGINIA JONAS DERSCH, JONATHAN BYNUM AND PHILIP OATES / The 1988 DNR Reforms: A Comparative Study of the Impact of the New York DNR Law and the JCAHO Accreditation Requirements	263
VIRGINIA JONAS DERSCH / Differences in Clinicians' Reactions to the New York State DNR Law	303

PART V / RETROSPECTION AND REFLECTION

TRACY E. MILLER / An Assessment of the Union College Study and a Response to Robert Baker's Analysis of the DNR Law	325
ROBERT BAKER / A Review of the Empirical Studies of the DNR Law and a Rejoinder to Tracy E. Miller	333

APPENDICES
THE GENEALOGY OF NEW YORK STATE'S
DO-NOT-RESUSCITATE LAW

Article 29 (1987) – New York State Legislature – New York Public Health Law	349
Guidelines for Hospitals and Physicians on “Do-Not-Resuscitate” (1982) – Medical Society of the State of New York	369
Deciding to Forego Life-Sustaining Treatment (1983, Excerpted) – President’s Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research	371
Do-Not-Resuscitate Orders: The Proposed Legislation and Report of the New York State Task Force on Life and the Law (1986, 1988, 2nd Edition Condensed) – New York State Task Force on Life and the Law	381
Do-Not-Resuscitate Orders: Questions and Answers for Health Care Professionals (1988) – Medical Society of the State of New York, New York State Department of Health, Hospital Association of New York State	415
Letter to New York State Assembly Minority Counsel Larry Digiulio (1991) – Robert Baker and Martin A. Strosberg	439
Amendments to the New York Public Health Law 29-B (1991) – New York State Legislature	445
NOTES ON EDITORS AND CONTRIBUTORS	455
INDEX	459