



6th International Conference on Clinical Ethics Consultation

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Abstract Submission Form – Papers

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Proposed title of paper: The Growing Decision Making Power of Healthcare Committees and Why Regulation Is Needed to Assure Due Process

Abstract with 3 clearly stated objectives in 250 words:

HECs generally have been considered to play a mere advisory, facilitative role. But, in fact, HECs often serve a decision making role. Both in law and practice HECs increasingly have been given significant authority and responsibility to make treatment decisions. Sometimes, HECs make decisions on behalf of incapacitated patients with no friends or family. Other times, HECs adjudicate disputes between providers and the patient or patient's family.

Unfortunately, HECs are just not up to the task. Many lack the necessary independence, diversity, composition, training, and resources. HECs are overwhelmingly intramural bodies; that is, they are comprised of professionals employed directly or indirectly by the very same institution whose decision the HEC adjudicates. Consequently, many HECs make decisions that suffer from risks of corruption, bias, carelessness, and arbitrariness.

To address the problems of intramural HECs, I propose that their adjudicatory authority be relocated to a multi-institutional HEC. Thereby, no single institution's HEC would have a controlling voice in the adjudication of its own dispute. A multi-institutional HEC preserves the expertise and extrajudicial nature of HECs. But in contrast to an intramural HEC, a multi-institutional HEC possesses better resources, a greater diversity of perspectives, and the neutrality and independence required by due process.

Learning Objectives:

1. Recognize how ethics committees in the USA and elsewhere have been recently evolving from playing a mere advisory role to playing an adjudicatory role in treatment disputes.

2. Evaluate how and why ethics committees are ill-equipped for their new decision making roles.

3. List recent efforts across the USA and elsewhere to overcome the problems of intramural ethics committees by forming regional or community committees.

If you have or will publish on this topic, please cite reference:

1. Multi-Institutional Healthcare Ethics Committees: the Procedurally Fair Internal Dispute Resolution Mechanism, 31 CAMPBELL LAW REVIEW 257-331 (2009)

2. Two other articles in progress for HEC FORUM or CAMBRIDGE QUARTERLY OF HEALTHCARE ETHICS

Are you planning to or will you be willing to submit a poster along with your paper?

Yes No