# Introduction to Student Study Guide

## The *New* Ethic of Health Care: Universal Values and Principles

### Universal Values

1. **Autonomy** ensures individuals have the right to make independent decisions about their own health care based on their own value systems; burdens all stakeholders (patients, physicians, nurses, and other health care professionals alike) to be well informed regarding treatment decisions; involves more than simply protecting individuals’ freedom to decide within the existing health care system, it is assumed such freedom in self-governance is always informed by moral preferences that are relevant considerations rather than transient arguments
2. **Beneficence** promotes the well-being of others in ways that serve their best interests and are beneficial to them, all the while seeking to achieve the highest quality (not just high quality) results on their behalf; implies that one does not inflict harm but rather seeks to prevent harm
3. **Compassion** is one of the foundational principles of the emerging ethics of health care; requires physicians, nurses, and other health care professionals to respond to those suffering from disease or injuries with a deep awareness of patients’ human dignity; arises from the common humanity of every member of society, especially the relationship between providers of health care and their patients; this obligation is supported by economic and social considerations.
4. **Equality of opportunity** is another foundational principle of the emerging ethics of health care; ensures that nearly all members of society have an equal claim to essential health care; requires society to provide legitimate subsidies to help cover the health insurance costs in support of anyone who faces disproportionate health burdens from preventable ill health
5. **Fairness** promotes giving to others what they are due; requires that there be freedom from bias and injustice in the nation’s health care system so that patients in distress may receive the essential care they medically need while requiring that those entrusted with governance of limited health resources act in a trustworthy and ethical manner
6. **Human dignity** respects the inherent worth of every member of society; requires a commitment to respond to everyone with mutual affinity, respect, and stateliness
7. **Individual responsibility** which emphasizes personal accountability for healthy lifestyles and preventable ill health; this obligation is both a free choice and a personal and shared duty; assumes that avoidance of unhealthy day-to-day choices will help avoid preventable ill health from occurring or delay the onset of and the severity of symptoms from unpreventable aging, illness, and death
8. **Justice** is a foundational principle of health care ethics; fairness and equality in the way every member of society is treated and decisions are made; ensures access to affordable health insurance and the kinds of essential care that is owed, depends on society’s notion of what is right and fair and the allocation of shared societal resources for health care (which should incorporate precise measures of the total societal costs of preventable ill health and total societal benefits from health care)
9. **Non-malfeasance** is avoidance of harm; the opposite side of the coin of beneficence; requires physicians and other health care professionals to first do no harm, or if no good can be done without causing harm, then actions that have no curative effect or result should not be undertaken
10. **Truthfulness** is an overriding component at all levels of the nation’s health care system and takes an ongoing commitment to build and maintain with all stakeholders; requires the medical products industry, physicians, nurses, and other health care professionals to honestly and accurately report health information to patients; recognizes patients’ right to know the truth regarding their health status; trust and personal autonomy are compromised by withholding truth from patients

### Universal Principles

1. Ethical issues arise when actions or situations involve actual or potential harm to someone or something. Often these issues are also dilemmas that present two or more alternative solutions. An established and agreed on set of values and principles are needed to guide those who are charged with deciding so they can be confident in the ethical quality of their decision.
2. The action that provides the greatest benefit is the most ethical. This principle prevents partiality and narrowness when deciding on a course of action. The greatest benefit also includes *to the greatest number* principle which further ensures an inclusive quality to decisions.
3. All actions should strive for the highest quality outcomes, not just high quality outcomes. Only the highest quality outcome can include the greatest benefit to the greatest number of stakeholders. It is the best course of action, given the knowledge and resources available. For instance, a less than *highest quality outcome* decision will generally deprive patients from receiving appropriate and ethical care.
4. Every member of society must be accorded equal respect with regard to their status as human beings. Ethical courses of action may not intentionally harm one person while seeking to help another. Respect must embrace everyone or it is not respect.
5. Everyone must be treated as an end, not merely as a means. To treat anyone as a means is to use them to advance self-interests, but to treat every member of society as an end is to respect their human dignity by allowing them the freedom to choose for themselves.
6. Everyone should be treated the same, unless they differ in substantive ways that are relevant to the situation in which they are involved. Every member of society and their health needs are different. However, respect for the value of each person must be equal, and the maximum good for each person must be included in ethical decisions.
7. Whenever any member of society is treated unequally on the basis of arbitrary or material characteristics, their fundamental and innate human dignity is violated. The complexity of health care decisions is often overwhelming; the temptation is take the most expedient course of action. While practical decisions can appear to resolve the burden of the dilemma and relieve troublesome concerns, more fundamental values are needed to ensure ethical rather than inappropriate or arbitrary decisions.

### References

American Medical Association (AMA). (2012). *The ethical force program: Advancing ethics in health care*. Chicago, IL: AMA.

Beauchamp, T. L., & Childress, J. F. (2012). *Principles of biomedical ethics* (7th ed.). New York, NY: Oxford University Press.

Kenny, N. P., et al. (2010). Re-visioning public health ethics: A relational perspective. *Canadian Journal of Public Health, 1-2*, 9–11.

Lepard, B. D. (2005). *Hope for a global ethic: Shared principles in religious scriptures*. Wilmette, IL: Baha’i Publishing.

Levine, M. A., et al. (2007, October). Improving access to health care: A consensus ethical framework to guide proposals for reform. *Hastings Center Report*, 14–19.

Moore, G. E. (1998). *Principia ethica*. Paris, France: Presses Universitaires de France (originally published in 1903).

Nuttfield Council on Bioethics. (2007). *Public health: Ethical issues*. London, England: Nuttfield Council.

Percival, T. (2002). *Medical ethics: A code of institutes and precepts, adapted to the professional conduct of physicians and surgeons*. Woodcliff Lake, NJ: Eisai, Inc. & Janssen Pharmaceutica, Inc. (originally published in 1803).

Petrini, C., & Gainotti, S. (2008). A personalist approach to public health ethics. *Bulletin of the World Health Organization, 86*(8), 624–629.

Post, L. F., et al. (2006). *Handbook for health care ethics committees*. Baltimore, MD: Johns Hopkins University Press.

President's Council on Bioethics. (2015). *Human dignity and bioethics*. Washington, DC: President's Council on Bioethics.

United Nations. (1949). *Universal declaration of human rights*. New York, NY: UN.

## How to Use This Student Manual

### Review Questions

These questions confirm your understanding of and allow you to practice articulating the ethical principles and their applications in each chapter.

### Ethical Dilemmas

These expand upon the ethical dilemmas presented in each chapter of the text. While Congress, state legislatures, and lower trial courts are debating these quandaries, they have not been satisfactorily dealt with by the highest federal and state appellate courts or the U.S. Supreme Court, nor is there concordance in the court of public opinion. Although the nation’s highest courts can provide hints and inklings about ethics, it is ultimately your responsibility to make rational decisions about ethics based on fair and just criteria. Thus, while there is a lack of uniform agreement for or against the scenarios that the ethical dilemmas present in the accompanying text and again here in this student manual, you should refer to the decision-making models in the text, and reach reasoned and ethical conclusions based on ethical principles, as well as other common standards essential for a just law and civil society. To avoid emotion and prejudice, it is important that you make your decisions in honest consultation with others who also seek just and reasoned resolutions of the ethical dilemmas in order to identify common grounds upon which to base resolutions.

### Related Ethical Issues

These consider additional ethical issues and related discussion questions to understand the ethical principles involved in the accompanying text. These questions include emerging ethical dilemmas being addressed in recent law review articles and other peer-reviewed scholarly publications.

### Analysis of New Court Decisions

These analyses summarize the legal rationale and choices used by the courts in their analysis of the issues presented here in the student manual. The law necessarily involves ethical reasoning in judicial decision-making. The ethics underlying the court decisions, in terms of how ethical principles are being applied, are set forth, in addition to the legal analysis supporting the court decisions. Understanding the legal basis of these court decisions of “first impression” will assist you in reflecting on how to reach the most ethical decisions, particularly when such decisions may involve transforming the current legal order. References at the end of each case summary provide additional commentary on the court decisions.

### Competing Statements and Counterstatements

These reach a judgment on the basis of ethical principles and personal reflection. The greater societal context of decisions should be considered, as opposed to yielding to more selfish drives or incremental changes that merely support maintenance of the status quo. The text provides additional statements and counterstatements about the court decisions covered in the accompanying text. You should reconcile ethics with the law in the court decisions whenever possible instead of distinguishing between the law and ethics.

### Further Your Knowledge

This section will enhance your research supporting the ethical principles and their applications in the accompanying text. It expands upon the ideas described in the text, explains important caveats, or offers additional examples of compelling facts. This section will also help you investigate certain topics in more depth.

### You Decide

Reflecting on competing statements and counterstatements about the values and principles facing the U.S. health care system as it deals with various issues will enable you to reach your own rational decisions on the basis of ethical principles and personal values and reflection, which may depart from the status quo.

### Web Links

These links will allow you to seek more information on the ethics of topics in each chapter of the student manual as well as the accompanying text.

## Research Methodology

### Selection of Court Decisions

The 85 court decisions reflect the current state of health law as reflected by recent cases of first impression. Cases of first impression involve questions of law which have been presented for the first time and which have never been decided before in any reported court decisions. The court decisions selected for analysis are from:

* The highest state courts
* Federal U.S. Courts of Appeal
* U.S. Supreme Court

### Selection of Case References

The case references accompanying each court decision contain the law review articles that discuss the selected court decisions. Law review articles that simply cite the court decisions (but do not make any type of analysis of the decisions) are not listed in the case references.

### Selection of Ethical Dilemmas

The 150-plus ethical dilemmas addressed in the accompanying text are taken from the headlines. They deal with topics that are part of the national debate. The issues involve circumstances for which there are no answers to the ethical questions posed:

* There are multiple valid positions.
* There simply is not enough law, or political consensus that reflects what the law should be, to determine what course of ethical conduct is clearly permitted.
* The law does not clearly define what is prohibited.

Numerous secondary dilemmas related to each of the 150-plus principle ethical dilemmas are listed to offer you the added opportunity to further apply your decision-making skills on both sides of an ethical issue to rationally arrive at ethical decisions.

## List of Court Decisions Analyzed Herein and in the Accompanying Text

1. Abigail Alliance v. von Eschenbach,495 F.3d 695 (U.S. Court of Appeals for the District of Columbia Circuit 2007), *cert. denied*, 128 S.Ct. 1069 (U.S. Supreme Court 2008) (patients’ right to lifesaving experimental medications in Chapter 4 of the accompanying text).
2. Acuna v. Turkish,930 A.2d 416(Supreme Court of New Jersey 2007), *cert. denied*, 555 U.S. 813 (U.S. Supreme Court 2008) (informed consent for abortions in Chapter 13 of the accompanying text).
3. Aetna Health Inc. v. Davila, 542 U.S. 200 (U.S. Supreme Court 2004) (protections for prospective retirees with employer-provided health insurance in Chapter 4 of the accompanying text).
4. Anderson v. City of Hermosa Beach*,* 621 F.3d 1051 (U.S. Court of Appeals for the 9th Circuit 2010) (containment of HIV and highly contagious tuberculosis infections in Chapter 11).
5. Astra USA, Inc. v. Santa Clara County, 131 S.Ct. 1342 (U.S. Supreme Court 2011) (affordable access to health care in Chapter 3).
6. AT&T Corp. v. Hulteen, 129 S.Ct. 1962 (U.S. Supreme Court 2009) (workplace accommodations for pregnant employees in Chapter 2 of the accompanying text).
7. Ayotte v. Planned Parenthood of Northern New England,546 U.S. 320 (U.S. Supreme Court 2006) (parental notification for abortions in Chapter 13 of the accompanying text).
8. Baxter v. State of Montana,2009 MT 449 (Montana State Supreme Court 2009) (physician-assisted dying in Chapter 15).
9. Bearder, et al. v. State of Minnesota, et al.,806 N.W.2d 766 (Minnesota Supreme Court 2011) (genetic privacy in newborn screening programs in Chapter 4).
10. Beeman, et al. v. Anthem Prescription Management, LLC, et al*.,* 564 Fed.Appx. 332 (U.S. Court of Appeals for the 9th Circuit 2011), *cert. denied*, 135 S.Ct. 476 (U.S. Supreme Court 2014) (constitutional protection of compelled commercial speech by retail pharmacies in Chapter 4).
11. Betancourt v. Trinitas Hospital, 415 N.J. Super. 301 (Superior Court of New Jersey, Appellate Division 2010) (patients’ right to life or death in Chapter 2 of the accompanying text).
12. Burton v. Florida,49 So.3d 263 (Court of Appeal of Florida, 1st District 2010) (compelled treatment during pregnancy in Chapter 13).
13. Burwell, et al. v. Hobby Lobby Stores, Inc., et al., 134 S.Ct. 2751 (U.S. Supreme Court 2014) (restricting women’s access to emergency contraceptives in Chapter 13 of the accompanying text).
14. Carey v. Population Services International, 431 U.S. 678 (U.S. Supreme Court 1977) (*per se* medical exceptions for abortions in Chapter 13 of the accompanying text).
15. Cigna Corp., et al. v. Amara, et al*.*,131 S.Ct. 1866 (U.S. Supreme Court 2011) new protections for current and near-term prospective retirees with employer-provided health insurance in Chapter 4 of the accompanying text).
16. Cincinnati Women’s Services, Inc. v. Taft*,* 468 F.3d 361 (U.S. Court of Appeals for the 6th Circuit 2006) (judicial bypass of parental consent requirement and mandatory in-person, informed consent meetings in Chapter 13 of the accompanying text).
17. City of Akron v. Akron Center for Reproductive Health, Inc*.*, 462 U.S. 416 (U.S. Supreme Court 1983), *overruled*, *Planned Parenthood v. Casey*, 505 U.S. 833 (U.S. Supreme Court 1992) (permissible state regulation of abortions in Chapter 13 of the accompanying text).
18. City of New York v. A-1 Jewelry & Pawn, Inc*. (A-1 Jewelry III),* 252 F.R.D. 130 (U.S. District Court for the Eastern District of New York 2008), *vacated and remanded*, *City of New York v. Mickalis Pawn Shop, LLC, et al.,* 645 F.3d 114 (U.S. Court of Appeals for the 2nd Circuit 2011) (holding that injunction granted in *City of New York v. A-1 Jewelry & Pawn, Inc.* was insufficiently defined and therefore impermissibly overbroad), *dismissed*, *City of New York v. Adventure Outdoors*, 2015 U.S. Dist. LEXIS 75447 (U.S. District Court for the Eastern District of New York 2015) (parties reached settlement) (illegal gun sales in Chapter 12 of the accompanying text).
19. Commonwealth of Virginia ex rel. Cuccinelli v. Sebelius, 656 F.3d 253 (U.S. Court of Appeals for the 4th Circuit 2011), *cert. denied*, 133 S.Ct. 59 (U.S. Supreme Court 2012) (social advocates’ fidelity or infidelity to the law in Chapter 16 of the accompanying text).
20. COMMONWEALTH OF VIRGINIA EX REL. CUCCINELLI V. SEBELIUS, ET AL., 656 F.3d 253 (U.S. Court of Appeals for the 4th Circuit 2011), *cert. denied*, 133 S.Ct. 59 (U.S. Supreme Court 2012) (individual health insurance mandates in Chapter 1; access to health care in Chapter 3 of the accompanying text).
21. Consumers’ Checkbook v. U.S. Department of Health and Human Services, 554 F.3d 1046 (U.S. Court of Appeals for the District of Columbia Circuit 2009), *cert. denied*, 559 U.S. 1067 (U.S. Supreme Court 2010) (access to the Medicare database in Chapter 8 of the accompanying text).
22. Coombes v. Florio*,* 877 N.E.2d 567 (Supreme Court of Massachusetts 2007) (prescriber liability in Chapter 9 of the accompanying text).
23. DeJesus v. U.S. Department of Veterans Affairs*,* 479 F.3d 271 (U.S. Court of Appeals for the 3rd Circuit 2007) (liability for deaths caused after negligently discharging mentally ill patient from treatment in Chapter 10 of the accompanying text).
24. DiCarlo v. St. Mary Hospital,530 F.3d 255 (U.S. Court of Appeals for the 3rd Circuit 2008) (hospital charges for the uninsured in Chapter 5 of the accompanying text).
25. District of Columbia v. Heller*,* 554 U.S. 570 (U.S. Supreme Court 2008) (federal regulations of firearms in Chapter 12 of the accompanying text).
26. Doe ex rel. Tarlow v. District of Columbia, et al*.,* 489 F.3d 376 (U.S. Court of Appeals for the District of Columbia 2007), *reconsideration denied* (U.S. Court of Appeals for the District of Columbia 2007) (abortion decisions on behalf of intellectually disabled people in Chapter 10 of the accompanying text).
27. Douglas v. Independent Living Centers of South California, et al*.* 132 S.Ct. 1204 (2012) (equal access to government health insurance in Chapter 3).
28. Dubbs v. Unemployment Compensation Board of Review, 2010 Pa. Commw. Unpub. LEXIS 484 (Commonwealth Court of Pennsylvania 2010) (employee’s voluntary lifestyle choices: smoking tobacco in Chapter 6 of the accompanying text).
29. EECO v. Watkins Motor Lines, Inc*.*, 463 F.3d 436 (U.S. Court of Appeals for the Sixth Circuit 2006) (lifestyle discrimination: obesity in Chapter 6).
30. Eisenstadt v. Baird, 405 U.S. 438 (U.S. Supreme Court 1972) (*per se* medical exceptions for abortions in Chapter 13 of the accompanying text).
31. Enloe Medical Center v. National Labor Relations Board*,* 433 F.3d 834 (U.S. Court of Appeals for the District of Columbia Circuit 2005) mandatory on-call policies in Chapter 7 of the accompanying text).
32. Ernst J. v. Stone*,* 452 F.3d 186 (U.S. Court of Appeals for the 2nd Circuit 2006) (involuntary commitment of mentally ill people in Chapter 10 of the accompanying text).
33. Federal Trade Commission v. Phoebe Putney Health System, Inc., et al*.*,133 S.Ct. 1003 (U.S. Supreme Court 2013) (unfair methods of competition in hospital mergers in Chapter 5).
34. Finch v. Commonwealth Health Insurance Connector Authority*,* 959 N.E.2d 970 (Supreme Judicial Court of Massachusetts 2012) (eligibility of non-citizen immigrants for state subsidies to purchase health insurance in Chapter 3).
35. FLORIDA, ET AL. V. U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, ET AL., 648 F.3d 1235 (U.S. Court of Appeals for the 11th Circuit 2011), *affirmed in part and reversed in part*, 132 S.Ct. 2566 (U.S. Supreme Court 2012) (individual health insurance mandate in Chapter 1; access to health care in Chapter 3; comprehensive reform of health care in Chapter 16 of the accompanying text).
36. Florida, et al. v. U.S. Department of Health and Human Services, et al., 648 F.3d 1235 (U.S. Court of Appeals for the 11th Circuit 2011), *affirmed in part and reversed in part*, 132 S.Ct. 2566 (U.S. Supreme Court 2012) (social advocates’ fidelity or infidelity to the law in Chapter 16 of the accompanying text).
37. Flynn, et al. v. Holder*,* 684 F.3d 852 (U.S. Court of Appeals for the 9th Circuit 2011) (compensation of bone marrow donors in Chapter 2).
38. Golden Gate Restaurant Association v. City and County of San Francisco*,* 546 F.3d 639 (U.S. Court of Appeals for the 9th Circuit 2008), *cert. denied*, 130 S.Ct. 3497 (U.S. Supreme Court 2010) (affordable access to health care in Chapter 3).
39. Gonzales v. Carhart*,* 550 U.S. 124 (U.S. Supreme Court 2007) (dilation and extraction abortions in Chapter 13 of the accompanying text).
40. Gonzales, et al. v. Oregon, et al*.*, 546 U.S. 243 (U.S. Supreme Court 2006) (physician-assisted dying in Chapter 15 of the accompanying text).
41. Griswold v. Connecticut, 381 U.S. 479 (U.S. Supreme Court 1965) (*per se* medical exceptions for abortions in Chapter 13 of the accompanying text).
42. Halbig, et al. v. Burwell, et al., 758 F3d 390 (U.S. Court of Appeals for the District of Columbia, 2014) (subsidies under federal and state insurance exchanges in Chapter 3).
43. Harris v. McRae, 448 U.S. 297 (U.S. Supreme Court 1980), *petition for rehearing denied* (1981) (government funding of abortions in Chapter 2 of the accompanying text).
44. In re Anonymous, 838 N.W.2d 226 (Supreme Court of Nebraska 2013) (consent of foster parents for abortions in Chapter 13).
45. In re Christopher I, 131 Cal. Rptr. 2d 122 (Court of Appeal, Fourth District, Division 3, California 2003), *review denied*, 2003 Cal. LEXIS 2702 (Supreme Court of CA 2003) (considerations in withdrawal of life-sustaining medical treatment in Chapter 15 of the accompanying text).
46. In re Quinlan, 355 A.2d 647 (New Jersey Supreme Court 1976), *cert. denied*, 429 U.S. 922 (U.S. Supreme Court 1976) (creation of medical ethics committees in Chapter 2 of the accompanying text).
47. K.P., et al. v. LeBlanc, et al.,729 F.3d 427 (U.S. Court of Appeals for the Fifth Circuit 2013) (denying abortion providers access to a patient compensation fund is not unconstitutional in Chapter 13).
48. Korab, et al. v. Fink, et al*.*, 748 F.3d 875 (U.S. Court of Appeals for the 9th Circuit 2014), *cert. denied*, 135 S.Ct. 472 (U.S. Supreme Court 2014) (disparities in access to health care in Chapter 1 of the accompanying text).
49. Liberty University, et al. v. Geithner, et al*.,* 671 F.3d 391 (U.S. Court of Appeals for the 4th Circuit 2011), *cert. denied*, 133 S.Ct. 60 (U.S. Supreme Court 2012) (individual health insurance mandate in Chapter 1 of the accompanying text).
50. Liberty University, et al. v. Geithner, et al*.*, 671 F.3d 391 (U.S. Court of Appeals for the 4th Circuit 2011), *cert. denied*, 133 S.Ct. 60 (U.S. Supreme Court 2012) (social advocates’ fidelity or infidelity to the law in Chapter 16 of the accompanying text).
51. Long Island Care at Home, Ltd. v. Coke, 551 U.S. 158 (U.S. Supreme Court 2007) (minimum wages and overtime coverage in Chapter 7 of the accompanying text).
52. McCullen, et al. v. Coakley, et al*.*,134 S.Ct. 2518 (U.S. Supreme Court 2014) (buffer zones around abortion clinics in Chapter 13).
53. McDonald v. City of Chicago, 130 S.Ct. 3020 (U.S. Supreme Court 2010) (right to bear arms in Chapter 12 of the accompanying text).
54. Mead v. Holder, 766 F.Supp.2d 16 (U.S. District Court for the District of Columbia 2011), *affirmed*, *Seven-Sky v. Holder*, 661 F.3d 1 (U.S. Court of Appeals for the D.C. Circuit 2011), *cert. denied*, 133 S.Ct. 63 (U.S. Supreme Court 2012) (individual health insurance mandate in Chapter 1 and comprehensive reform of health care in Chapter 16 of the accompanying text).
55. Mead v. Holder, 766 F.Supp.2d 16 (U.S. District Court for the District of Columbia 2011), *affirmed*, *Seven-Sky v. Holder*, 661 F.3d 1 (U.S. Court of Appeals for the D.C. Circuit 2011), *cert. denied*, 133 S.Ct. 63 (U.S. Supreme Court 2012) (individual health insurance mandate in Chapter 1 of the accompanying text).
56. Monsanto Co., et al. v. Geertson Seed Farms, et al*.*, 561 U.S. 139 (U.S. Supreme Court 2010) (genetically modified plant seeds in Chapter 14 of the accompanying text).
57. National Federation of Independent Business, et al. v. Sebelius, et al., together with, Florida, et al. v. U.S. Department of Health and Human Services, et al*.,* 132 S.Ct. 2566 (U.S. Supreme Court 2012) ) (access to affordable health insurance in Chapter 2; access to medically-needed health care in Chapter 3 of the accompanying text).
58. New York State Restaurant Association v. New York City Board of Health, et al. 556 F.3d 114 (U.S. Court of Appeals for the 2nd Circuit 2009) (consumers’ right to nutritional information in Chapter 14 of the accompanying text).
59. Pelman, et al. v. McDonald’s Corp., et al., 396 F.3d 508 (U.S. Court of Appeals for the 2nd Circuit 2005) (the obesity epidemic in Chapter 14 of the accompanying text).
60. Planned Parenthood Cincinnati Region v. Taft*,* 444 F.3d 502 (U.S. Court of Appeals for the 6th Circuit 2006) (*per se* medical exceptions in Chapter 13 of the accompanying text).
61. Planned Parenthood of Southeastern Pa. v. Casey, 505 U.S. 833 (U.S. Supreme Court 1992) (right to and permissible abortion regulations in Chapter 13 of the accompanying text).
62. Putman v. Wenatchee Valley Medical Center, et al., 216 P.3d 374 (Supreme Court of Washington 2009) (certificate of merit laws in Chapter 9).
63. Riegel v. Medtronic, Inc.,552 U.S. 312 (U.S. Supreme Court 2008) (patients’ right to sue manufacturers of innovative medical products in Chapter 4 of the accompanying text).
64. Roe v. Wade, 410 U.S. 113 (U.S. Supreme Court 1973), *rehearing denied*, 410 U.S. 959 (U.S. Supreme Court 1973) (right to and permissible abortion regulations in Chapter 13).
65. Schiavo ex rel. Schindler v. Schiavo*,* 403 F.3d 1289 (U.S. Court of Appeals for the 11th Circuit 2005), *rehearing denied*, 404 F.3d 1223 (U.S. Court of Appeals for the 11th Circuit 2005) (discontinuance of life-sustaining treatment in Chapter 15 of the accompanying text).
66. Seven-Sky, et al. v. Holder, et al*.,* 661 F.3d 1 (U.S. Court of Appeals for the District of Columbia Circuit 2011), *cert. denied*, 133 S.Ct. 63 (U.S. Supreme Court 2012) (social advocates’ fidelity or infidelity to the law in Chapter 16 of the accompanying text).
67. Sorrell v. IMS Health Inc., 131 S.Ct. 2653 (U.S. Supreme Court 2011) (protecting patient privacy and confidentiality in Chapter 2; patients’ right to access off-label medications in Chapter 4 of the accompanying text).
68. Sorrell v. IMS Health Inc., 131 S.Ct. 2653 (U.S. Supreme Court 2011) (patients’ right to access off-label medications in Chapter 4 of the accompanying text).
69. Sottera, Inc. v. Food and Drug Administration, et al*.,* 627 F.3d 891 (U.S. Court of Appeals for the District of Columbia Circuit 2010), *rehearing denied*, 2011 U.S. App. LEXIS 26339 (U.S. Court of Appeals for the District of Columbia Circuit 2011) (regulation of electronic cigarettes in Chapter 6).
70. St. Luke's Magic Valley Regional Medical Center, Ltd. v. Board of County Commissioners of Gooding County*,* 248 P.3d 735 (Idaho Supreme Court 2011) (eligibility of the medically needy for charity care in Chapter 5).
71. Standridge v. Union Pacific Railroad Company*,* 479 F.3d 936 (U.S. Court of Appeals for the 8th Circuit 2007) (inclusion or exclusion of contraception coverage in Chapter 13 of the accompanying text).
72. State v. Musser*,* 721 N.W.2d 734 (Iowa Supreme Court 2006) (criminalization of exposure to HIV in Chapter 11 of the accompanying text).
73. The Regents of the University of Colorado, et al. v. Students for Concealed Carry on Campus, LLC, et al., 271 P.3d 496(Colorado Supreme Court 2012) (right to firearms on college campuses in Chapter 12 of the accompanying text).
74. Thomas More Law Center, ET AL. v. Obama, ET AL., 651 F.3d 529 (U.S. Court of Appeals for the 6th Circuit 2011), *cert. denied*, 133 S.Ct. 61 (U.S. Supreme Court 2012) (individual health insurance mandate in Chapter 1; social advocates’ fidelity or infidelity to the law in Chapter 16 of the accompanying text).
75. Thomas More Law Center, et al. v. Obama, et al*.*, 651 F.3d 529 (U.S. Court of Appeals for the 6th Circuit 2011), *cert. denied*, 133 S.Ct. 61 (U.S. Supreme Court 2012) (social advocates’ fidelity or infidelity to the law in Chapter 16 of the accompanying text).
76. Torres-Lazarini v. United States*,* 523 F.3d 69 (U.S. Court of Appeals for the 1st Circuit 2008) (opportunity to sue for medical malpractice in Chapter 9 of the accompanying text).
77. Tummino v. Torti, 603 F.Supp.2d 519 (U.S. District Court for the Eastern District of New York 2009), *reconsideration denied*, *Tummino v. Hamburg*, 260 F.R.D. 27 (U.S. District Court for the Eastern District of New York 2009) (emergency contraception in Chapter 13 of the accompanying text).
78. United States Citizens Association, et al. v. Sebelius, et al., 754 F. Supp. 2d 903 (U.S. District Court for the Northern District of Ohio 2010), *as amended* 2011 (access to health care in Chapter 3 of the accompanying text).
79. United States v. Caronia, 703 F.3d 149 (U.S. Court of Appeals for the 2nd Circuit 2012) (off-label promotion of prescription medications in Chapter 8).
80. United States v. Franklin*,* 435 F.3d 885 (U.S. Court of Appeals for the 8th Circuit 2006), *rehearing denied* (U.S. Court of Appeals for the 8th Circuit 2006) (conditional release from involuntary commitment in Chapter 10 of the accompanying text).
81. Virginia Mason Medical Center v. National Labor Relations Board, 558 F.3d 891 (U.S. Court of Appeals for the 9th Circuit 2009) (refusal to bargain in Chapter 7 of the accompanying text).
82. VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY V. STEWART, 131 S.Ct. 1632 (U.S. Supreme Court 2011) (abuse and neglect of mentally disabled patients in Chapter 10 of the accompanying text).
83. Waddell v. Valley Forge Dental Associates, Inc*.,* 276 F.3d 1275 (U.S. Court of Appeals for the 11th Circuit 2001), *cert. denied*, 535 U.S. 1096 (U.S. Supreme Court 2002) (HIV infection as a disability in Chapter 11 of the accompanying text).
84. Wheaton College v. Sebelius, et al*.*, 2013 U.S. App. LEXIS 23327 (U.S. Court of Appeals for the District of Columbia 2013), *consolidated with Belmont Abbey College v. Sebelius*, 878 F.Supp.2d 25 (U.S. District Court for the District of Columbia 2012) (contraceptive coverage mandate in Chapter 13).
85. Yakima Valley Memorial Hospital v. Washington State Department of Health, et al*.,* 731 F.3d 843 (U.S. Court of Appeals for the 9th Circuit 2013) (the constitutionality of certificate of needs in Chapter 2).

## List of Abbreviations

AAMC: Association of American Medical Colleges

AAP: American Academy of Pediatrics

ACA: Affordable Care Act of 2010

ACLU: American Civil Liberties Union

ADA: Americans with Disabilities Act of 1990

AHA: American Heart Association

AHG: Alliance for a Healthier Generation

AHIP: America’s Health Insurance Plans

AHRQ: Agency for Health Research and Quality

AIDS: acquired immune deficiency syndrome

AMA: American Medical Association

ARVs: antiretroviral medicines

ASBH: American Society for Bioethics and Humanities

BLS: Bureau of Labor Statistics

CADCA: Community Anti-Drug Coalitions of America

CAHI: Council for Affordable Health Insurance

CBO: Congressional Budget Office

CDC: Centers for Disease Control and Prevention

CDF: Children’s Defense Fund

CEA: Council of Economic Advisers

CFSAN: Center for Food Safety and Applied Nutrition

CIA: Central Intelligence Agency

CMS: Centers for Medicare and Medicaid Services

CMSS: Council of Medical Specialty Societies

CNA: California Nurses Association

CPR: cardiopulmonary resuscitation

CSA: Controlled Substances Act of 1970

CT: computed tomography

D&E: dilation and evacuation

DERP: Drug Effectiveness and Review Project

D&X: intact dilation and extraction

DERP: Drug Effectiveness Review Project

DNR: do not resuscitate

DOD: U.S. Department of Defense

DOJ: U.S. Department of Justice

DOL: U.S. Department of Labor

DSM-V: *Diagnostic and Statistical Manual of Mental Disorders* (5th ed.)

EBM: evidence-based medicine

ECs: emergency contraceptives

EMTLA: Emergency Medical Labor and Labor Act of 1986

ERISA: Employee Retirement Income Security Act of 1974

FDA: U.S. Food and Drug Administration

FLSA: National Fair Labor Standards Act of 1938

FTC: Federal Trade Commission

GAO: Government Accountability Office

GM: genetically modified

GRAS: generally recognized as safe

HEW: U.S. Department of Health, Education and Welfare

HFCS: high-fructose corn syrup

HHS: U.S. Department of Health and Human Services

HIV: human immunodeficiency virus

HRET: Health Research and Educational Trust

ICASO: International Council of AIDS Service Organizations

IOM: Institute of Medicine

LCAV: Legal Community against Violence

LSMT: life-sustaining medical treatment

MEC: medical ethics committee

MMWR: *Morbidity and Mortality Weekly Report*

MRI: magnetic resonance imaging

NAAG: National Association of Attorneys General

NAIC: National Association of Insurance Commissioners

NAMI: National Alliance on Mental Illness

NASTAD: National Alliance of State and Territorial AIDS Directors

NCH: National Coalition for the Homeless

NCHHSTP: National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention

NCHS: National Center for Health Statistics

NCI: National Cancer Institute

NCSL: National Conference of State Legislatures

NEISS: National Electronic Injury Surveillance System

NHPCO: National Hospice and Palliative Care Organization

NICBCS: National Instant Criminal Background Check System

NICE: National Institute for Health and Clinical Excellence

NIH: National Institutes of Health

NLRA: National Labor Relations Act of 1935

NLRB: National Labor Relations Board

NLST: National Lung Screening Trial

NNC: National Nutraceutical Center

NPDB: National Practitioner Data Bank

NRA: National Rifle Association

NVSS: National Vital Statistics System

OECD: Organisation for Economic Co-operation and Development

OIG: Office of the Inspector General

OTC: over-the-counter

PCORI: Patient-Centered Outcomes Research Institute

PDA: Pregnancy Discrimination Act of 1978

PET: positron emission tomography

PLCAA: Protection of Lawful Commerce in Arms Act of 2005

PTSD: post-traumatic stress disorder

PVS: permanent vegetative state

RWJF: Robert Wood Johnson Foundation

SAHIE: Small Area Health Insurance Estimates

SEC: U.S. Securities & Exchange Commission

SHADAC: State Health Access Data Assistance Center

SSA: Social Security Administration

STD: sexually transmitted disease

TB: tuberculosis

TFAH: Trust for America’s Health

UN: United Nations

USDA: U.S. Department of Agriculture

UCSF: University of California-San Francisco

VA: U.S. Department of Veteran Affairs

VHA: Veterans Health Administration

WHO: World Health Organization