

# Bioethics Matters

*A Newsletter for the Friends  
of Biomedical Ethics at UVA*



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Visit our website at: <http://www.healthsystem.virginia.edu/internet/bioehums>

Things are hopping on Barringer 5 (home of the Center). In addition to our usual teaching and clinical service duties, we have been conducting searches to fill two faculty positions in the Center, one in clinical ethics and one in bioethics and law.

ing and energizing for all of us. There were many strong applications, and the candidates interviewed here brought enthusiasm, creative ideas, and an engaging diversity of backgrounds and aspirations for the future. Each visit left

of the Developing Skills for Hospital Ethics Program (DSHEP), which will take place 18-20 March 2009 (see page 4 for details).

By the time of our next newsletter, we should be able to introduce to you our expanded team and present the draft agenda for a revitalized version of DSHEP, one in which you and representatives of your institution will be eager to participate. Keep in mind that scholarships will be available for former Virginia Healthcare Ethics Network (VHEN) members (for details, contact Carrie Gumm at [cg2b@virginia.edu](mailto:cg2b@virginia.edu)).

As we go through this process of rethinking and expanding the Center's activities and resources, we welcome your input. Please let us know how we can serve you and your institutions better, both in what we offer at DSHEP and in other ways.

**Margaret Mohrmann**

## Director's Letter

The clinical ethics position is 100% in the Center; the bioethics/law position includes 25% in the law school (the same arrangement as the position Paul Lombardo held previously). We held initial on-site interviews with leading candidates in January and February, and we're now in the exciting (and anxious) process of negotiating with our top candidate for each position.

The searches have been illuminat-

us smiling and optimistic about the team we shall be forming over the next several months. With these two new faculty members in place, we envision significantly increased educational offerings, a major reworking and enhancement of the ethics "presence" in the University medical center, and—equally important—renewed and reinvigorated outreach activities, which will be evident in the spring 2009 offering

### BIOMEDICAL ETHICS

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## Mills and Tereskerz's BIO Report Before Senate Judiciary Committee

Ann Mills and Patti Tereskerz were contracted by the Biotechnology Industry Organization (BIO) for consultation on the upcoming patent reform negotiation and legislation slated for this session of Congress.

The Patent Reform Act of 2007 ([S.1145](#), [H.R.1908](#)) was introduced in April 2007 and includes major patent reform measures. If enacted, this legislation may have a significant impact on the U.S. patent system. At the center of the legislative debate is whether patent rights should be weakened to avoid lengthy litigation and problems associated with poor quality patents perceived as hindering innovation and successful commercialization by imposing unnecessary costs on inventors and other holders of intellectual property rights. Firms whose only real assets are intellectual property, such as biotechnology and small businesses across industries, are among those concerned. (cont. pg. 3)

# 2008 Intensive Scholars Institute

This summer the Program in Ethics and Policy in Healthcare Systems will hold its third annual, month-long Intensive Scholars Institute. The institute seeks to attract young men and women interested in a career in the healthcare industry—either as physicians, nurses, administrators or lawyers—with the goal of initiating the development of a generation of leaders capable of identifying, clarifying and managing conflicting values in healthcare systems. Students meet and study in daily seminars focused on the moral issues confronting the health care system, and the conflicting values that have made forming a consensus on these issues so difficult. Students “shadow” physicians, attend weekly ethics consultation service meetings, as well as meet leaders from the research, business, academic and policy communities involved in healthcare. The diverse backgrounds and interests of its students, as well as the commitment of the Institute’s core faculty, have ensured the pro-

gram’s continued success and enthusiastic endorsement by previous students. This year the Institute takes place from **June 2nd to July 1st** at the Center for Biomedical Ethics and Humanities. More information can be found on the Center’s website ([www.healthsystem.virginia.edu/internet/bioehums](http://www.healthsystem.virginia.edu/internet/bioehums)) or by emailing Patti Tereskerz at [pjm7s@virginia.edu](mailto:pjm7s@virginia.edu) or calling 434-243-6659.

## *Ethics Conundrums*

Healthcare system reformers have urged medical educators to inculcate systems thinking in medical education. Important in the ethical dimension of systems thinking is understanding that decisions or actions may involve many stakeholders whose perspectives should be considered before decisions are made, or actions taken.

With this in mind, Chen and Mills developed the following case study as part of the student elective *Ethics and Professionalism in Healthcare Systems*. They asked students to identify important stakeholders, to consider the scenario from various perspectives, and come together as a group of physicians to make, and justify, a decision. The students found this a useful exercise in trying to think through a complex decision. We hope you enjoy the students’ response, which you can read in the **Insert**, as much as we did.

## *Case Study:*

You are a busy physician in a large non-profit, multi-disciplinary group practice, one the biggest in a medium-sized community, serving a large proportion of the population.

Physicians are salaried with bonus incentive pay if the year ends ahead of budget. Lately, no bonuses have been given, and it takes careful business management to maintain staff and other resources for high-quality care.

Your business manager has been increasingly concerned about cuts in reimbursement rates associated with Medicare, Medicaid and some insurance plans, and has two initial suggestions:

First, the practice should consider *not* accepting new patients covered by Medicare, Medicaid and these other plans, as well as sliding scale patients, and instead should focus on the growing number of young, upwardly mobile people moving into the area and patients who can pay out of pocket.

Second, the practice should consider serving as a site for some pharmaceutical industry trials, since the reimbursement rate for enrolling patients in clinical trials is quite good. As a physician in the practice, you are asked for your thoughts.



## Report by Mills and Tereskerz Before Senate Judiciary Committee

(cont. from pg. 1) Weakening patent rights will also weaken their ability to attract venture capital.

The patent system supplies many industries incentives needed for innovation. Before reform measures are adopted, compelling empirical evidence justifying the need for reform is important. The report prepared for BIO examines the empirical basis for the proposed legislative reform. For reasons detailed in the report, Mills and Tereskerz have concluded the empirical data the proponents of reform rely upon to justify reform has either serious methodological limitations or is non-existent. Ironically, the limited studies that do exist, at least in the biotechnology industry, have not found the patent system imposes serious impediments to innovation and successful commercialization. It cannot be said, with any degree of certainty, there is or is not a problem with patent quality, patent thickets, litigation abuses, or any other potential impediments to innovation and successful commercialization. The methodologically sound empirical evidence that could justify making major changes to the current patent system does not exist.

Mills and Tereskerz's report has been forwarded to the Senate Judiciary Committee. Interested readers can read the report, "Study Finds Lack of Evidence to Support Draconian Efforts to Weaken Patent Rights," in its entirety on the BIO website at: <http://bio.org/ip/domestic>.

## Recent Faculty Publications/Presentations/Activities

### Ann Mills

#### P u b l i c a t i o n s

+ Rorty M.V., A.E. Mills and P.H. Werhane, "Institutional Practices, Ethics and the Medical Professional," *Blackwell Companion to Medical Ethics*, Rhodes R., Francis L.P. and A. Silvers (eds.), Blackwell, 180-197, 2007

+ Mills A.E. and P.M. Tereskerz, "Changing Patent Strategies: What Will They Mean for the Biotechnology Industry?" *Nature Biotechnology* 25 (8): 267-268, Aug. 2007

+ A.E. Mills and P.M. Tereskerz, "Reinvigorating the Obviousness Standard: Do We Really Want What We Say We Want?" *Journal of Patent and Trademark Office Society* 89 (10): 765-830, 2007

+ A.E. Mills and P.M. Tereskerz, "The Tragedy of the Commons (and Anti-Commons)," *The Encyclopedia of Business, Ethics, and Society*, R. Kolb (ed.), Thousand Oaks, CA: Sage 5: 2093-2096, 2007

+ A.E. Mills, M.V. Rorty and P.H. Werhane, "Organization Moral Distress," *The Encyclopedia of Business, Ethics, and Society*, (ed.) R. Kolb, Thousand Oaks, CA: Sage 4: 1550-1552, 2007

#### P r e s e n t a t i o n s

"Organization Ethics" (with Edward Spencer, M.D.) Keynote CNO Summit, Palm Springs, CA, 8 Oct. 28, 2007

#### A c t i v i t i e s

Consultant to Biotechnology Industry Organization (BIO) on proposed patent reform legislation

### Margaret Mohrmann

#### P r e s e n t a t i o n s

+ "Children and Bioethics" panel presentation, American Academy of Religion Annual Meeting, Chicago, IL, Nov. 2008

+ Grand Rounds, Dept. of Pediatrics, Univ. of Vermont, 21 May 2008

+ Keynote Address, Univ. of Vermont School of Medicine Ethics Committee Retreat, Burlington, VT, 20 May 2008

+ Invited, keynote addresses (two), weekend-long retreat for premedical students at Baylor Univ., Camp Allen, TX, 1 -3 Feb. 2008 (cancelled Feb. 1 due to weather)

+ "How Shall We Then Live?" keynote address plus 2-hour workshop, JMU Leadership Academy, James Madison Univ., Harrisonburg, VA, 30 Nov. 2007

+ "What is the 'Good' in Good Medicine? The Place of Biomedical Ethics and the Humanities," The Medical Center Hour (with Daniel M. Becker, M.D.), UVA, 26 Sept. 2007

+ "How Then Shall We Live? Real-time Ethics," keynote address, Virginia Assoc. of Social Service Executives annual conf., Charlottesville, 3 May 2007

### Patricia Tereskerz

#### P u b l i c a t i o n s

+ Mills A.E. and P.M. Tereskerz. "The Supreme Court: Increasing Costs to the Biotechnology Industry?" *Journal of Biolaw and Business* 10 (1): 29-30, 2007

+ Mills A.E. and P.M. Tereskerz. "Junk Patents in Biotechnology: An Illusion or Threat to Innovation?" *Biotechnology Law Report* 26 (3): 226-230, 2007

+ Mills A.E. and P.M. Tereskerz, "Changing Patent Strategies: What Will They Mean for the Biotechnology Industry?" *Nature Biotechnology* 25 (8): 267-268, Aug. 2007

+ A.E. Mills and P.M. Tereskerz, "Reinvigorating the Obviousness Standard: Do We Really Want What We Say We Want?" *Journal of Patent and Trademark Office Society* 89 (10): 765-830, 2007

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# DSHEP 2009

The Center for Biomedical Ethics and Humanities, in cooperation with UVA's Office of Continuing Medical Education, is pleased to announce the 2009 **Developing Skills for Healthcare Ethics Programs (DSHEP)**, **March 18-20, 2008** at the UVA Jordan Hall Conference Center.

This three day advanced program introduces different models of ethics programs, as well as differing models of services ethics programs provide, in addition to enhancing skills of those institutional representatives already serving on ethics programs. The program supplies tools to participants interested in identifying areas in the institution where ethics programs might consider enlarging their role. *Program registrants are expected to have already obtained the basic education expected of most ethics committee members.* The program's faculty and presenters include members of the UVA ethics program, the UVA Ethics Consultation Service, as well members of ethics programs from other institutions.

Program registration will be limited so registrants are able to fully interact with colleagues and faculty. The cost of the program is \$650 per registrant. The fee includes breakfasts, lunches, CMEs or CEUs, and conference materials.

For registration information, please contact Carrie Gumm at [cg2b@virginia.edu](mailto:cg2b@virginia.edu), or 434-924-5695.

**Questions, comments and items of interest** should be sent to:

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