AAP v. Heckler court case, 141
act utilitarianism, 55
  methodology of, 56
  strengths/weaknesses of, 56–57
active euthanasia, 72–73
adolescence, outcomes of, 32–33
adolescents
  health/educational challenges of, 33
  health state comparative study of, 36–37
  higher mental function disorders of, 33
  self-view of, 32
adulthood, independence in, 5
Advanced Directives Act (Health and Safety Code), 153
  disagreement resolution provided by, 154–155
  ethics committee consultation recommendations, 155
  protections provided by, 154
African Americans, premature birth statistics for, 195
Alkhusaiby, S., 40
American Academy of Pediatrics
  best interests approach favored by, 96
  life-support guidelines by, 95
  parental decision-making outlined in guidelines of, 96
  physician responsibilities outlined in, 96
  on treatment choices, 147
American College of Obstetricians and Gynecologists, 96–97
  counseling recommendations of, 101–103
  perinatal care bulletin of, 100–101
  antenatal data, obstetrician evaluation of, 17
  antepartum viability, 16
Appleton International Conference, 123–125
artificial ventilation, 12, 62
  assisted reproduction technology, 196
  assisted ventilation, 20, 46
  Asztalos, EV, 18
  attention/behavior disorders, 25
Australia
  baby's legal status in, 173
  Consent to Medical Treatment and Palliative Care Act, 175
  F v. F court case, 174
  law issues of, 173–175
  Marion’s Case court case, 174
  National Health and Medical Research Council of, 173
INDEX

Australia (cont.)
    neonatal mortality reports from, 14
    neonatologist’s parental counseling study of, 39–40
    parens patriae in, 174, 175
    Victorian Infant collaborative study of, 29
autonomy
    bioethic’s respect for, 59–61
    EPTI’s lack of, 59
    Meyers on, 60
    parental, 59

B (R) v. Children’s Aid Society of Metropolitan Toronto court case, 170–172
Baby Doe cases, 140–143
    Health and Human Services Department and, 142–143
    Supreme Court (US) and, 142
Baby Doe rules. See Child Abuse Amendments of 1984
Baby Doe squads, 141
    Baby Jeremy court case, 182
    Baby Messenger case (Michigan), 150, 172
Ballard, PL, 35, 188
    Bavaria, cerebral palsy rates in, 31
Bayley Mental and Psychomotor Developmental Index, 27
Beauchamps, T., morality defined by, 51
beneficence, non-maleficence and, 62–67
Bentham, Jeremy, 55
Bethune, Mary Elizabeth. See Velez v. Bethune court case
bioethics
    applications of, 51
    moral theory, 51–58, 59–72
    questions of, 136
    respect for autonomy, 59–61
    shared definition of, 52
Bioethics Committee (Canadian Paediatric Society)
    best interest concept of, 107
    life-sustaining treatment recommendations/exceptions of, 107–108
    blindness, 30, 32
    Born Alive Protection Act of 2001, 146
    Bottoms, SF, 17
    Bouen v. American Hospital Association court case, 144
    Bowman, E., 14
    brain function(s)
        disorders of, 25–26
        life claim based on, 75
    Brennan, J, 174
    British Association of Perinatal Medicine, 111–113
    British Medical Association, 114–115
    Buck, GM, 30
    Bush, George W., 153
    Cabot, Richard, 53
    Canada
        B (R) v. Children’s Aid Society of Metropolitan Toronto court case, 170–172
        Case of Child and Family Services of Manitoba v. RL court case, 168–169
        cerebral palsy rates in, 31
        Child Welfare Act of, 171
        ELBW study of, 32–33
        Fetus and Newborn Committee of, 106
        law issues of, 168–172
        Maternal-Fetal Medicine Committee of the Society of Obstetricians and Gynaecologists of, 106
        neonatal mortality reports from, 13, 27, 29–30
        NICUs of, 13, 45
        R v. Latimer court case, 172
        reports of, 106–109
        Supreme Court of, 172
        survival rate study in, 27
        Canadian Charter of Rights and Freedoms, 171
        Canadian Paediatric Society, 106
        position statement of, 109
        Capron, AM, 136
        cardiopulmonary resuscitation (CPR) infants receiving, 18–19
        Casadevall, Judge, 167
        Case of Child and Family Services of Manitoba v. RL court case, 168–169
        categorical imperative (Kant), 54

© Cambridge University Press

www.cambridge.org
INDEX

cerebral palsy, 25, 28, 30
country variance of, 31
cesarean sections, 17, 200
Chan, K., survival rate study of,
27
Chien, L., 27
Child Abuse Amendments of 1984, 144
child protective services required by,
146
non-prescriptive nature of, 146
parent’s role defined by, 146
Child Abuse Prevention and Treatment and Adoption Reform Act, 144
child protective services, Child Abuse Amendments requirements of,
146
child rearing, constitutional rights in, 139
Child Welfare Act (Canada), 171
children, disabled
acceptability of death for, 74
determining life’s value for, 80–85
examples of, 3–6
neurodevelopment disabilities, 7
personhood of, 74–79
questions regarding caring for, 7
societal attitudes towards, 9
Children and Young Persons Act (UK), 162
Christianity
duty to sick of, 52
sanctity of life principle of, 70–71
Civil Rights Commission (US), 140
Clarke, M., 26
Code of Medical Deontology (France), 179
Code of Profession Medical Ethics (Italy), 121
cognition, evaluation of, 30, 31
Committee on Fetus and Newborn perinatal care report of, 104–105
recommendations of, 96–97
common morality, 58
Confederation of European Specialists in Paediatrics recommendations, 127–131
consent
Do Not Resuscitate order and, 167
non emergency requirement of, 169
Supreme Court and parental, 143
Consent to Medical Treatment and Palliative Care Act (South Australia), 175
consequentialism, 55
Cooper, BA, 28
Costelloe, K., 14
court decisions
AAP v. Heckler, 141
B (R) v. Children’s Aid Society of Metropolitan Toronto court case,
170–172
Baby Jeremy, 182
Baby Messenger case, 150, 172
Bowen v. American Hospital Association, 144
Case of Child and Family Services of Manitoba v. RL, 168–169
D v. UK, 165
end of life issues involving, 148–159
F v. F, 174
Hospital Corporation of America v. Miller, 156–159
Kadijk court case, 181, 183
Linaire, Sammy, case, 149
MacDonald v. Milleville, 152
Marion’s Case, 174
Miller v. HCA, 188
Milwaukee, Wisconsin, 151
Newmark v. Williams, 139
NHS v. D, 165
Prins court case, 181, 183
R v. Arthur, 160–161
R v. Latimer, 172
re: B (a minor) (wardship: medical treatment), 162–163
re: J (a minor) (wardship: medical treatment), 163–165
Stolle v. Baylor College of Medicine, 155–156
Velez v. Bethune, 151, 152
Court of Appeal of Rouen (France), 179
courts
intervention decisions of, 170
on medical neglect, 147
parent’s patriae obligation of, 139, 168, 170
parent’s not overridden by, 148
Crane, Diane, 92
Criminal Code of Japan, 176
Cuttini, M., 41, 42

Cambridge University Press
Geoffrey Miller
Index
More information

© Cambridge University Press
www.cambridge.org

223
D v. UK court case, 165
DaCosta, DE, 40
Davis, P., 14
De Leeuw, R., 41
death(s)
  acceptability of, 74
  hastening of, 21
  life-support withdrawal cause of, 35
  1970s US infant, 138
decisions
  National Consultative Ethics Committee recommendations, 119
  parental involvement in, 21, 34–35, 93, 139
  of surrogates, 60
  worth of life, 35
Declaration of Independence, life protected by, 144
delivery room, resuscitation in, 18–20
denmark
  neonatal intensive care approach of, 26
  physician treatment withdrawal issues in, 39
deoentlich forces, medical ethics influenced by, 53
deoentlich theory, 54–55
Dharmalugam, A., 14
dignity, right to, 165, 174
disabilities
  attention/behavior, 25
  functional, 26
  health professional rating of, 36–37
  learning/language, 25
  neurodevelopmental, 7
  visual/hearing impairment, 25
Do Not Resuscitate order, consent for, 167
doctrine of necessity, 162
Donaldson, Lord, 163
Doyle, LW, 14
Draper, ES, 26
Durable Power of Attorney for Health Care statute, 153
Dusick, AM, 27
dying, killing v., 72
ECHR. See European Convention on Human Rights
Edelman, J., 157–159
Effer, SB, 13
El-Metwally, D., survival rate study of, 12, 26–27
ELBW. See extremely low birth weight infant
  end of life issues, cases involving, 148–159
Englehardt, HT, 74
Epidemics I (Hippocrates), 52
EPTI. See extremely preterm infant
effects, medical committees, 154
  deoentlich forces influence on, 53
  Islamic/Jewish teaching's influence on, 52–53
  law's relationship to, 136
  renaissance influence on, 53
  ethics, politic, 53
eugenics theory, 84
EUNRICAL. See European Project on Parents' Information and Ethical Decision Making in Neonatal Intensive Care Units
European Convention for the Protection of Human Rights and
  Fundamental Freedoms, 182
European Convention on Human Rights (ECHR), 165, 166
European Court of Human Rights, 166–167
European Project on Parents' Information and Ethical Decision Making in Neonatal Intensive Care Units (EUNRICAL): Staff Attitudes and Opinions study, 42–44
euthanasia
  active v. passive, 72–73
  French National Consultative Ethics Committee thoughts on, 120
  French NICU practice of, 180
  Netherlands practice of, 181
  extremely low birth weight infant (ELBW)
  Canadian study of, 32–33
  defined, 7
  determining value of life for, 80–85
  health state comparative study of, 36–37
  Japan and economics of, 46–47
Melbourne (Australia) follow-up study, 32
parent's/health professional attitude study, 37–38
perinatal mortality of, 11
predicting survival of, 17
resource expenditures for, 45–47
extremely preterm infant (EPTI) antepartum viability judgments for, 16
assisted ventilation for, 20
Australia (Melbourne) study of, 14
birth condition indicators, 18
Canada's reports on, 13
common law limitations regarding, 173
CPR for, 18–19
decreased brain volumes of, 25
defined, 7
determining moral worth of, 78
eyearly prognosis limitations for, 7
ethical complexities surrounding, 107
ethical theories/schools of thought on, 53–54
gestation variance survival rates of, 24, 26
haemostasis (treatment of), 25–28
hastening death of, 21
historical obligations to care for, 10
increases in, 11
increasing survival rates for, 194–195
justice for, 68–69
Lorenz/Panetti on treatment of, 34–35
morbidities, 25–28
mortality rates of, 11
mortality variations for, 11
national comparisons of, 20–22, 26
Netherlands and, 20
New Jersey and, 20
nonautonomy of, 59
outcomes, short/long-term, of, 26
predicting outcomes for, 23
psychosocial strain on families of, 194
surrogate's relationship with, 59
survival possibility for, 46
UK common law regarding, 161
uncommonness of, 7

Farine, D., 13
Feinberg, J., 65
fetal viability limit, defined, 14
Fetus and Newborn Committee (Canada), 106
women's guidelines from, 106–107
Field, D., 26
Foot, P., 68
Frader, JE, 146
France
children's legal existence status in, 179
Code of Medical Deontology of, 179
Court of Appeal of Rouen of, 179
decision making in NICUs of, 191–192
law issues of, 179–180
National Consultative Ethics Committee of, 116–117
neonatal euthanasia and, 180
reports of, 116–120
Freeman, JM, 54, 64
futile therapy, 94, 119
futility
emotional response connected to, 87
medical, 182
physiologic, 86
qualitative, 86
quantitative, 86
virtually futile treatment choices, 145
Garland, MJ, 63
gastrointestinal dysfunction, 25
Gemere, M., 191
Germany
law issues of, 177–178
reports of, 122
Society of Medical Law of, 177
Ghazai, H., 40
Gibson, AT, 14
Glover, J., 71
Gordon, EJ, 191
Groningen protocol (Netherlands), 189–190
growth, lack of, 25
Gultom, E., 14
harm, justifiability of, 62
Harr, HLA, 137

F v. F court case, 174
families
emotional/financial burden of, 25
happiness of, 56

© Cambridge University Press
www.cambridge.org
<table>
<thead>
<tr>
<th>Index</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hastings Center report</strong>, 125–127</td>
</tr>
<tr>
<td><strong>Health and Human Services Department (US)</strong>, 141</td>
</tr>
<tr>
<td><strong>Baby Jane Doe lawsuit and</strong>, 142–143</td>
</tr>
<tr>
<td><strong>Supreme Court criticism of</strong>, 143</td>
</tr>
<tr>
<td><strong>Health Care Surrogate Act</strong>, 148</td>
</tr>
<tr>
<td><strong>hearing disabilities</strong>, 25</td>
</tr>
<tr>
<td><strong>Higginson, R.</strong>, 78</td>
</tr>
<tr>
<td><strong>Hippocrates, writing of</strong>, 9, 52</td>
</tr>
<tr>
<td><strong>Hippocratic Oath</strong>, 52</td>
</tr>
<tr>
<td><strong>Holmes, RL</strong>, 63</td>
</tr>
<tr>
<td><strong>Hospital Corporation of America v. Miller court case</strong>, 156–159</td>
</tr>
<tr>
<td><strong>Human Rights Act (1998)</strong>, 165</td>
</tr>
<tr>
<td><strong>Jams, JD</strong>, 17</td>
</tr>
<tr>
<td><strong>immunity, for physicians</strong>, 154</td>
</tr>
<tr>
<td><strong>Infant Doe case</strong> [52 US LW 3369 (1983)], 95</td>
</tr>
<tr>
<td><strong>infanticide</strong></td>
</tr>
<tr>
<td><strong>historical aspects of</strong>, 9–11</td>
</tr>
<tr>
<td><strong>infants</strong></td>
</tr>
<tr>
<td><strong>happiness of</strong>, 56</td>
</tr>
<tr>
<td><strong>highly placed value of</strong>, 79</td>
</tr>
<tr>
<td><strong>Singer's definition of</strong>, 75</td>
</tr>
<tr>
<td><strong>inhumane treatment, definition of</strong>, 145</td>
</tr>
<tr>
<td><strong>International Federation of Gynecology and Obstetrics report</strong>, 127</td>
</tr>
<tr>
<td><strong>IQ levels</strong>, 5, 29, 31</td>
</tr>
<tr>
<td><strong>irreversible condition, definition of</strong>, 153</td>
</tr>
<tr>
<td><strong>Islam</strong></td>
</tr>
<tr>
<td><strong>medical ethics influenced by</strong>, 52–53</td>
</tr>
<tr>
<td><strong>Italy</strong></td>
</tr>
<tr>
<td><strong>Code of Profession Medical Ethics of</strong>, 121</td>
</tr>
<tr>
<td><strong>law issues of</strong>, 177–178</td>
</tr>
<tr>
<td><strong>reports of</strong>, 121</td>
</tr>
<tr>
<td><strong>Jankov, RP</strong>, 18</td>
</tr>
<tr>
<td><strong>Japan</strong></td>
</tr>
<tr>
<td><strong>Criminal Code of</strong>, 176</td>
</tr>
<tr>
<td><strong>ELBW infant’s cost in</strong>, 46–47</td>
</tr>
<tr>
<td><strong>law issues of</strong>, 176</td>
</tr>
<tr>
<td><strong>neonatal mortality reports from</strong>, 14</td>
</tr>
<tr>
<td><strong>physician’s expected behavior in</strong>, 176</td>
</tr>
<tr>
<td><strong>Japanese Eugenic Protection Act</strong>, 14, 176</td>
</tr>
<tr>
<td><strong>Jehovah’s Witnesses, withholding permission by</strong>, 170</td>
</tr>
<tr>
<td><strong>Jonsen, AR</strong>, 52, 53, 63</td>
</tr>
<tr>
<td><strong>Judaism</strong></td>
</tr>
<tr>
<td><strong>medical ethics influenced by</strong>, 52–53</td>
</tr>
<tr>
<td><strong>sanctity of life principle of</strong>, 70–71</td>
</tr>
<tr>
<td><strong>Justice Department (US)</strong>, 141</td>
</tr>
<tr>
<td><strong>Kadijk court case</strong>, 181, 183</td>
</tr>
<tr>
<td><strong>Kant, Immanuel, categorical imperative of</strong>, 54</td>
</tr>
<tr>
<td><strong>Kelly, E.</strong>, 13</td>
</tr>
<tr>
<td><strong>Kennon, Carole</strong>, 91, 94</td>
</tr>
<tr>
<td><strong>Kenscamp, Arjen</strong>, 141</td>
</tr>
<tr>
<td><strong>killing, dying v.</strong>, 72</td>
</tr>
<tr>
<td><strong>Kopelman, LM</strong>, 63</td>
</tr>
<tr>
<td><strong>Laing, IA</strong>, 39</td>
</tr>
<tr>
<td><strong>Lantos, J.</strong>, 46</td>
</tr>
<tr>
<td><strong>law</strong></td>
</tr>
<tr>
<td><strong>Australia’s issues of</strong>, 173–175</td>
</tr>
<tr>
<td><strong>Canada’s issues of</strong>, 168–172</td>
</tr>
<tr>
<td><strong>French issues of</strong>, 179–180</td>
</tr>
<tr>
<td><strong>Germany’s issues of</strong>, 177–178</td>
</tr>
<tr>
<td><strong>Italy’s issues of</strong>, 177–178</td>
</tr>
<tr>
<td><strong>Japan’s issues of</strong>, 176</td>
</tr>
<tr>
<td><strong>medical ethics relationship to</strong>, 136</td>
</tr>
<tr>
<td><strong>Netherlands’ issues of</strong>, 181–183</td>
</tr>
<tr>
<td><strong>parents patriae common law doctrine</strong>, 139</td>
</tr>
<tr>
<td><strong>Poland’s issues of</strong>, 177–178</td>
</tr>
<tr>
<td><strong>societal applications of</strong>, 136</td>
</tr>
<tr>
<td><strong>UK issues of</strong>, 160–167</td>
</tr>
<tr>
<td><strong>US issues of</strong>, 138–159</td>
</tr>
<tr>
<td><strong>Lee, DSC</strong>, 27</td>
</tr>
<tr>
<td><strong>Lee, SK</strong>, 27</td>
</tr>
<tr>
<td><strong>legal systems, international variance in</strong>, 135</td>
</tr>
<tr>
<td><strong>Leonard, CH</strong>, 28</td>
</tr>
<tr>
<td><strong>life</strong>. <strong>See also end of life issues</strong></td>
</tr>
<tr>
<td><strong>best interests and quality of</strong>, 80–85, 86</td>
</tr>
<tr>
<td><strong>brain functions help define</strong>, 75</td>
</tr>
<tr>
<td><strong>concerns regarding quality of</strong>, 35</td>
</tr>
<tr>
<td><strong>Declaration of Independence and protection of</strong>, 144</td>
</tr>
<tr>
<td><strong>determining value of</strong>, 80–85</td>
</tr>
<tr>
<td><strong>non-prolonging of</strong>, 74</td>
</tr>
<tr>
<td><strong>sanctity of</strong>, 70–71</td>
</tr>
</tbody>
</table>

© Cambridge University Press
INDEX

life-support
  American Academy of Pediatrics guidelines, 95
  federal government (US) involvement deciding, 140
  Jehovah’s Witnesses and, 170
  parental decisions regarding, 34–35
  personhood’s influence on, 76
  physician decisions regarding, 34–36
  President’s Commission (US) report on, 92
  religious/socio-cultural issues with, 40
  withdrawal of, 35
life sustaining treatment, definition of, 154
Linares, Rudy, 149
Linares, Sammy, 149
litigation, physician fears regarding, 36
living wills, 152
Locke, John, 77
Lorber, John, 140
Lorenz, JM, 34–35, 45
lung disease, 25, 27

MacDonald v. Milleville court case, 152
Macklin, R., 58
management strategies, 5
  passive v. active, 17
Marion’s Case court case, 174
Marlow, N., 14
Maternal-Fetal Medicine Committee of the Society of Obstetricians and Gynaecologists (Canada), 106
  women’s guidelines from, 106–107
Mawhane, 58
McDonnell, K., 54
McHaffie, HE, 39
McMillan, J., 39
Meadow, WL, 46
  medical futility, 182
  medical neglect courts on, 147
    definition of, 144
Medical Profession Act (Poland), 177
  medically indicated treatment, definition of, 144
  mental retardation, 6, 25, 30
Mercer, BM, 17
Messenger, Gregory, 172
Meyers, C., 60
Mill, John Stuart, 55
Miller, Sidney Ainsley. See Hospital Corporation of America v. Miller
Miller v. HCA court case, 188
Montgomery, J., 161
moral rights, of infants, 63
moral theory, 51–58, 59–72
mortality
  Beauchamp’s definition of, 51
  common, 58
  and deontology theory, 54–55
  Engelhardt on, 74
  morbidity, of EPTIs, 25–28
mortality rates
  ELBW, 11
  EPTI, 11
  halving of neonatal, 91
Moutquin, J-M, 13
Msall, ME, 30
Muslims. See Oman
Nadai, M., 41, 42
National Consultative Ethics Committee (France)
  decision-making recommendations of, 119
  on euthanasia, 120
  on futile therapy, 119
  neonatal resuscitation ethical considerations of, 116–117
  non-maleficeence issue highlighted by, 117–119
  purposeful ending of life discussion by, 119
National Health and Medical Research Council (Australia), 173
National Institute of Child Health and Human Development (NICHD)
  Neonatal Research Network trial of, 100–101
  National Institute of Child Heath and Human Development (NICHD), 12
Natural Death Act, 153
  physician immunity in, 154
necessary. See doctrine of necessity
necrotizing enterocolitis, 3, 27, 45, 62
neglect. See medical neglect
neonatal euthanasia, 180
neonatal intensive care unit (NICU)
admissions to, 11
of Canada, 13, 45
countries with aggressive use of, 31
EPTI’s economic impact on, 45–47
French/US decision-making in,
191–192
international multicenter study, 28
neonatal management, comparison of, 30
neonatal mortality
developing v. developed countries
and, 21–22
US report on, 91
neonatal mortality reports
of Canada, 13, 29–30
of Japan, 14
of UK, 14–16
Neonatal Network Study (NICHD), 12
Neonatal Research Network trial
(NICHD), 100–101
neonatal resuscitation, international
guidelines for, 127
neonatologists
counseling parents by, 39–40
disabilities rated by, 36–37
examining practices study of, 39
health state comparative study by,
36–37
“least-worst strategy” of, 35
Netherlands
Baby Jeremy court case, 182
cerebral palsy rates in, 31
EPTI outcomes in, 20
euthanasia practiced in, 181
Groningen protocol of, 189–190
Kadijk court case, 181, 183
law issues of, 181–183
Prins court case, 181, 183
University Medical Center of, 23
neurodevelopmental disabilities, 7
New Jersey
cerebral palsy rates in, 31
EPTI outcomes in, 20
Newman, George, 141
Neturner v. Williams court case, 139
NHS v. D court case, 165
NICHD. See National Institute of Child
Health and Human Development
NICU. See neonatal intensive care unit
Nigorsenga, J., 13
Nimrod, C., 13
Nishida, H., 13
non-maleficence
beneficence and, 62–67
Englehardt’s use of, 74
National Consultative Ethics
Committee report on, 117–119
nurses
disabilities rated by, 36–37
examining practices study of, 39
obstetric management, influence of,
16–18
obstetrician(s), antenatal data evaluation
by, 17
O’Donnell, K., 64
Ohlsson, A., 27
Oishi, M., 13
Oman, life-support withdrawal issue of,
40–41
Orfali, K., 191
outcomes
of adolescence, 32–33
assessing, 26
EPTI’s short/long-term, 26
predicting EPTI, 23
psychosocial/socio-economic
influence on, 29
school age, 29–30, 31
Panetti, N., 34–35
parens patriae
Australia’s application of, 174
common law doctrine of, 139
court’s obligation of, 139, 168, 170
state acting as, 142
parents
American Academy of Pediatrics and,
96
anguish of, 91
appearance concerns of, 40
autonomy and, 59
Child Abuse Amendments on role of,
146
child rearing constitutional rights of,
139
decision-making by, 21, 34–35, 93, 139
disabilities rated by, 36–37
happiness of, 56
life/death choice example of, 140
limiting influence of, 156–159
neonatologist counseling of, 39–40
physician's conflicts with, 41–42,
   60
physician's deferring to, 36
physician's obligation to, 193
potential criminal charges against,
   139
right to be informed by, 150
societal trust of, 190
stress suffered by, 66
Supreme Court and consent of,
   143
testing authority of, 162–163
US courts non-override of, 148
withdrawing treatment decisions
study of, 39
Paris, JJ, 65
Parker, M., 39
Partridge, JC, 35, 188
patients
duties of, 57
self-perception of, 37
Paul, RH, 17
Percival, Thomas, 53
perinatal mortality, 11
person
Locke's definition of, 77
Singer's definition of, 74
personhood
applying argument of, 78
of disabled children, 74–79
Engelhardt on, 74
life-support influenced by, 76
neuropsychological standard for, 76
Peterson, S., 26
physicians
American Academy of Pediatrics and,
   96
continuing v. ending treatment
choice of, 62–67
counseling skill needed by, 87
country variation of attitudes of,
   42
decision-making pressures on, 61
deference to parents, 36
duties of, 59
ecclesiastical doctrine's influence on,
   52
futility as used by, 87
Japanese expectations from, 176
life/death choice example of, 140
life-support decisions of, 34–36
litigation fears of, 36
Natural Death Act and immunity for,
   154
obligations of, 10
parent's conflicts with, 41–42, 60
parent's obligation to, 193
Percival on duties of, 53
potential criminal charges against,
   139
resuscitation decisions by, 36
rights of, 57
societal trust of, 190
treatment rights of, 136
willingness of, 138
physiologic futility, 86
Piecuch, RE, 28
Plato, writing of, 10
Poland
Code of Medical Ethics of, 178
law issues of, 177–178
Medical Profession Act of, 177
preference utilitarianism, 84
premature birth, survival rates for, 7,
   195
President's Commission (US) report,
   91
beneficial therapies described in,
   93
criticism of adversarial nature of
courts by, 94
futile therapies defined in, 94
hospital quality concerns of, 95
information availability concerns of,
   94
life-support withdrawal reported in,
   92
Prince v. Massachusetts (Supreme Court
decision), 93
principilism, 58
Prins court case, 181, 183
prognosis, prediction accuracy of, 35,
   64
Psychomotor Developmental Index, 27
INDEX

quality of life, and best interests, 80–85, 86
quantitative futility, 86
R v. Arthur court case, 160–161
R v. Latimer court case, 172
re: B (a minor) (wardship: medical treatment) court case, 162–163
re: J (a minor) (wardship: medical treatment) court case, 163–165
Reagan, Ronald, 141
Rebagliato, M., 42
Rehabilitation Act of 1973, 141
Baby Jane Doe lawsuit and, 142–143
religion, life-support issues of, 40
renaissance era, medical ethics influenced by, 53
Rennie, J. M., 18
report(s). See also President's Commission (US) report
of Australia, 14
of Canada, 13, 18, 106–109
Confederation of European Specialists in Paediatrics recommendations, 127–131
of France, 116–120
of Germany, 122
Hastings Center report, 125–127
international, 123–131
International Federation of Gynecology and Obstetrics report, 127
of Italy, 121
of UK, 18
of United Kingdom, 110–115
of United States, 91–105
VLBW (Oklahoma), 18
The Republic (Plato), 9
resuscitation in delivery room, 18–20
international guidelines for neonatal, 127
by physicians, 36
retinopathy of prematurity (ROP), 27
Rhoden, NR, 35
Ridley, A., 56
right to life, Tooley on, 75
Right to Life group, 153
right(s) to dignity, 165
of physicians, 57
rights theory, 57
Rizzotti, A., 191
Robertson, John, 138
Rogers, BT, 30
ROP. See retinopathy of prematurity
Rosenbaum, P., 29
Royal College of Paediatrics and Child Health, 110–111
rule utilitarianism, 57
Saigal, S., 13, 29, 36
sanctity of life
Glover on, 71
principle of, 70–71
Sasaki, T., 13
Schneiderman, B., 169
census of newborns, 29–30, 31
self-perception
of adolescents, 32
of patients, 37
Sherlock, R., 193
Simeoni, U., 191
Singer, P., 74
infants defined by, 75
Skidmore, MB, 18
Smith, McCall, 161
society attitudes towards disabled children by,
9
duty to, 53
EPTI's economic impact on, 45–47
law's applications in, 136
parents/physicians trusted by, 190
trust required of, 193
Society for Medical Law (Germany), 122
Society of Medical Law (Germany), 177
specieism, justifiability of, 77
State University of New York, Stonybrook, 141
Stolle v. Baylor College of Medicine court case, 155–156
stress, parent's experience of, 66
studies
Australia survival rate study, 14
Canada's ELBW study, 32–33
Canadian comparative health states study, 36–37
INDEX

Canadian EPTI study, 13
Chan's survival rate study, 27
Denmark physician treatment withdrawal study, 39
El-Metwally's survival rate study, 26–27
ELBW (Melbourne) follow-up study, 32
EURONIC: Staff Attitudes and Opinions study, 42–44
examining nurses/neonatologist's practices study, 39
neonatologists counseling parents study, 39–40
NICU neonatal intensive care unit international study, 28
NICU/UC San Francisco selective nontreatment study, 35
of obstetric care/EPTI survival, 16–17
parent/health professional ELBW infant attitude study, 37–38
of parents withdrawing treatment, 39
of patient's self-perception, 37
of survival rates, 12
UK population based study, 27–28
US multicenter cohort study, 27
Victorian Infant collaborative study, 29
Supreme Court (Canada), 172
Supreme Court (US)
Baby Jane Doe lawsuit and, 142
Health and Human Services Department criticized by, 143
Infant Doe case decision of, 95
parental consent issue and, 143
Prince v. Massachusetts decision of, 93
surrogates
continuing v. ending treatment choice of, 62–67
decisions of, 60
EPTIs and, 59
Feinberg on, 65
Synnes, A., 27
Szatmari, P., 29
technology, assisted reproduction, 196
Templeman, LJ, 162–163
terminal condition, definition of, 153
Texas
Hospital Corporation of America v. Miller court case, 156–159
living wills recognized by, 152
Stolle v. Baylor College of Medicine court case, 155–156
therapies
beneficial, definition of, 93
futile, 94, 119
Tooley, M., 75
treatment choices. See also inhumane treatment; life sustaining treatment; medically indicated treatment
benefit v. burden analysis, 80
continuing v. ending treatment, 62–67
doctrine of necessity and, 162
of physicians, 136
virtually futile, 145
Tucker, R., 12
Twaddle, JA, 169
Tyson, JE, 23
ultrasonograms, prepartum, 17
United Kingdom (UK)
British Medical Association of, 114–115
centralized specialist based services of, 26
Children and Young Persons Act of, 162
D v. UK court case, 165
EPTI common law of, 161
Human Rights Act of, 165
law issues of, 160–167
neonatal intensive care approach of, 26
neonatal mortality reports from, 14–16
NHS v. D court case, 165
population based study of, 27–28
R v. Arthur court case, 160–161
re: B (a minor)/wardship: medical treatment court case, 162–163
re: J (a minor)/wardship: medical treatment court case, 163–165
reports of, 110–115
Royal College of Paediatrics and Child Health of, 110–111
INDEX

United States (US). See also President’s Commission report
Baby Doe cases in, 140–143
Born Alive Protection Act of, 146
Civil Rights Commission of, 140
decision-making in NICUs of, 191–192
Department of Health and Human Services of, 141
Durable Power of Attorney for Health Care statute of, 153
Health Care Surrogate Act of, 148
Justice Department of, 141
law issues of, 138–159
life-support involvement by government of, 140
Miller v. HCA court case, 188
multicenter cohort study of, 27
Natural Death Act of, 153
parents not overridden by courts in, 148
prematurity birth rates in, 195
President’s Commission report, 91
Rehabilitation Act of 1973, 141
reports of, 91–105
University Medical Center of Netherlands, 23
University of San Francisco (UCSF) NICU study, 35
utilitarianism. See act utilitarianism; preference utilitarianism; rule utilitarianism
Van der Heide, A., 21
Van der Maas, J., 21
Van der Wal, G., 21
Veatch, RM, 58
Velez v. Bethune court case, 151, 152
Vendemria, M., 191
ventilation
artificial, 5, 12, 62
assisted, 20, 46
need for, 3
positive pressure, 4
variance in need for, 30
Verter, J., 23
very low birth weight (VLBW) infants
Cambridge, England report on, 18
Oklahoma report on, 18
Ottawa, Canada report on, 18
viability
antepartum, 16
British Association of Perinatal Medicine memorandum on, 111–113
limit (defined) of fetal, 14
limits of, 24
Victorian Infant collaborative study, 29
Vineland Adaptive Behaviour Scales, 30
visual disabilities, 25
VLBW infants. See very low birth weight infants
Vohr, B., 12, 27
Wall, SN, 35, 188
Wilkinson, AR, 14
wills. See living wills
Wocial, L., 79
Woods, NS, 14
Wright, LL, 23, 27
Younes, N., 23