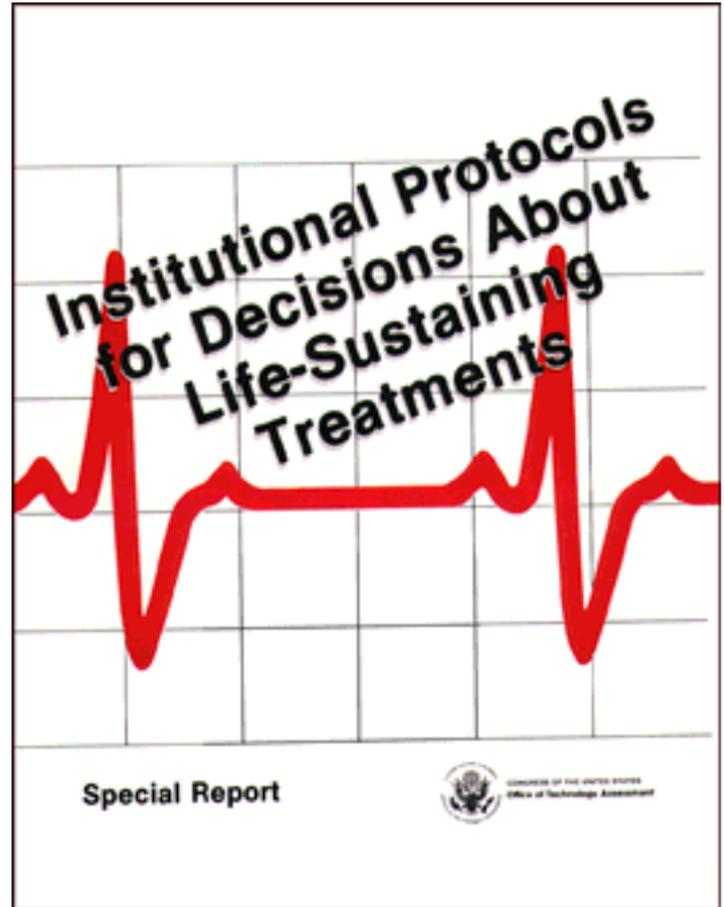


*Institutional Protocols for Decisions About  
Life-Sustaining Treatments*

July 1988

NTIS order #PB89-138895



Recommended Citation:

U.S. Congress, Office of Technology Assessment, *Institution) Protocols for Decisions About Life-Sustaining Treatments—Special Report* OTA-BA-389 (Washington, DC: U.S. Government Printing Office, July 1988).

Library of Congress Catalog Card Number 88-600547

For sale by the Superintendent of Documents  
U.S. Government Printing Office, Washington, DC 20402-9325  
[order form can be found in the back of this report]

## Foreword

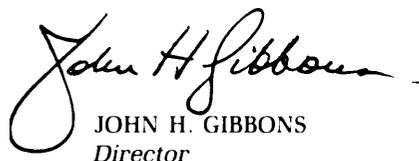
This special report extends the analysis provided in OTA0's 1987 assessment of *Life-Sustaining Technologies and the Elderly*. That report documented the numerous, serious uncertainties that complicate inherently difficult decisions about the use of medical technologies that are potentially life-sustaining. OTA described uncertainties regarding: 1) outcomes of treatment—whether the patient will survive and, if so, with what quality of life; 2) circumstances in which nontreatment may be ethical and legal; and 3) decisionmaking procedures—whose judgment to seek, for what, and when, and how to resolve conflicts and ensure that a decision, once reached, is carried out.

To help reduce these various sources of uncertainty and their serious consequences, OTA suggested a variety of actions Congress might take. One of these was to focus on the policies and guidelines by which health care institutions circumscribe and articulate the procedures they will follow in making decisions whether to initiate, withhold, or withdraw life-sustaining treatments.

This option struck a responsive chord in Senator John Heinz and Representative Edward Roybal, requesters of the 1987 OTA report. Representing, respectively, the Senate Special Committee on Aging and the House Select Committee on Aging, they requested this study of the development and implementation of institutional policies and guidelines for decisionmaking with respect to life-sustaining treatments.

This report was prepared by OTA based on a contract report by Steven H. Miles, M. D., and his colleagues at the University of Chicago's Center for Clinical Medical Ethics. Other important contributors were the individuals who participated in the OTA workshop on "Institutional Protocols for Decisions About Life-Sustaining Treatments" held October 15, 1987. The workshop was a forum for discussion of key issues and review of the contractor's draft. Participants were selected for their expertise in legal, ethical, and clinical problems related to the use of life-sustaining treatments and in some cases also for their representation of major associations of health care institutions and professionals. In subsequent months, workshop participants and additional outside reviewers (see app. C) commented on the revised draft. This final report incorporates many valuable suggestions from all these individuals.

The authors and the members of the workshop represented a diversity of experience and interests regarding the use of life-sustaining technologies. However, they agreed unanimously that institutional policies and guidelines such as those discussed here can be a good approach for encouraging patients' rights, institutional accountability, and ethical treatment decisions. These individuals did not endorse any particular policy or set of guidelines, nor did they say that institutional policies and guidelines alone would solve the problems in clinical decisionmaking. Project participants' different views about what role, if any, Congress should take reflect an incomplete but noteworthy consensus on these difficult questions.



JOHN H. GIBBONS  
Director

## **Workshop Participants: Institutional Protocols for Decisions About Life-Sustaining Treatments, Oct. 15, 1987**

Marshall B. Kapp, *Chairman*

Professor, Wright State University School of Medicine

Robert Wood Johnson Faculty Fellow in Health Care Finance, 1987-88

C. Ross Anthony  
Associate Administrator for Program  
Development  
Health Care Financing Administration

Mila A. Aroskar  
Associate Professor  
School of Public Health  
University of Minnesota

David Axelrod  
Commissioner  
New York State Department of Health

Sr. Diana Bader  
Senior Associate for Clinical Ethics  
Catholic Health Association of the  
United States

John H. Burkhardt  
Chairman  
Council on Ethical and Judicial Affairs  
American Medical Association

Nancy M. Coleman  
Staff Director  
Commission on Legal Problems of the Elderly  
American Bar Association

Msgr. Charles J. Fahey  
Director  
Third Age Center  
Fordham University

Susan Harris  
General Counsel  
American Health Care Association

Elma L. Holder  
Executive Director  
National Citizens Coalition on  
Nursing Home Reform

Jane Hoyt  
Chairperson  
Nursing Home Action Group  
St. Paul, MN

Alan Meisel  
Professor of Law and Psychiatry  
Co-Director  
Center for Medical Ethics  
University of Pittsburgh

Nicholas Rango  
Executive Director  
Village Nursing Home  
New York, NY

Dorothy Rasinski-Gregory  
Associate Chief of Staff/Education  
Veterans Administration Medical Center  
Long Beach, CA

William A. Read  
President  
Hospital Research and Educational Trust  
American Hospital Association

Paul M. Schyve  
Director  
Department of Standards  
Joint Commission on the Accreditation of  
Healthcare Organizations

Alan J. Weisbard  
Executive Director  
New Jersey Commission on Legal and Ethical  
Problems in the Delivery of Health Care

Susan M. Wolf  
Associate for Law  
The Hastings Center

Stuart J. Youngner  
Associate Professor of Psychiatry and Medicine  
Case Western Reserve University  
School of Medicine

NOTE: OTA is grateful for the valuable assistance and thoughtful critiques provided by the workshop participants. The workshop participants do not, however, necessarily approve or endorse this report. OTA assumes full responsibility for the report and the accuracy of its contents.

---

**OTA Project Staff—Institutional Protocols for Decisions About  
Life-Sustaining Treatments**

Roger C. Herdman, *Assistant Director, OTA  
Health and Life Sciences Division*

Gretchen S. Kolsrud, *Manager, Biological Applications Program*

Claire W. Maklan, *Study Director*

Katie Maslow, *Analyst*

Sharon Kay Oatman, *Administrative Assistant*

Linda Rayford, *Secretary/Word Processor Specialist*

Linda Starke, *Contract Editor*

Based on Report Prepared Under Contract,  
at The University of Chicago, by:

Steven H. Miles

Assistant Professor of Medicine

Associate Director of the Center for Clinical Medical Ethics

Christine K. Cassel

Associate Professor of Medicine

Chair, Section of General Internal Medicine

Mark Siegler

Professor of Medicine

Director of the Center for Clinical Medical Ethics

Carlos F. Gomez

Pew Scholar in Medicine and Public Policy Studies

Bryan J. Marsh

Pritzker School of Medicine