**Ethical Considerations Project**

1. **Read the assigned article**, “Informed Consent for Emergency Contraception: Variability in Hospital Care of Rape Victims.”
2. **Review the** *Brownfield v. Daniel Freeman Marina Hospital* case summary. (Below)
3. **Review Essay Requirements.** (Below)

***Brownfield v. Daniel Freeman Marina Hospital***

Ascension Health (2007) *Brownfield v. Daniel Freeman Marina Hospital.* Retrieved November 28, 2008 from

<http://www.ascensionhealth.org/ethics/public/cases/cases_AF.asp>

In this 1989 federal appellate court case, the plaintiff was taken to Freeman Hospital’s emergency room after being raped. In response to the patient’s request for information about the morning-after pill, the hospital authorities refused to provide such information, believing that they could not, on the grounds that it was a Catholic hospital. Specifically, the hospital did not inform the patient that if she wanted such treatment it must be obtained within 72 hours to be effective. The court reasoned that a patient has the right to make her own decisions regarding treatment, and therefore, adequate disclosure of information must be provided so the patient can make an *informed* decision. The court concluded that a rape victim who is denied information about access to the morning-after pill may bring a medical malpractice action. This means that liability may arise if the patient can show: 1) that a skilled practitioner would have provided such information and access under similar circumstances; 2) that she would have elected such treatment; and 3) that "damages" (in this case, pregnancy) resulted from the failure to provide such information. In a footnote to its decision, the court indicated that "access" to such treatment could include transfer of the patient to another medical facility or another physician.

More critical for Catholic-sponsored hospitals, the court also reasoned that the morning-after pill constitutes the "prevention" rather the than "termination" of pregnancy. It therefore concluded that the conscience clause under the state’s abortion statute did not immunize the hospital from liability for failure to refuse to provide such information. However, since human life begins at conception (fertilization) and not merely after implantation of the embryo, the relevant *moral* question from the Catholic perspective is not whether or not there is a pregnancy, but whether or not there is another innocent human life to be respected. Those "contraceptive" measures that operate solely through the prevention of implantation are morally equivalent to abortions in Catholic moral theology, and are therefore impermissible under the *Ethical and Religious Directives* (both then and now). Nevertheless, the court did not accept this moral distinction as relevant for its ruling.

The court ruling itself stated that Catholic Hospitals have the responsibility "to provide information concerning, and access to, estrogen prophylaxis for rape victims."

**Essay Requirements**:

You are to complete a 1-2 page (12pt Times New Roman font, double spaced) issue analysis that answers the following questions:

1. What are the ethical considerations of this issue?
2. What are the legal considerations of this issue?
3. What ethical concepts and principles apply to this issue?
4. If you were a judge in the *Brownfield v. Daniel Freeman Marina Hospital* case, would you agree with the other judge’s decisions? How would you justify this decision to the hospital or the rape victims?

Your submission is to be a formal, multi-paragraphed essay. While citations and sources are not required for this paper, if you borrow any information as supporting details, they must be cited in proper APA format.