

## **Division of Law, Ethics, and Psychiatry**

July 1, 2006-June 20, 2007

### **1. Highlights**

This was the first full year of the Division's operation. It assumed responsibility for oversight of the Fellowship in Forensic Psychiatry, and developed active teaching programs for every year of the Residency in Adult Psychiatry. The Division began a monthly seminar series in Law and Ethics that attracts attendance from around the Medical Center, and collaborated with the Law School in starting a monthly Colloquium in Health, Law, Ethics, and Society that takes places at the Law School but is advertised to both campuses. Members of the Division faculty are deeply involved with the Research Ethics Resource of the Irving Institute for Clinical and Translational Research, Columbia's CTSA program. An active research program has been launched, focused on the ethics of human subjects research, and involving collaborators at major medical centers around the US.

### **2. Staff**

Paul S. Appelbaum, MD, Director, Division of Law, Ethics and Psychiatry  
Ruth Fischbach, PhD, MPE, (joint with the Department of Sociomedical Sciences, Mailman School of Public Health), Director, Center for Bioethics, Columbia University  
Robert Klitzman, MD (joint with the HIV Center), Director, Ethics and Policy Core, HIV Center  
Richard Krueger, MD, Medical Director, Sexual Behavior Clinic  
Steven Simring, MD, Director, Forensic Psychiatry Fellowship Program

### **3. Overview**

The Division undertakes education and research on issues related to the impact of law and ethics on psychiatry, and on medicine more broadly, and on the role of psychiatry in the legal and correctional systems. Division faculty are involved in the training of medical students, residents in psychiatry and other specialties, fellows in forensic psychiatry, clinical and research fellows in other areas of psychiatry, law students, graduate students, research staff, faculty members, and the general public. Research efforts currently focus on empirical studies of research ethics, including informed consent, competence, substituted judgment, and voluntariness. Faculty members in the Division also consult to the NYS Office of Mental Health on issues related to law and psychiatry.

### **4. Current Research**

Dr. Appelbaum's research focuses on empirical work in research ethics. He is PI on a grant from the Greenwall Foundation to develop an approach to Assessing Voluntariness

of Consent to Research (with Dr. Klitzman as a co-investigator). In addition, he serves as co-investigator on NIH grants on Research Ethics in Schizophrenia (Will Carpenter, PI, Univ. of Maryland); DVD Consent for Research in Older Schizophrenia Patients (Dilip Jeste, PI, UCSD); An Observational Description Study of IRB Practices (Charles Lidz, PI, Univ. of Massachusetts); and Proxy Decision-Making for Alzheimer Disease Research (Laura Dunn, PI, UCSF).

Dr. Klitzman is PI on an NIH-funded study of Views and Approaches Toward Research Integrity Among IRBs, and on a CTSA pilot grant to examine Views of PGD Among Patients and Providers (with Dr. Appelbaum as a co-investigator).

Dr. Krueger was awarded a grant as a NYS Office of Mental Health Policy Scholar for 2007-2008, for an Analysis of Treatment Response and Medication Satisfaction in a Group of Patients Treated with Gonadotropin Releasing Hormone Agonist Therapy for Hypersexual and/or Paraphilic Disorders and a separate Analysis of Diagnoses of a Group of Patients Arrested for Crimes Against Children over the Internet.

## **5. Education and Training**

The Division is heavily involved in education and training activities. Each month during the academic year, the Division sponsors a seminar at NYSPI on Law, Ethics, and Psychiatry, open to the entire Medical Center community and to selected colleagues at other institutions. Speakers in the past year have come from P&S, the Mailman School of Public Health, and the Law School at Columbia; Cornell Medical College; NYU School of Medicine; and the University of Virginia Law School. In addition, the Division co-sponsors a monthly Colloquium in Health, Law, Ethics, and Society that takes place at Columbia Law School, but is open to faculty and trainees from both campuses.

Under the direction of Dr. Simring, the Division conducts an ACGME-accredited fellowship in Forensic Psychiatry. Drs. Appelbaum and Simring teach seminars for the residents on legal issues in psychiatry and on forensic psychiatry.

Dr. Appelbaum is frequently involved in case conferences and seminars on the 3 inpatient services, the C/L psychiatry service, the intensive outpatient program, and with several of the clinical and research fellowship programs (including Public Psychiatry, Psychiatric Epidemiology, Substance Abuse, and Child Psychiatry). He also teaches a seminar each semester at Columbia Law School: in the fall semester on informed consent, and in the spring semester on mental health law. As co-director of the Research Ethics Resource (with Dr. Fischbach) of Columbia's CTSA program, Dr. Appelbaum oversees a bimonthly educational program for investigators and research staff at CUMC. He and Drs. Fischbach and Klitzman also provide consultations on research ethics issues through the CTSA program.

Dr. Fischbach organizes many programs through the Center for Bioethics, including a regular Ethics for Lunch series and an annual 9/11 memorial, as well as special programs that have dealt with disability, research ethics, memory, and the experiences of research

subjects, among other topics. She teaches in numerous undergraduate, graduate, post-graduate, and continuing medical education courses. She is also PI on a grant from the Dana Foundation for the Neuroethics Distance Learning Program.

Dr. Klitzman runs a seminar series for the HIV Center on ethical and policy issues with speakers from around the world. In addition, he teaches a course on ethics and experimentation for students in the Graduate School of Arts and Sciences and in the Mailman School of Public Health. He lectures to the 4<sup>th</sup> year medical school class, and leads small group sessions on ethical issues concerning death and dying, as part of the Clinical Practice IV Course. He also served on a dissertation committee in the Dept. of Philosophy.

Dr. Krueger teaches the fellows in forensic psychiatry about issues related to the assessment and treatment of paraphilias.

If your department has training grants or is engaged in educating fellows/post-docs, please describe your programs.

## **6. Clinical Services**

None.

## **7. Awards and Honors**

Dr. Appelbaum gave the George Saslow Lecture in Ethics at the Oregon Health Sciences University, and was Merck Visiting Scholar at Seton Hall University School of Law. He was named to Best Doctors in New York and again was listed in Who's Who in America. He was also made an Honorary Distinguished Member of the American Psychology-Law Society, and was elected chair of the national CTSA Clinical Research Ethics Workgroup. Dr. Appelbaum was reappointed chair of the American Psychiatric Association's Council on Psychiatry and Law.

Dr. Fischbach was elected a fellow of the American Association for the Advancement of Science (AAAS) and was also elected as a Member-at Large of AAAS. She was again listed in Who's Who of American Women, Who's Who in the World, and Who's Who of American Educators. She was the Honoree at the National Aphasia Association 2006 Spring Benefit for the work she did to help the organization. She gave the first annual University-wide Lecture at St. Cloud State University, St. Cloud, MN.

Dr. Klitzman received a gubernatorial appointment to the NYS Stem Cell Commission. He is also listed in Who's Who in America.

Dr. Krueger was named a New York State Office of Mental Health Policy Scholar

## **8. Publications**

**Dr. Appelbaum**

*Refereed Publications:*

Kim S, Appelbaum P: The capacity to appoint a proxy and the possibility of concurrent proxy directives. *Behavioral Sciences and the Law* 2006; 24:469-478.

Appelbaum PS, Redlich A: Use of leverage over patients' money to promote adherence to treatment. *Journal of Nervous & Mental Disease* 2006;194:294-302.

Appelbaum PS, Redlich A: Impact of the use of leverage on decisional capacity to encourage treatment adherence. *Community Mental Health Journal* 2006;42:121-130.

Sattar SP, Pinals DA, Din AU, Appelbaum PS: To commit or not to commit: the psychiatry resident as a variable in involuntary commitment decisions. *Academic Psychiatry* 2006;30:191-195.

Kim SYH, Caine ED, Swan JG, Appelbaum PS: Do clinicians follow a risk-sensitive model of capacity determination? An experimental video survey. *Psychosomatics* 2006;47:325-329.

Monahan J, Steadman HJ, Appelbaum PS, Grisso T, Mulvey EP, Roth LH, Robbins PC, Banks S, Silver E: The classification of violence risk. *Behavioral Sciences and the Law* 2006;24:721-730

Skeem JL, Silver E, Appelbaum PS, Tiemann J: Suicide-related behavior after psychiatric hospital discharge: implications for risk assessment and management. *Behavioral Sciences and the Law* 2006;24:731-746.

Anfang SA, Appelbaum PS: Civil commitment—the American experience. *Israel Journal of Psychiatry and Related Sciences* 2006;43:209-218.

Arikan R, Appelbaum PS, Sercan M, Turkcan S, Satmis N, Polat A: Civil commitment in Turkey: reflections on a bill drafted by psychiatrists. *International Journal of Law and Psychiatry* 2007;30:29-35.

Christopher P, Foti ME, Roy-Bujnowski K, Appelbaum PS: Consent form readability and educational levels of potential participants in mental health research. *Psychiatric Services* 2007;58:227-232.

Dunn LB, Palmer BW, Appelbaum PS, Saks E, Aarons GA, Jeste D: Prevalence and correlates of adequate performance on a measure of abilities related to decisional capacity: differences among three standards for the MacCAT-CR in patients with schizophrenia. *Schizophrenia Research* 2007;89:110-118.

LeBourgeois HW, Pinals DA, Williams V, Appelbaum PS: Hindsight bias among psychiatrists. *Journal of the American Academy of Psychiatry and the Law* 2007;35:67-73.

Pincus HA, Page AEK, Druss B, Appelbaum PS, Gottlieb G, England MJ: Can psychiatry cross the quality chasm? Improving the quality of health care for mental and substance-use conditions. *American Journal of Psychiatry* 2007; 164:712-719.

White-Bateman SR, Schumacher HC, Sacco RL, Appelbaum PS: Consent for thrombolysis in acute stroke: review and future directions. *Archives of Neurology* 2007; 64:785-792.

*Books and Chapters:*

Anfang SA, Appelbaum PS (2006): Forensic evaluation of the older patient, in Agronin ME, Maletta GJ (eds.), *Geriatric Psychiatry: Evaluation and Management*. Philadelphia, Lippincott/Williams & Wilkins.

Appelbaum PS, Gutheil TG (2007): *Clinical Handbook of Psychiatry and the Law*, 4<sup>th</sup> ed. Philadelphia, Lippincott/Williams & Wilkins.

*Non-Refereed Publications:*

Appelbaum PS: Insanity, guilty minds, and psychiatric testimony. *Psychiatric Services* 2006;57:1370-1372.

Appelbaum PS: Psychiatric advance directives at a crossroads—When can PADs be overridden? *Journal of the American Academy of Psychiatry and the Law* 2006;34:395-397.

Appelbaum PS, Lidz CW: Re-evaluating the therapeutic misconception: Response to Miller and Joffe. *Kennedy Institute Ethics Journal* 2006;16:367-373.

Appelbaum DM, Appelbaum PS: The gene wars: should science determine sovereignty? *Azure* 2007;No.27:51-79. Translated into Hebrew and published in *Techelet* 2007; No. 28:19-43.

Appelbaum PS: Foreword, in Candilis PJ, Weinstock R, Martinez R (2007), *Ethics and the Courtroom Expert: A New Look at Forensic Ethics*. New York: Kluwer Academic Publishers.

Appelbaum PS: The new lie detectors: neuroscience, deception and the courts. *Psychiatric Services* 2007;58:460-462.

Grisso T, Appelbaum PS: Appreciating anorexia: decisional capacity and the role of values. *Philosophy, Psychology and Psychiatry* 2007;13:293-297.

**Dr. Fischbach**

*Refereed Publications:*

Morris MC, Fischbach RL, Nelson RM, Schleien CL, A paradigm for inpatient resuscitation research with an exception from informed consent. *Critical Care Medicine*. 2006; 34: 2567-2573.

Gonzalez D and Fischbach RL. Harmonizing regulations for biomedical research: a critical analysis of the U.S. and Venezuelan systems. *Developing World Bioethics*. 2006. ISSN 1471-8731 (print); 1471-8847 (online).

Special Section Co-editor, *Neuroethics*. *Cambridge Quarterly of Healthcare Ethics*

*Chapters:*

Fischbach RL and Valentine MA: Depression and domestic violence. In: *Encyclopedia of Domestic Violence*. New York: Routledge, 2007:238-240.

Fischbach RL and Valentine MA: Cross-cultural perspectives in domestic violence. In: *Encyclopedia of Domestic Violence*. New York: Routledge, 2007:216-219.

*Non-refereed Publications:*

Fischbach, RL. *Clinical Bioethics: Bringing Resolution to Conflict in Patient Care*. P&S. 2007; 27: 48.

Privacy and Confidentiality in Research, a Web-based distance-learning seminar. With Joyce Plaza, 2006. Accessed at <<http://ccnmtl.columbia.edu/projects/scirepac>>  
Supported by funding from the NIH T15 award

*Ethics Challenge on the Web, a collaborative series of Web-based case reports from authors at different medical schools, in partnership with the Arnold P. Gold Foundation, 2006* Accessed on the Web at <http://www.bioethics.columbia.org>

New York Times, Letter to the Editor: I have bad news. January 17, 2006

**Dr. Klitzman**

*Refereed Publications:*

Klitzman, R.: "Post-residency disease" and "the medical self": Identity and work among doctors who become patients. *Perspectives in Biology and Medicine*, 49(4): 542-552, 2006.

Klitzman, R.: Disclosures of illness by doctors to their patients: A qualitative study of doctors with HIV and other serious disorders. *Patient Education and Counseling*, 64:277-284, 2006.

Klitzman, R. Questions, complexities, and limitations in disclosing individual genetic test results. *American Journal of Bioethics*, 6(6):34-36, 2006.

Klitzman, R., Thorne, D., Williamson, J., & Marder, K. Decision-making about reproductive choices among individuals at-risk for Huntington's Disease. *Journal of*

Genetic Counseling, 6(6):34-36, 2006.

Klitzman, R. "Patient-time," "doctor-time," and "institution-time": perceptions and definitions of time among doctors who become patients. *Patient Education and Counseling*, 66(2): 147-155, 2007.

Klitzman, R., Exner, T., Kirshenbaum, S.B., Remien, R., Ehrhardt, A.A., Kelly, J.A., Weinhardt, L.S., Catz, S. Johnson, M.O., Morin, S.F., Rotheram-Borus, M.J., Lightfoot, M., & Charlesbois, E. It's not just what you say: relationships of HIV disclosure and risk reduction among MSM. *AIDS Care*, 19(6): 749 – 756. 2007.

Klitzman, R.: Views and approaches towards and benefits among doctors who become patients. *Patient Education and Counseling*, 64:61-68, 2006.

Klitzman, R. Views of the process and content of reviews of HIV vaccine trials among members of US Institutional Review Boards and South African Research Ethics Committees. *Developing World Bioethics*, 2007, available on-line at: <http://www.blackwellsynergy.com/doi/pdf/10.1111/j.1471-8847.2007.00189.x>

Klitzman, R. Additional implications of a national survey on ethics consultation in U.S. hospitals. *American Journal of Bioethics*, 7(2):47-48, 2007.

Klitzman, R., Thorne, D., Williamson, J. and Marder, K, The roles of family members, health care workers and others in decision-making processes about genetic testing among individuals at risk for Huntington's Disease. *Genetics in Medicine*, 9(6): 358-371, 2007.

Klitzman, R., Thorne, D., Williamson, J. Chung, W., & Marder, K. Decision-making about reproductive choices among individuals at-risk for Huntington's Disease. *Journal of Genetic Counseling*, 16(3): 347-362, 2007.

Klitzman, R., Thorne, D., Williamson, J., Chung, W., & Marder, K. Disclosures of Huntington's Disease risk within families: Patterns of decision-making and implications, *American Journal of Medical Genetics*, 143:1835-1849, 2007.

Klitzman, R. Pleasing Doctors: When it gets in the way. *British Medical Journal*. 335: 514, 2007.

*Chapters:*

Klitzman, R. Clinicians, patients, and the brain. In: *Neuroethics: Defining the issues in theory, practice and policy*. J. Illes (Ed.), New York: Oxford University Press, 2006.

*Non-Refereed Publications:*

Klitzman, R. Correspondence in response to Collinge J, Whitfield J, McKintosh E, Beck J, Mead S, Thomas DJ, Alpers MP: Kuru in the 21st century – an acquired human prion disease with very long incubation periods. *The Lancet*, 2006; 367:9528: 2068-2074.

**Dr. Krueger**

*Refereed Publications:*

Krueger RB, Hembree W, Hill M. Prescription of medroxyprogesterone acetate to a patient with pedophilia, resulting in Cushing's Syndrome and adrenal insufficiency. *Sexual Abuse: A Journal of Research & Treatment*; 2006;18:227-228.

*Non-Refereed Publications:*

Shajnfeld A, Krueger RB: Integrating law and psychiatric practice: reforming non-punitive responses to sexual offending. *Developments in Mental Health Law* July 2006; 25: 81-99.

*Chapters:*

Krueger RB, Kaplan MS (2006). "I want to try it. What else can I do?" Chemical castration as a treatment for pedophilia. R Spitzer, J. Williams, M. First (Eds). *DSM-IV-TR Casebook, Volume 2*, American Psychiatric Association Press. Washington DC. 309-334.

Krueger RB. (2006) A positive view of Spitzer's research and an argument for further research. In J. Drescher and K.J. Zucker (Eds.) *Ex-Gay Research: Analyzing the Spitzer Study and Its Relation to Science, Religion, Politics, and Culture*. Harrington Park Press. Binghamton, New York. Pp. 151-152.