

Division of Law, Ethics and Psychiatry

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New York State Psychiatric Institute
Annual Report for July 1, 2007 – June 30, 2008

Overview

The faculty of the Division of Law, Ethics and Psychiatry engage in research and teaching on the impact of legal and ethical rules on the practice of psychiatry (including psychiatric research), and on the role of psychiatry in the legal process. Research efforts include studies of IRB function, adequacy of informed consent to research, and the impact of advances in genetics on the decision making of physicians. The Division is extensively involved in the training of residents and fellows at NYSPI, and in the education of students, faculty and staff through collaborations with the Irving Institute for Clinical and Translational Research and the Columbia Law School.

Staff

Paul S. Appelbaum, MD, Chief, Division of Law, Ethics and Psychiatry
Ruth L. Fischbach, PhD, Professor of Bioethics
Robert Klitzman, MD, Associate Professor of Clinical Psychiatry
Richard Krueger, MD, Medical Director, Sexual Behavior Clinic
Grace Lee, MD, Medical Director, Forensic Division, OMH
Steven Simring, MD, Director, Forensic Psychiatry Fellowship

Current Research

The division's current research focuses on the ethics of research with human subjects, the ethics of medical practice, and issues related to the management of persons with disorders of sexual behavior. Paul Appelbaum is involved in funded projects examining: functioning of IRBs at major medical centers around the country; capacity to appoint a proxy decision maker for dementia research; public opinions on policies regarding proxy consent for dementia research; the ability of proxy decision makers to provide consent for dementia research; capacities of subjects to consent to research on deep brain stimulation; informed consent to research with opioid antagonists; and voluntary decision making about research participation. Dr. Fischbach is conducting a study of state medical board policies toward physician participation in lethal injection. Dr. Klitzman is funded to examine the ethics of decision making about pre-implantation genetic diagnosis. Dr. Krueger is studying the effects of GNRH inhibitors on deviant sexual behavior, and the phenomenology of paraphilias involving children.

Education and Training

The Division runs a state-funded fellowship program in Forensic Psychiatry, soon to be augmented by a Forensic Research Fellowship. Faculty also participate actively in training NYSPI residents and fellows, including child psychiatry, public psychiatry, HIV, and research fellows; educating Columbia medical, graduate, and law students; and providing education for faculty and staff in research ethics and health law, through collaborations with the Center for Bioethics, the Irving Institute for Clinical and Translational Research (Drs. Appelbaum and Fischbach are co-directors of the Ethics Resource), the HIV Center at NYSPI, and the Columbia Law School. In addition, Division faculty has organized a fellowship in bioethics through the Irving Institute, and the Division is hosting a visiting Fulbright scholar from Israel here to study mental health law and psychiatric ethics.

Clinical Services

No directly operated clinical services. Dr. Krueger is the medical director of the NYSPI Sexual Behavior Clinic.

Grant Awards

National Cancer Institute

Dr. Paul Appelbaum, Co-Investigator and Site PI, An Observational Description Study of IRB Practices, (Charles Lidz, PhD, Principal Investigator). **(R01)**

National Institute on Aging

Dr. Paul Appelbaum, Co-Investigator, Ethical Issues in Surrogate Consent for Dementia (Scott Kim, MD, PhD, Principal Investigator). **(R01)**

Dr. Paul Appelbaum, Co-Investigator, Proxy Decision-Making for Alzheimer Disease Research, (Laura Dunn, MD, Principal Investigator). **(R01)**

National Institutes of Health

Dr. Paul Appelbaum, Co-Investigator, Clinical Translational Science Award (Henry Ginsberg, MD, Principal Investigator)

National Institutes of Mental Health

Dr. Paul Appelbaum, Co-Investigator, DVD Consent for Research in Older Schizophrenia Patients, (Dilip Jeste, MD, Principal Investigator). **(R01)**

Dr. Paul Appelbaum, Co-Investigator, Capacity to Appoint a Proxy for Dementia Research (Scott Kim, MD, PhD, Principal Investigator). **(R01)**

Dr. Paul Appelbaum, Co-Investigator, Research Ethics in Schizophrenia (Will Carpenter, MD, Principal Investigator). **(R01)**

Dr. Paul Appelbaum, Co-Director of the Ethics and Policy Core, HIV Center for Clinical and Behavioral Studies. (Anke Ehrhardt, PhD, Principal Investigator).

New York State Office of Mental Health Policy Scholar Grant

Dr. Richard Krueger, Principal Investigator, An Analysis of Treatment Response and Medication Satisfaction in a Group of Patients Treated with Gonadotropin Releasing Hormones Agonist Therapy for Hypersexual and/or Paraphilic Disorders; and An Analysis of Diagnoses of a Group of Patients Arrested for Crimes Against Children over the Internet.

Other Grants

Dana Foundation

Dr. Ruth Fischbach, Principal Investigator, Neuroethics: Implications of Advances in Neuroscience

Greenwall Foundation

Dr. Paul Appelbaum, Principal Investigator, Voluntary Decision Making About Participation in Human Subjects Research.

Dr. Robert Klitzman, Principal Investigator, Pre-implantation Genetic Diagnosis: Challenges in Ethics and Care

Awards and Honors

Dr. Paul Appelbaum received the Isaac Hays, MD, and John Bell, MD, Award for Leadership in Medical Ethics and Professionalism, American Medical Association. He was also listed among the Best Doctors in New York by New York Magazine

Dr. Dr. Ruth Fischbach was named a Fellow of the American Association for the Advancement of Science (AAAS)

Dr. Robert Klitzman was the Howard Spiro Lecturer at Yale University and was the first Visiting Professor in the Scattergood Program for the Applied Ethics of Behavioral Health, University of Pennsylvania.

Highlights

Divisional faculty continued to play major roles at NYSPI, in the Medical Center, and nationally in law, ethics, and psychiatry. Dr. Appelbaum was recognized by the American Medical Association with its Hays and Bell Award for career-long contributions to medical ethics. He continued to serve as the first chair of the nationwide Clinical and Translational Science Awards consortium Clinical Research Ethics Workgroup, and completed his term as chair of the Council on Psychiatry and

Law, American Psychiatric Association. Dr. Fischbach organized day-long symposia on Neuroethics: Implications of Advances in Neuroscience, End of Life Issues from a Jewish Perspective, and The Supreme Court and the Legal, Medical, and Ethical Challenges to Execution by Lethal Injection. Dr. Klitzman published his widely-acclaimed book, *When Doctors Become Patients*.

New Faculty

Grace Lee, MD, Medical Director, Forensic Division, OMH

Publications

Paul Appelbaum

Appelbaum, P.S.: Assessment of patients' competence to consent to treatment. *New England Journal of Medicine* 2007; 357:1834-40; letter and reply 2008; 358:644.

Appelbaum, P.S.: Comment on the case of Mr. A.B. *Journal of Clinical Ethics* 2008; 18:402-403.

Appelbaum, P.S.: Death row delusions: when is a prisoner competent to be executed? *Psychiatric Services* 2007; 58:1258-1260.

Appelbaum, P.S.: Ethics and forensic psychiatry: translating principles into practice. *Journal of the American Academy of Psychiatry and the Law* 2008; 36:195-200.

Appelbaum, P.S. (2008). Foreword, in Simon, R.I. & Tardiff, K., *Textbook of Violence Assessment and Management*. Arlington, VA: American Psychiatric Publishing.

Appelbaum, P.S. (2008). Introductory comments, in Roberts, L.W. & Hoop, J.G., *Professionalism and Ethics: Q & A Self-Study Guide for Mental Health Professionals*. Arlington, VA: American Psychiatric Publishing.

Appelbaum, P.S. : Sex offenders in the community: are current approaches counterproductive? *Psychiatric Services* 2008; 59:352-354.

Appelbaum, P.S. & Lidz, C. (2008). The therapeutic misconception, in Emanuel, E.J., Grady, C., Crouch, R.A., Lie, R.K., Miller, F.G., & Wendler, D. (eds.), *The Oxford Textbook of Clinical Research Ethics*. New York, Oxford University Press.

Appelbaum PS: Whistle-blowers and the First Amendment: protecting public employees in psychiatric facilities. *Psychiatric Services* 2007;58:900-902.

Candilis, P.J., Fletcher, K.E., Geppert, C.M.A., Lidz, C.W., Appelbaum, P.S.: A direct comparison of research decision-making capacity: schizophrenia/schizoaffective, medically ill, and non-ill subjects. *Schizophrenia Research* 2008; 99:350-358.

Elbogen, E.B., Swanson, J.W., Appelbaum, P.S., Swartz, M.S., Ferron, J., Van Born, R.A., & Wagner, H.R: Competence to complete psychiatric advance directives: effects of facilitated decision making. *Law and Human Behavior* 2007; 31:275-289.

Fischbach, R.L.: Clinical bioethics: Bringing resolution to conflict in patient care. *P&S*, 2007; 27(2), 48.

Fischbach, R.L., Fischbach, G.D.: Neuroethicists needed now more than ever. *American Journal of Bioethics* 2008; 8(1), 1-3.

Fischbach, R.L., Loike, J.D. (2008, June 25). *End of Life Issues from a Jewish Perspective*. The Jewish Press.

Fischbach, R.L., Loike, J.D.: Postmortem fatherhood: Life after life. *The Lancet* 2008; 371, 3-5.

Fischbach, R.L., Valentine, M.A. (2007). Cross-cultural perspectives in domestic violence. In N. A. Jackson (Ed.), *Encyclopedia of Domestic Violence* (216-219). New York: Routledge.

Fischbach, R.L., & Valentine, M.A. (2007). Depression and domestic violence. In N. A. Jackson (Ed.), *Encyclopedia of Domestic Violence* (238-240). New York: Routledge.

Freedman, R., Ross, R., Michels, R., Appelbaum, P., Siever, L., Binder, R., Carpenter, W., Friedman, S.H., Resnick, P., Rosenbaum, J. : Psychiatrists, mental illness, and violence. *American Journal of Psychiatry* 2007;164:1315-1317.

Hoge ,S.K. & Appelbaum, P.S. (2008). Ethical, legal, and social implications of psychiatric genetics and genetic counseling, in Tsuang, M.T., Smoller, J.W., Rosen-Sheidley, B. (eds.): *Psychiatric Genetics: Applications in Clinical Practice*. American Psychiatric Publishing, Arlington, VA.

Hurme, S. & Appelbaum, P.S.: Defining and assessing capacity to vote: the effect of mental impairment on the rights of voters. *McGeorge Law Review* 2007; 38:931-1014.

Jeste, D.V., Palmer, B.W., Appelbaum, P.S., Golshan, S., Glorioso, D., Dunn, L.B., Kim, K., Meeks, T., & Kraemer, H.C: A new brief instrument for assessing decisional capacity for clinical research. *Archives of General Psychiatry* 2007; 64:966-974.

Karlawish, J., Bonnie, R.J., Appelbaum, P.S., Kane, R., Lyketsos, C., Karlan, P., James, B., Sabatino, C., Lawrence, T., Knopman, D.: Identifying the barriers and challenges to voting by residents in nursing homes and assisted living settings. *Journal of Aging and Social Policy* 2008; 20:65-79.

Kendler, K.S., Appelbaum, P.S., Bell, C.C., Fulford, K.W.M., Ghaemi, S.N., Schaffner, K.F., Waterman, G.S., First, M.B., Sadler, J.Z.: DSM-V should include a conceptual issues work group. *American Journal of Psychiatry* 2008; 165:174-175.

Kim, S.Y.H., Appelbaum, P.S., Swan, J., Stroup, T.S., McEvoy, J.P., Goff, D.C., Jeste, D.V., Lamberti, J.S., Leibovici, A., Caine, E.D: Determining when impairment constitutes incapacity for informed consent in schizophrenia research. *British Journal of Psychiatry* 2007; 191:38-43.

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

Klitzman, R. (2008). Religion, doctors and prayer. *New York Times*, March 24.

Klitzman, R. (2008). Second thoughts about second opinions. *New York Times*, February 12.

Klitzman, R. (2007). 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*. available on-line at: <http://www.blackwell-synergy.com/doi/pdf/10.1111/j.1471-8847.2007.00189.x>

Klitzman, R. (2007). *When Doctors Become Patients*. New York: Oxford University Press.

Klitzman, R. (2008). Wi-Fi, war, and peace in Myanmar. *Science Progress*, June 23.

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

Klitzman, R., Albala, I., Siragusa, J., Patel, J., Appelbaum, P.S.: Disclosure of information to potential subjects on research recruitment websites. *IRB: Ethics and Human Research* 2008; 30(1):16-20.

Klitzman, R., Appelbaum, P.S., Chung, W., Sauer, M.V.). Anticipating issues related to increasing pre-implantation genetic diagnosis use: a research agenda. *Reproductive Biomedicine Online* 2008; 17(Suppl. 1):33-42 (<http://www.rbmonline.com/Article/3517>)

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. *AIDS Care* 2007; 19(6): 749-756.

Klitzman, R., Marhefka, S., Mellins, C., Wiener, L.: Ethical issues concerning disclosures of HIV diagnoses to perinatally-infected children and adolescents. *Journal of Clinical Ethics* 2008; 19(1): 31-57.

Klitzman, R., Siragusa, J., Albala, I., Nelson, K., Appelbaum, P.S.: The reporting of monetary compensation in research articles. *Journal of Empirical Research on Human Research Ethics* 2007; 2(4):61-67.

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* 2007; 16(3): 347-362.

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* 2007; 143:1835-1849.

Klitzman, R., Thorne, D., Williamson, J., 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* 2007; 9(6): 358-371.

Morris, M.C., Besner, D., Vazquez, H., Nelson, R.M., Fischbach, R.L.: Parental opinions about clinical research. *Journal of Pediatrics* 2007; 151(5), 532-537.

Prentice, K., Appelbaum, P.S., Conley, R., Carpenter, W. Maintaining informed consent validity during lengthy research protocols. *IRB: Ethics and Human Research* 2007; 29(6):1-6.

Simon, J., Fischbach, R.L: Doctor, Will you turn off my LVAD?
The Hastings Center Report 2008; 38(1), 14-15.

Simon, J., & Fischbach, R.L. (2008). Doctor, Will you turn off my LVAD?
[Letter to the Editor]. *The Hastings Center Report*, 38(1), 3-4.

Szmuckler, G. & Appelbaum, P.S.: Treatment pressures, leverage, coercion, and compulsion in mental health care. *Journal of Mental Health (UK)* 2008; 17:233-244.

Torrey, E.F., Stanley, J., Monahan, J., Steadman, H., and the MacArthur Group. The MacArthur Violence Risk Assessment Study revisited: two views 10 years after its initial publication. *Psychiatric Services* 2008; 59:147-152.

White-Bateman, S.R., Schumacher, H.C., Sacco, R.L., Appelbaum, P.S: Consent for thrombolysis in acute stroke: review and future directions. *Archives of Neurology* 2007; 64:785-792.