Bibliography

The Fall 2007 Biennial Symposium on Conflict Resolution:
An Intentional Conversation About Conflict Resolution in Health Care
November 8-10, 2007 Saint Paul, Minnesota

This document is a work in progress. Please email your suggestions for additions to Sukhsimranjit Singh, DRI Postgraduate Fellow ssingh01@hamline.edu. No claim is made that this is a comprehensive catalogue of resources; rather this bibliography has been intentionally tied to the anticipated themes of the Symposium. We hope the bibliography will be helpful for all those participating, as well as for those with general interest in the field.

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PART ONE: SYMPOSIUM THEME

The American health care system affects every man, woman and child in our country. It encompasses over 15% of our Gross Domestic Product. Costs of care continue to rise and insurance premiums routinely increase at double-digit rates. Regulators and health care managers impose policies that affect medical decisions and access to treatment.
Advertising and internet research drive patient medical requests while the threat of malpractice claims impacts physician judgment and decision-making. Ultimately, fewer Americans can afford the high price of health and many feel disengaged from crucial health and life decisions.

At the same time, we hold onto important myths about our system: that doctors and patients are still in charge of our medical decisions; that the American system promotes egalitarian principles of fairness and open access to the finest care in the world; that individual citizens have real choices about the management of their health. This intractable clash between myth and reality has consumed policy-makers and fueled conflict at many levels for years.

This clash between myth and reality is even more complex in light of our rapidly changing society. Health care decisions are influenced by different and competing value systems: an increasingly diverse and aging population of patients; a growing universe of traditional and non-traditional health care providers; the ever-expanding role of third-party payors; suppliers promoting rapidly changing technologies and marketing directly to patients; policy-makers who promote increasingly divided ideologies and regulators caught in the middle. The result is an overwhelmingly complex set of challenges that provoke conflict at all levels.

How do we move forward? How can professionals from the conflict resolution field be constructive partners with health care professionals in working through these many difficult and complex conflicts? The 2007 Symposium on Advanced Issues in Dispute Resolution addresses these two questions.

Recognizing that the system cannot be easily “fixed” or the problem “solved,” the 2007 Symposium will specifically focus on how health care professionals and conflict resolvers can work together to identify essential guiding principles for addressing conflicts across the health care field. The Symposium will bring nationally recognized representatives of patients, health care providers, payors and regulators together with experienced conflict resolution professionals to identify and articulate a key set of principles for responsible decision-making in health care conflicts.

**PART TWO: BOOKS**

American Hospital Association/ CPR Institute for Dispute Resolution, MANAGING CONFLICT IN HEALTH CARE ORGANIZATIONS: A HANDBOOK (American Hospital Association 1995)


Dubler, N. and Liebman, C. Bioethics Mediation, A GUIDE TO SHAPING SHARED SOLUTIONS (United Hospital Fund, NY 2004)

Dubler, N. and Marcus, L., MEDIATING BIOETHICAL DISPUTES: A PRACTICAL GUIDE (United Hospital Fund of New York 2004)

Kritek, P., NEGOTIATING AT AN UNEVEN TABLE- DEVELOPING MORAL COURAGE IN RESOLVING OUR CONFLICTS, 2nd Ed. (John Wiley and Sons, Inc. 2002)

Marcus, L., RENEGOTIATING HEALTH CARE: RESOLVING CONFLICT TO BUILD COLLABORATION (Jossey-Bass Publishers 1995)

PART THREE: ARTICLES

Managed Care:


Brad Honoroff and Christopher Honeyman, System Disorders: Trying To Build Resolution in to Managed Care, 19 Alternatives to High Cost Litig. 212 (2001)


Dale C. Hetzler et al., Curing Conflict: A Prescription for ADR in Health Care, 11 NO. 1 Disp. Resol. Mag. 5 (Fall, 2004)


http://www.mediate.com/articles/gerardi5.cfm

E. Scott Henley, *The Use of Pretrial Mediation and Arbitration in Medical Negligence Cases*, Medical Trial Technique Quarterly 524 (1994)


Nancy Dubler, *Mediating Disputes in Managed Care: Resolving Conflicts Over Covered Services*, 5 J. Health Care L. & Pol'y 479 (2002)


http://www.mediate.com/articles/EmburyP.cfm


**Medical Malpractice:**


Armand Leone, Jr., *As Health Care Enterprise Liability Expands...Is ADR the Rx for Malpractice?* 49 Disp. Resol. J. 7 (1994)


**Bioethics:**


**Miscellaneous:**


PART FOUR: WEB RESOURCES:

Health Care Conflict Resolution Databases

Alternate Dispute Resolution, South Carolina Bar (Mandatory Medical Malpractice Mediation) (http://www.scbar.org/member/adr/default.asp#Mandatory)


Atkins Mediation Services, Health ADR Articles, (http://www.mediate.com/Atkins/pg244.cfm)

Center for Law, Health and Society, Georgia State University (http://law.gsu.edu/clhs/news/view.php?id=87)

Health Care Resolutions (http://www.healthcareresolutions.com/about.php)


National Library of Medicine and National Institute of Health (http://www.pubmed.gov.)

ADR and Health Care Organizations.

American Health Lawyers Association (www.AHLA.org) Professional association for health lawyers (maintains a panel of mediators and arbitrators with health law background).

Health Care Mediations, Inc. (www.Healthcaremediations.com) Mediation, training and system design services for health care organizations.

Health Care Negotiation Associates (www.HCNA.net) Providing negotiation and consulting services for health care organizations.
The Mediation Group (www.themediationgroup.org)  
Providing ADR services in multiple content areas including healthcare.

**Health Care Organizations**

- **National Patient Safety Foundation**  
  National association dedicated to improving patient safety within the nation's health care facilities.

- **American Medical Association**  
  Professional association for physicians.

- **American Hospital Association**  
  Professional association for hospitals and other health care facilities.

- **American Nurses Association**  
  National nursing association.

- **American College of Healthcare Executives**  
  Professional association for health care executives and managers.

- **American Medical Group Association**  
  Professional association for medical group practice managers and physicians.

- **Joint Commission of Accreditation of Healthcare Organizations**  
  National accreditation association for hospitals.

- **American Society for Healthcare Human Resources Administration**  
  Organization for professionals in health care human resources administration and management.

- **American College of Physician Executives**  
  Professional organization for physician executives and managers.

- **American Organization of Nurse Executives**  
  National association for nurse executives and nurse managers.

- **National Information Center for Health Services Administration**  
  Center for research and information related to health services administration.

**PART FIVE: PRIOR SYMPOSIA/THEMED PUBLICATIONS**

**Volume 21 Georgia State University Law Review.**  
The Next Generation of ADR and Conflict Management in Health Care Settings: New Challenges, New Approaches (February, 2005)


**Dispute Resolution Magazine (Fall, 2004) Vol. 11 No. 1**

Diagnosing ADR in Health Care


Harry N. Mazadoorian and Stephen R. Latham, *Adr for Health Care Organizations*

11 NO. 1 Disp. Resol. Mag. 8 (Fall, 2004)
Dispute Resolution Magazine (Spring 1999), Volume 5, Number 3
Health Care Changes: New Battlegrounds for Conflict Resolution


Nancy Neveloff Dubler, Heroic Care Cases: When Difficult Decisions About Care Are Near, Mediation can help bridge communication Gap, 5 No. 3 Disp. Resol. Mag. 7 (1999)


PART SIX: HEALTH CARE/CONFLICT RESOLUTION PRESENTATIONS

2006 ABA ADR Section Meeting (Georgia, April 5-8, 2006)


Borderlines and Narcissists: 7 Skills for Dispute Resolvers. Presenter: William Eddy

And the Winners are...The Patients and the Physicians: An In-depth Look at Health Care Mediation, Session 3.01. Presenter(s): Colette Knisely, Jane Ruddell, Pat Shanahan, Jetta Todaro.

Coping with Loss, Retribution and Closure in Mediation, Session 3.05. Presenter(s): Mark Welfe and Craig Lichtman.
Resolving Medicare Beneficiary Complaints: Collaborative Complaint Resolution Program Pilot Project, Session 4.04. Presenter(s): Cheryl Cook and Gregory Firestone

Why Mediation Works in Health Care Disputes: Lessons Learned from the Drexel University College of Medicine’s Medical Malpractice Mediation Program. Sessions 5.04. Presenter(s): Carl (Tobley) Oxholm III, Deborah Lorber, Joseph Ricchiuti, Beth Persun.

The Advocate’s Perspective in Mediation of Medical Malpractice Claims: A Dialogue with Counsel and Risk Managers Representing Claimants and Health Care Providers, Session 6.06. Presenter(s): Robert Creo, Donald Camhi, Shanin Specter, Carol Shepherd.