

LAW 343 A07: HEALTH LAW

COURSE DESCRIPTION

September – December 2010
Tuesdays, 3:30-6:30 PM, Rm 205

Professor: Sherie Verhulst
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A. Course Content

This course will introduce students to fundamental principles and issues in contemporary health law and policy in Canada. Key topics will include:

- legal foundations of Canadian health care, including constitutional dimensions
- funding and delivery of health care services, including regulation of health care professionals
- negligence actions in the health care context, patient “rights” and patient safety
- consent to health care treatment, including issues in regard to patients who lack capacity to give consent
- death, dying and end of life care
- public health law, including legal issues associated with public health initiatives
- mental health law
- privacy and confidentiality of health information
- legal impact of emerging technologies (“telehealth” and “E-health”)
- legal and ethical issues concerning research with human subjects
- regulation of pharmaceuticals and current controversies in drug policy
- regulation of genetic research and human reproductive technologies

B. Course Objectives

The primary objectives of this course are to provide students with an opportunity to learn fundamental health law principles, apply those principles in a variety of contexts, discuss and analyse current issues in health law and policy, and enhance their research and writing skills.

C. Required Textbook

Canadian Health Law and Policy (3rd ed.) J. Downie, T. Caulfield & C. Flood, eds. (Butterworths, 2007).

D. Teaching Methods

Teaching methods will include

- interactive lecture;
- 2 guest lectures, including a solicitor currently practicing in health law and a physician currently working in the development of health policy and legislation;
- class discussion based on case studies and / or current controversies in health law and policy.

Please ensure you have read the assigned reading before class and arrive prepared to engage in discussion.

E. Evaluation

The method of evaluation will be:

Written analysis based on class discussion:	20%
Research paper outline & bibliography:	10%
Research paper:	70%

See Appendix 1, “Assignments”, for further information.

Penalties for Failure to Meet Deadlines

The Faculty policy concerning deadlines for assignments is as follows:

The Faculty expects assignments to be submitted on time; students who are unable to meet a deadline are expected to discuss the matter with their professor. Whether or not an extension of time is granted is within the discretion of the professor and conditional upon the student providing a reasonable excuse. Students who fail, without reasonable excuse, to meet deadlines for written assignments may be penalized in accordance with the grading and penalty assessment policy set by the particular professor, filed with the Dean and communicated to the class at the beginning of the class term.

Appeals against rejection of a student request for additional time to complete the paper, or appeals against an allegedly unfair penalty assessment scheme may be made to the Studies Committee.

Late Submission Penalty for Health Law

A student who fails to meet a deadline without prior approval from the course instructor will be penalized by reducing that student’s grade for the assignment by one letter grade for every day, or part of a day, that the assignment is late.

Grading

The assignment, paper and presentation will be graded by numerical percentage. The final grade for this course will be calculated by adding the weighted numerical grades of all evaluation components and determining the equivalent letter grade for the total of those weighted components.

The relevant equivalencies between numerical and letter grades are as follows:

A+	A	A-	B+	B	B-	C+	C	D	Fail
90+	85-89	80-84	75-79	70-74	65-69	60-64	55-59	50-54	0-49

Letter Grade	Grade Point Value	Percentage Value	Narrative Description
A+	9	90-100%	Exceptional, outstanding, and excellent performance, normally achieved by a minority of students. These grades indicate a student who is self-initiating, exceeds expectation, and has an insightful grasp of subject matter.
A	8	85-89%	
A-	7	80-84%	
B+	6	75-79%	Very good, good, and solid performance, normally achieved by the largest number of students. These grades indicate a good grasp of subject matter or excellent grasp in one area
B	5	70-74%	

B-	4	65-69%	balanced with satisfactory grasp in another area.
C+	3	60-64%	Satisfactory or minimally satisfactory performance. These grades indicate a satisfactory performance and knowledge of subject matter.
C	2	55-59%	
D	1	50-54%	Marginal performance. A student receiving this grade demonstrates a superficial grasp of subject matter.
F	0	49 and below	Unsatisfactory performance.

F. Other Important Notes

Regulations: Students should obtain and review all regulations and policies contained in the current University of Victoria Calendar, both generally and specifically for the Faculty of Law. The Undergraduate Academic Regulations set out the University's expectations about attendance and assignments.

Classroom Climate: An inclusive, respectful, and diverse classroom environment is crucial to our work in this course. To ensure that all class members feel welcomed and equally able to contribute to class discussions, both I as instructor and you as students must endeavor to be respectful in our language, our examples, and the manner in which we conduct our discussions. We have both an ethical and legal obligation to support this kind of environment. For your reference, you may wish to consult the University's Discrimination and Harassment Policy (<http://web.uvic.ca/uvic-policies/pol-1000/1150HPP.html>). The University of Victoria and the Faculty of Law are committed to promoting, providing and protecting a positive, supportive and safe learning and working environment for all its members. I expect all aspects of this class to be conducted with this commitment firmly in mind. If you have any concerns about the climate of the class, please contact me.

Academic Integrity: As part of the academic community of both the Faculty of Law and the University as a whole, academic integrity is centrally important in the work of faculty and students. For more information respecting paraphrasing, plagiarism, and cheating, and other aspects of academic integrity, please consult <http://www.ltc.uvic.ca/initiatives/integrity/student.php> and the University policy located at <http://web.uvic.ca/calendar2010/FACS/UnIn/UARe/PoAcI.html>. If you have any concerns or questions, or require clarification, please contact me.

Students with a Disability: If you have any type of disability, there are support systems, resources, and accommodation actions available to you. If you wish to access any of these supports, resources or accommodations, please contact the Associate Dean or the Resource Centre for Students with a Disability (<http://rcsd.uvic.ca/>) and I would be more than happy to work with you to ensure your success in this course.

Accommodation of Religious Observances: The University of Victoria and the Faculty of Law have policies guaranteeing accommodation for those students who are unable to participate in a class or an aspect of the course owing to a religious holiday. If you will be missing a class, know that you will be unable to complete an assignment or exam, or otherwise require accommodation on account of a religious holiday, please speak with me so that we can work out some satisfactory form of accommodation.

Appendix 1 - Assignments

Students are required to complete 3 assignments for this course:

Written analysis based on class discussion:	20%
Research paper outline & bibliography:	10%
Research paper:	70%

All assignments must

- include a cover page with your name, student number, the course name and number, the date the paper is due, the assignment number, and the word count;
- be double-spaced and use 8.5" x 11" paper, 1" margins, 12 point font, and Times New Roman;
- be submitted both by e-mail and by providing me with a hard copy in class.

Note that, while your analysis and argument (and, for the outline and research paper, your research skills) will be the primary source of evaluation, your writing skills will be assessed also.

Assignment #1: Written Analysis Based on Class Discussion (20%)

The following classes will include a special topic for discussion, usually based on a short article, a judicial decision or a piece of legislation (or combination):

- Class 3 (Sept 28) – Medical Negligence, Patient Rights & Patient Safety
- Class 5 (Oct 12) – Death, Dying and End of Life Care
- Class 6 (Oct 19) – Public Health
- Class 8 (Nov 2) – Impact of Developing Technologies, Part I: Health Information
- Class 9 (Nov 9) – Impact of Developing Technologies, Part II: E-Health

Check the detailed course outline for a description of the special topic, and choose a topic that is of interest to you but is different from the topic on which you will be doing your research paper.

During class, keep detailed notes of the matters and points raised in the class discussion. Your grade will be based on your synthesis of the class discussion, the readings assigned for that class and the class lecture. Please note that no additional research is expected.

Your assignment should include all of the following:

- a description of the health law issue or problem;
- a discussion of the ethical, policy and legal aspects raised by the issue or problem;
 - your discussion of legal aspects should comprise at least 50% of your assignment;
- your conclusion on the issue or problem, being a discussion of
 - one or more strategies for solving the issue or addressing the problem, including legal reform, and
 - any implications of, and barriers to, implementing those strategies.

Your assignment must be between 1000 - 1250 words (about 4 - 5 pages) and is due at the start of the class one week following the class discussion on which it is based (i.e., a paper respecting the discussion held in Class 5 is due at the start of Class 6).

- Note: As this is not a formal research assignment, references can be simply in the form: *Act*, section #; author, page; case name.

Assignment #2: Outline of Research Paper and Bibliography (10%)

To ensure your research paper is on the right track, you must submit an outline and a preliminary bibliography. Choose a topic in health law of interest to you, and that is current and relevant in British Columbia. If you are having difficulty choosing a topic, please notify me as soon as possible and I will assist you.

Your outline should include all of the following:

- a summary of the health law issue you will be addressing in your research paper;
- a summary of the conclusion you expect to be reaching;
- a summary of the major ethical, policy and legal issues you expect to be addressing;
- a bibliography that lists
 - the legislation most relevant to your topic;
 - the caselaw most relevant to your topic;
 - the most relevant “grey” literature you expect to rely on
 - articles from legal and other professional journals;
 - government reports;
 - professional reports, guidelines or standards;
 - other reliable sources of information.

Please note that it is expected that your paper will evolve with further research and writing. Your outline does not restrict the parameters of your final paper: you may narrow, change or expand your focus; change, or even reverse, your conclusion; choose not to rely on caselaw or sources listed in your bibliography; and most likely will refer to additional caselaw or sources.

Your outline, excluding the bibliography, must be between 500 - 750 words (about 2 - 3 pages) and is due at the start of class, October 12.

Assignment #3: Research Paper (70%)

Your final paper must address all of the following:

- a description of the health law issue or problem you are addressing;
- a discussion of the ethical, policy and legal aspects raised by the issue or problem;
 - your discussion of the legal aspects should comprise at least 50% of your paper;
 - depending on the subject matter, it may be relevant to also discuss
 - how the issue or problem relates to other issues or problems in health law, and
 - legal developments in other jurisdictions;
- your conclusion on the issue or problem, being a discussion of
 - one or more strategies for solving the issue or addressing the problem, including legal reform, and
 - any implications of, and barriers to, implementing those strategies.

Your paper, excluding footnotes, must be between 5500 – 6250 words (about 22 - 25 pages) and is due at the start of class, November 30. Proper citation style is required.