

LAW 343: HEALTH LAW COURSE DESCRIPTION

September – December 2009
Thursdays, 3:30-6:20 PM, Room 142

Professor: Nola Ries

Email: nmries@uvic.ca

Office:

Office hours: My office hours are somewhat irregular as I also do work off campus. If I'm in my office, please don't hesitate to drop in. Alternately, please email me and we can set up an appointment at a mutually convenient time.

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
- regulation of health care professionals, including complementary and alternative health care practitioners
- negligence actions in the health care context, focusing on current issues related to patient safety
- consent to health care treatment, including issues in regard to patients who lack legal capacity to give consent
- privacy and confidentiality of health information
- legal issues related to genetics and emerging technologies
- regulation of human reproductive technologies
- legal and ethical issues concerning research with human subjects
- regulation of pharmaceuticals and current controversies in drug policy
- public health law, particularly legal issues associated with infectious and chronic disease control
- decision-making at the end of life

The course will draw on current controversies in health law and policy to illustrate key topics. Guest speakers will periodically be invited to class.

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 Methodologies

Teaching methodologies will include interactive lecture, case studies, class discussion and guest lectures. Please ensure you have read assigned reading before class and arrive prepared to engage in discussion.

E. Evaluation

The method of evaluation will be:

Research paper:	70%
Paper outline & bibliography:	10%
Case study analysis:	20%

Research paper (70%)

A research paper, due on the last class (**Thursday, December 3**) is a key evaluation component. The paper must be between 6200 to 7500 words exclusive of footnotes (approximately 25 – 30 double-spaced pages, 12-point font and 1 inch margins). Papers that exceed the maximum word limit are subject to a one letter grade deduction. For example, a B paper will be reduced to a B-.

The field of health law offers a vast range of possible paper topics, so students have an opportunity to choose a subject that is of most interest to them. Students are encouraged to consult with the instructor to discuss paper ideas and must confirm their topic with the instructor by **October 8**. Papers that also address policy and/or ethical issues are welcome, but please note that legal content (e.g. analysis of case law, legislation, comparative legal analysis, discussion of unsettled legal questions) should comprise at least 50% of your paper.

Students who would like to fulfill their Major Paper requirement through this course should contact the instructor as soon as possible to discuss this option. A Major Paper form, available from the Office of the Associate Dean Academic, must be submitted early in the term. For students writing a Major Paper, the word length must be a minimum of 7500 words, exclusive of footnotes.

Please submit a hard copy of your paper in class and also send an electronic copy to me by email at nmries@uvic.ca. Please indicate the word count on the first page of your paper

Outline and Bibliography for paper (10%)

Students come to this course with varying degrees of legal research and writing experience. Conducting research for your paper will require you to apply legal research skills acquired during your first year Legal Research & Writing course and any other courses that have had a significant research component. A health law paper, additionally, often requires you to use new research resources, including databases of biomedical and scientific literature. Gray literature, including policy reports and discussion papers issued by government, academic, advocacy and industry organizations, is often an important research source, too. During the early part of the term, I will provide a short overview of health law research techniques and resources.

By **12 noon on Friday, October 30**, you are required to submit a draft outline of your paper and a bibliography of the research resources you have located relevant to your paper topic. I will provide you with feedback on your draft outline and bibliography by November 6 so you have time to re-focus and expand your research, if necessary, before the paper is due. I will provide further guidance regarding the outline and bibliography in class, including recommended formats. Please submit the outline and bibliography to me by email at the following two addresses: nmries@uvic.ca and nries@law.ualberta.ca. Sending the material to both addresses will minimize chances of being lost in transmission. I will confirm receipt of your email as soon as possible that day.

Case Study Analysis (20%)

Throughout the course, we will examine current issues in health law and policy. Case study problems will periodically be distributed in class and students will work in small groups to analyse the problem, then share their analysis with the rest of the class. Students will choose one of these case studies and prepare a written analysis that: (1) describes the health law problem at issue; (2) identifies relevant legal issues; (3) summarizes the class discussion; and (4) presents personal reflections on some of the issues raised. Reflections may draw connections between the problem under review and previous class discussions, explore implications of arguments made in readings or class discussion, and/or recommend appropriate legal strategies to address the case study problem. The case study analysis should not exceed 1500 words (approximately 5 to 6 double-spaced pages) and is due no later than **November 19**. As with the research paper, case study assignments that exceed the word limit will be subject to a one letter grade deduction. Please note that the case study is not intended to require substantial additional research. Further instructions regarding this assignment will be distributed in class.

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

A	8	85-89%	indicate a student who is self-initiating, exceeds expectation, and has an insightful grasp of subject matter.
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 balanced with satisfactory grasp in the other area.
B	5	70-74%	
B-	4	65-69%	
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.

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 feel free to 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. Please consult the University Calendar for policies respecting paraphrasing, plagiarism, and cheating. If you have any concerns or questions, or require clarification, please contact me. The policy on academic integrity can be found on the web at the following address: <http://web.uvic.ca/calendar2006/FACS/UnIn/UARe/PoAcI.html>

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/home.ihtml>) 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.