

HEALTH LAW 3004

1. CONTACT INFORMATION

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2. COURSE INFORMATION (i.e. A Course Outline@)

Course name Health Law

This seminar will provide students with an opportunity to consider the convergence of law and medicine and the problems, constraints and new institutional arrangements that arise as a result. Students will examine the legal relationships among patients, health care professionals, the pharmaceutical industry, the state and family members in a variety of areas, focusing on selected topics at the interface of law and medicine. The principles underlying this area of the law – beneficence, autonomy, rights, an ethic of care and technological imperatives – will frame the inquiry. Students will develop a critical appreciation of the extent to which law and legal values underpin and shape medical and bioethical practice and values and vice versa, and have an opportunity to consider the consequences of that interaction.

a. teaching information

Teaching methods and expectations

Each week, we will explore different legal and ethical issues that arise in connection with aspects of health, illness and the provision of health care. We will begin by studying the rising importance of bioethical considerations, contemporary perspectives on questions of biomedical ethics, paradigms in bioethics and the relationship between bioethics and law. We will examine the legal and ethical implications of methods of allocating scarce medical resources in light of the requirements of the Canada Health Act. We will then turn to an examination of self-regulation in the health professions, through the lens of an issue of current concern: the Regulated Health Professions Act and the law relating to sexual abuse of patients by health care practitioners. After the initial sessions on bioethics and the law, the allocation of scarce medical resources, and professional regulation, students will have the necessary background to examine particular issues in more depth. Students will share responsibility for leading a seminar, and will meet with the instructor in advance to determine the approach to be taken. Students presenting will be responsible for preparing a brief handout outlining responses or questions which you think flow from the readings and would be useful in structuring

seminar discussion.

Evaluation methods

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| X | Research Paper | 85% |
| • | Class Participation
(based on leading a seminar, as well as attending and participating in classes) | 15% |

The research paper is to be on a topic of the student's choice that is relevant to the seminar and approved in advance by the instructor. A one or two page proposal must be submitted to the instructor on or before **Wednesday, October 1, 2003** for approval. The research paper is due on **Monday, December 8, 2003**. Papers are to be 8000 words (30 – 35) pages in length, exclusive of the footnotes/endnotes and bibliography.

Students are expected to attend class, to have read the materials prior to each class, and be prepared to discuss the issues in the materials in class.

Course specific policies:

- **Office Hours:** Mondays – 2:40 – 3:40 p.m.
Thursdays – 1:40 – 2:40 p.m.
OR otherwise by appointment
- § Students should refer to the Student Handbook for policies regarding evaluation, academic credit and other such general matters.

b. content information

- § **Required Texts:** J. Gilmour, HEALTH LAW casebook - 2 volumes (MDC)

Overview of Course and Reading Schedule

I.	Sept. 3	Introduction
II.	Sept. 10	Medicine, Bioethics and Law
III.	Sept. 17	Allocating Scarce Medical Resources
IV.	Sept. 24	Self-Regulating Health Professions
V.	Oct. 1	Consent
VI.	Oct. 8	Substitute Decision-Making
VII.	Oct. 15	Death and Dying
VIII.	Oct. 22	The Maternal/Fetal Relationship
IX.	Oct. 29	Legal and Policy Dimensions of New Reproductive Technologies
X.	Nov. 5	Genetic Testing
XI.	Nov. 12	“Our” Bodies? Property Rights in Human Tissue
XII.	Nov. 19	Drugs and Devices: Liability and Regulation
XIII.	Nov. 26	AIDS and HIV
	Dec. 3	No class – work on research papers

MONDAY, DECEMBER 8, 2003: RESEARCH PAPERS DUE

c. Religious Observance:

York University is committed to respecting the religious beliefs and practices of all members of the community, and making accommodations for observances of special significance to adherents. Should any of the dates relating to examinations or assignments for this course pose such a conflict for you, please let me know within the first three weeks of class. Please note that to arrange an alternative date or time for an examination scheduled in the formal examination periods, students must complete an Examination Accommodation Form, which can be obtained from the Office of Student Services at Osgoode Hall Law School.

d. Students with Disabilities

York University has a range of resources to assist students with physical, mental, psychiatric and learning disabilities in achieving their educational objectives. Students with disabilities requiring accommodation in the classroom or in the examination or evaluation process are encouraged to identify themselves to the Osgoode Office of Student Services as soon as possible. All requests for accommodation will be kept confidential. Request for examination accommodation must be approved by the Assistant Dean (Student Services), Gina Alexandris.