HEALTH SYSTEM LAW AND POLICY
[LAW 404HS]

January – April 2004
Tuesday: 4:10-6:00 pm, Solarium FA2

COURSE OUTLINE

January 6th
INTRODUCTION

• Expectations regarding seminar participation
• Paper selection and writing
• Handout of possible paper topics
• Discussion of an interdisciplinary approach to policy analysis: law, economics, and political science
• Overview of the course

Course Outline.................................................................1-9
Basic Information..........................................................10
Possible Paper Topics......................................................11-14
Research Resources.........................................................15-22

VOLUME ONE

January 13th
Chapter One
THE CASE FOR GOVERNMENT INTERVENTION IN HEALTH CARE:
MARKET FAILURE AND DISTRIBUTIVE JUSTICE


Allen E. Buchanan, The Right to a Decent Minimum
Chapter Two

AN OVERVIEW OF THE CANADIAN HEALTH CARE SYSTEM: DO WE NEED MORE THAN JUST MONEY?


Supplementary Reading


The Senate, Standing Senate Committee on Social Affairs, Science and Technology, The Health of Canadians – The Federal Role, Volume Six: Recommendations for Reform


January 27th
Chapter Three
REFORMING THE CANADA HEALTH ACT AND IMPROVING ACCOUNTABILITY

The Canada Health Act, S.C. 1984, c. 6

Colleen M. Flood & Sujit Choudhry, Strengthening the Foundations: Modernizing the Canada Health Act, Discussion Paper No. 13, Commission on the Future of Health Care in Canada


February 3rd
Chapter Four
THE MEDICARE BASKET: HOW DO WE DECIDE WHAT TO PUBLICLY FUND?

D. Callahan, “What is a Reasonable Demand on Health Care Resources: Designing a Basic Package of Benefits” (1992) 8 The Jnl. of Contemporary Health Law 1

Jacobs, Marmor and Oberlander, "The Oregon Health Plan and the Political Paradox of Rationing" (1999) 24: 1 Jnl of Health Politics Policy and Law 161


Supplementary Reading

February 10th
Chapter Five
ADMINISTRATIVE LAW CHALLENGES TO RATIONING HEALTH CARE

C. Abraham, “Tenacious woman scores medical victory,”

Health Insurance Act R.S.O. H.6, ss. 20-21. .................................................................V, 3-4

Health Insurance Act – General Regulation, R.R.O. 1990, Reg. 552, s. 28.5….V, 5-6

*Stein v. Québec (Regie de l’Assurance-maladie)*, [1999] Q.J. No. 2724……..V, 7-16

*R v. Cambridge District Health Authority ex parte B.*


NO CLASSES—READING WEEK – February 16-20

February 24th
Chapter Six
CHARTER AND CONSTITUTIONAL CHALLENGES TO RATIONING
HEALTH CARE IN CANADA

*Cameron v. Nova Scotia (Attorney General)*,
[1999] 177 DLR (4th) 611 (edited)……………………………………………………VI, 1-30

*Auton (Guardian ad litem of ) v. British Columbia (Minister of Health)*, [2000] B.C.J. No. 1547 (edited)……………………………………VI, 31-47


March 2nd
Chapter Seven
ABORIGINAL HEALTH & THE DETERMINANTS OF HEALTH

The Problems:

John O’Neil, Laurel Lemchuk-Favel, Yvon Allard, and Brian Postl,
“Community Healing and Aboriginal Self-Government”,
Impediments:


Suggested Solutions:


“Native Leaders Fear Results of Health Transfer,” Wawatay News, September 23, 1999. .................................................................VII, 49

Supplementary Readings

Gathering Strength: Canada's Aboriginal Action Plan (Ottawa: Ministry of Indian Affairs and Northern Development, 1997)

Bill 43, An Act Respecting the Regulation of Health Professions, S.O. 1991, c. 18, s. 35.


March 9th
Chapter Eight
ACCESS TO AND THE PRICING OF PRESCRIPTION DRUGS


........................................................................................................VIII, 59-68


David Spurgeon, “Canada forced to honour Bayer’s patent on ciprofloxacin” BMJ 2001;323:956( 27 October ).............................................................VIII, 76

March 16th

Chapter Nine

HEALTH REFORM: CLOSING HOSPITALS AND THE SHIFT TO HOME CARE AND REGULATING THE LOCATION, NUMBER AND INCOME OF DOCTORS


Colleen M. Flood, "Moving Medicare Home: The Forces Shifting Care Out of Hospitals and into Homes" in T. Caulfield & B von Tigerstrom (eds), Health Reform & the Law in Canada: Meeting the Challenge......................X, 1-14

Supplementary Reading


The Senate, Standing Senate Committee on Social Affairs, Science and Technology, The Health of Canadians – The Federal Role, Volume Six: Recommendations for Reform, Chapter 4.................................................................IX, 46-70


M. Mills, “Canada’s health-care crisis: we may already have the cure,” Globe and Mail, Tues., Jan., 18, 2000


The Senate, Standing Senate Committee on Social Affairs, Science and Technology, The Health of Canadians – The Federal Role, Volume Six: Recommendations for Reform, Chapters 8 & 9……………………………………………………………………X, 33-55

Lalonde v. Ontario (Commission de restructuration des services de sante) 6 O.R. (3d) 505 [2001] O.J. No. 4767 (Montfort Hospital Case)

Pembroke Civic Hospital v. Ontario (Health Services Restructuring Commission) [1997] O.J. No. 3142 (No. 394/97)


Janet E. Fast et al., Conceptualizing and Operationalizing the Costs of Informal Elder Care (Final Technical Report to the National Health Research Development Program (NHRDP) March 17, 1997), p. 1-15


March 23rd

Chapter Ten

TO THE MARKET!: MANAGED CARE AND MANAGED COMPETITION


Editorial, “Score One for Accountability on Managed Care Front”, May 14, 2001.............................................................................................................................................XI, 49-50

Tanya Albert, “Pennsylvania court rules that ERISA does not exempt health plans from liability” May 7, 2001................................................................................................................XI, 50-53

Tanya Albert, “Higher Accountability for HMO Medical Directors”, May 14, 2001.............................................................................................................................................XI, 53-56

Lauren Randel et ors, “How Managed Care Can Be Ethical”, (2001) 20: 4 Health Affairs 43—56................................................................................................................XII, 57-70

Supplementary Reading


March 30th

Chapter Eleven
CONTRACTING OUT TO PRIVATE FOR-PROFIT CLINICS AND INTERNAL MARKET REFORM


T. Arnold, “Colon screening available for $1,000.00” April 24, 2002, National Post................................................................................................................XII, 20-21

J. L. Grand, “Competition, Cooperation, Or Control? Tales From the British National Health Service” (1999) 18: 3 Health Affairs 27.................................XII, 28-34

Supplementary Reading


April 6th
Chapter Twelve
ANATOMY OF A CRISIS: LEARNING FROM SARS
