Course Syllabus

Course Information

PSCI 4365, Law and Medicine, Spring 2014, Section 001

Professor Contact Information

Professor Anthony Champagne, Phone: 972-883-4607, email: tchamp@utdallas.edu, Offices: FO2.704B. I will have office hours from the end of class until 4:45pm on Mondays and Wednesdays. I believe I will be moving to another office in FO early in the semester and when let the class know when the move occurs.

Course Pre-requisites, Co-requisites, and/or Other Restrictions

None

Course Description

One of the most rapidly changing areas of the law deals with issues of law and medicine. This course will explore some of those issues that are relevant to health care, life, reproduction, and death. This is not a settled area of law, but exploration of court cases in these areas allows us to explore some of the most profound questions affecting our existence.

Student Learning Objectives/Outcomes

Students should expect:
1. To gain an understanding of contemporary medical problems and how the legal system grapples with resolving those problems;
2. To gain an understanding of key legal concepts; and,
3. To learn to read and analyze court cases.

Required Textbooks and Materials

Barry R. Furrow, Thomas L. Greaney, Sandra H. Johnson, Timothy S. Jost and Robert L. Schwartz, Health Law: Cases, Materials and Problems, Abridged 7th Edition, (Thomson-West, 2013).

This book is a very expensive law book. I believe the retail price is about $170 which is fairly typical for law books. If you are willing to use the e-book version of the book rather than the paper copy, it is substantially cheaper. I believe retail for the e-book is $119. For those of you who wish to buy the e-book rather than the paper version, you can do so according to the instructions below:

Students who wish to buy the electronic version of the book may go to the following link to purchase http://legalsolutions.thomsonreuters.com/law-products/American-Casebook-Series/Furrow-Greaney-Johnson-Jost-and-Schwartz-Health-Law-Cases-Materials-and-Problems-Abridged-7th/p/100102125

Or students can log on to legalsolutions.thomsonreuters.com and run a search for health law cases materials and problems in the search box at the top of the screen. From there they can select the online book and Add to Cart. The checkout process is like any other online store. They will need a credit card to make the purchase.

Paul Starr, Remedy and Reaction: The Peculiar American Struggle Over Health Care Reform, Revised edition, (Yale University Press, 2013)

Assignments & Academic Calendar
(Topics, Reading Assignments, Due Dates, Exam Dates)

(From time to time, we will have films and guest speakers. These will be announced as they are scheduled; unless otherwise noted, the readings are from Furrow, et al.)

Jan. 13—Introduction

Jan. 15, [Jan. 20 is MLK Holiday] Jan. 22 —Issues Involving Reproduction

Read: Roe v. Wade, p. 713; Planned Parenthood of Southeastern Pennsylvania v. Casey, p. 720; Gonzales v. Carhart,, p. 732

Jan. 27, Jan. 29; Feb. 3—Issues Involving Death and the Right to Die

Read: Cruzan v. Director Missouri Department of Health, p. 767; Bouvia v. Superior Court, p. 785; In re Eichner, p. 819, In Re Conroy, p. 822; Conservatorship of Wendland, p. 831, Superintendent of Belchertown State School v. Saikewicz, p. 848, In re Storar, p. 850

Feb. 5—Physician Assisted Suicide

Read: Washington v. Glucksberg, 866; Vacco v. Quill, p. 879, Baxter v. Montana, p. 903

Feb. 10—Review for exam

Feb. 12—Exam #1

Feb. 17, 19--The Legal Basis for Public Health Laws & Professional Patient Relationships

Read: Jacobson v. Massachusetts, p. 924; Esquivel v. Watters, p. 59; White v. Harris, p. 64; Tunkl v. Regents of the University of California, p. 71; guest speaker

Feb. 24--Informed Consent & Confidentiality

Read: Canterbury v. Spence, p. 78; Humphers v. First Interstate Bank of Oregon, p. 97

Feb. 26, March 3, 5, (March 10-14 is Spring Break), 17, 19—Medical Liability

Read: Hall v. Hilburn, p. 127; Ostrowski v. Azzara, p. 148; Herskovits v. Group Health Cooperative of Puget Sound, p. 158; Burless v. West Virginia University Hospitals, p. 171,Washington v. Washington Hospital Center, p. 178; Muse v. Charter Hospital of Winston-Salem, Inc., p. 184; Thompson v. Nason Hosp., p. 187; Carter v. Hucks-Folliss, p. 191; Larson v. Wasemiller, p. 196; Kadlec Medical Center v. Lakeview Anesthesis Associates, p. 202; Petrovich v. Share Health Plan of Illinois, Inc., p. 216; Shannon v. McNulty, p. 229. On March 17, we are tentatively planning for Hunter Hillin to speak. Hunter is a medical malpractice lawyer in Austin. He has represented both plaintiffs and defendants, although in recent years he has focused on representing plaintiffs. Hunter specializes in medical malpractice during child birth.

March 24— Discipline of Health Care Providers & Quality Control

Read: In Re Williams, p. 3; Hoover v. The Agency for Health Care Administration, p. 6; In re Guess, p. 14; State Board of Nursing and State Board of Healing Arts v. Ruebke, p. 20; Sermchief v. Gonzales, p. 28

March 26—Review for Exam #2

March 31—Exam #2

Apr. 2, 7—The Right to Health Care

Read: Ricks v. Budge, p. 308; Child v. Weis, p. 311; Baber v. Hospital Corporation of America, p. 317; Bragdon v. Abbott, p. 326. On April 2, we tentatively have Devon Herrick as a guest speaker. Devon is a medical policy expert with the National Center for Policy Analysis which is a conservative think tank. He will discuss conservative approaches to health care reform.

Apr. 9, 14, 16, 21, 23—Health Care Reform in America

Read: Starr, *Remedy and Reaction…*

April 28—Review for Exam #3

April 30—Exam #3

Grading Policy
Grading:

98-100% = A+
90-97% = A
80-89% = B
70-79% = C
62-69% = D
60-62% = D-
Below 60% = F

There will be three in-class exams. Each exam will count one-third of your final grade.

Course & Instructor Policies

1. Class participation: In general, the course will follow a lecture-discussion format with emphasis on class discussion. Socratic method, similar to the general law school teaching method, will be used at times.

2. Policy on Make-Up Exams:

If you can not take an exam on the date noted in this syllabus, you should call me or leave a message on my machine. Dial (972) 883-4607 (a message machine is activated after four rings) and explain why you cannot take the test on the day of the exam. Alternatively, send me an e-mail at tchamp@utdallas.edu. If I have not heard from you by the time of the exam, you will receive a grade of zero on the exam. I realize terrible things can happen to people on examination days--things ranging from dead batteries and missed airplane connections to hospitalizations and deaths in the family, but everyone should be able to call and at least leave a message by the time of the exam regardless of the emergency. You should have a significant reason for missing the exam. You will not be excused from the exam if your reasons are that you are not prepared or that you have an exam in another course. In general, I expect make-ups to be taken within one week of the regular exam.

Remember that if you are having problems that are affecting your performance in the class, talk to me. If a student needs help, I will try to help and I will be very helpful if I am aware that the student is trying, but some problem is preventing high quality work.

Field Trip Policies
Off-campus Instruction and Course Activities

Off-campus, out-of-state, and foreign instruction and activities are subject to state law and University policies and procedures regarding travel and risk-related activities. Information regarding these rules and regulations may be found at the website address http://www.utdallas.edu/BusinessAffairs/Travel_Risk_Activities.htm. Additional information is available from the office of the school dean. Below is a description of any travel and/or risk-related activity associated with this course.

I do not expect any travel or risk-related activity associated with this course.

Student Conduct & Discipline

The University of Texas System and The University of Texas at Dallas have rules and regulations for the orderly and efficient conduct of their business. It is the responsibility of each student and each student organization to be knowledgeable about the rules and regulations which govern student conduct and activities. General information on student conduct and discipline is contained in the UTD publication, *A to Z Guide*, which is provided to all registered students each academic year.

The University of Texas at Dallas administers student discipline within the procedures of recognized and established due process. Procedures are defined and described in the *Rules and Regulations, Board of Regents, The University of Texas System, Part 1, Chapter VI, Section 3*, and in Title V, Rules on Student Services and Activities of the university's *Handbook of Operating Procedures*. Copies of these rules and regulations are available to students in the Office of the Dean of Students, where staff members are available to assist students in interpreting the rules and regulations (SU 1.602, 972/883-6391).

A student at the university neither loses the rights nor escapes the responsibilities of citizenship. He or she is expected to obey federal, state, and local laws as well as the Regents' Rules, university regulations, and administrative rules. Students are subject to discipline for violating the standards of conduct whether such conduct takes place on or off campus, or whether civil or criminal penalties are also imposed for such conduct.

Academic Integrity

The faculty expects from its students a high level of responsibility and academic honesty. Because the value of an academic degree depends upon the absolute integrity of the work done by the student for that degree, it is imperative that a student demonstrate a high standard of individual honor in his or her scholastic work.

Scholastic dishonesty includes, but is not limited to, statements, acts or omissions related to applications for enrollment or the award of a degree, and/or the submission as one's own work or material that is not one's own. As a general rule, scholastic dishonesty involves one of the following acts: cheating, plagiarism, collusion and/or falsifying academic records. Students suspected of academic dishonesty are subject to disciplinary proceedings.

Plagiarism, especially from the web, from portions of papers for other classes, and from any other source is unacceptable and will be dealt with under the university's policy on plagiarism (see general catalog for details). This course will use the resources of turnitin.com, which searches the web for possible plagiarism and is over 90% effective.

Email Use

The University of Texas at Dallas recognizes the value and efficiency of communication between faculty/staff and students through electronic mail. At the same time, email raises some issues concerning security and the identity of each individual in an email exchange. The university encourages all official student email correspondence be sent only to a student's U.T. Dallas email address and that faculty and staff consider email from students official only if it originates from a UTD student account. This allows the university to maintain a high degree of confidence in the identity of all individual corresponding and the security of the transmitted information. UTD furnishes each student with a free email account that is to be used in all communication with university personnel. The Department of Information Resources at U.T. Dallas provides a method for students to have their U.T. Dallas mail forwarded to other accounts.

Withdrawal from Class

The administration of this institution has set deadlines for withdrawal of any college-level courses. These dates and times are published in that semester's course catalog. Administration procedures must be followed. It is the student's responsibility to handle withdrawal requirements from any class. In other words, I cannot drop or withdraw any student. You must do the proper paperwork to ensure that you will not receive a final grade of "F" in a course if you choose not to attend the class once you are enrolled.

Student Grievance Procedures

Procedures for student grievances are found in Title V, Rules on Student Services and Activities, of the university's *Handbook of Operating Procedures*.

In attempting to resolve any student grievance regarding grades, evaluations, or other fulfillments of academic responsibility, it is the obligation of the student first to make a serious effort to resolve the matter with the instructor, supervisor, administrator, or committee with whom the grievance originates (hereafter called "the respondent"). Individual faculty members retain primary responsibility for assigning grades and evaluations. If the matter cannot be resolved at that level, the grievance must be submitted in writing to the respondent with a copy of the respondent's School Dean. If the matter is not resolved by the written response provided by the respondent, the student may submit a written appeal to the School Dean. If the grievance is not resolved by the School Dean's decision, the student may make a written appeal to the Dean of Graduate or Undergraduate Education, and the deal will appoint and convene an Academic Appeals Panel. The decision of the Academic Appeals Panel is final. The results of the academic appeals process will be distributed to all involved parties.

Copies of these rules and regulations are available to students in the Office of the Dean of Students, where staff members are available to assist students in interpreting the rules and regulations.

Incomplete Grade Policy

As per university policy, incomplete grades will be granted only for work unavoidably missed at the semester's end and only if 70% of the course work has been completed. An incomplete grade must be resolved within eight (8) weeks from the first day of the subsequent long semester. If the required work to complete the course and to remove the incomplete grade is not submitted by the specified deadline, the incomplete grade is changed automatically to a grade of **F**.

Disability Services

The goal of Disability Services is to provide students with disabilities educational opportunities equal to those of their non-disabled peers. Disability Services is located in room 1.610 in the

Student Union. Office hours are Monday and Thursday, 8:30 a.m. to 6:30 p.m.; Tuesday and Wednesday, 8:30 a.m. to 7:30 p.m.; and Friday, 8:30 a.m. to 5:30 p.m.

The contact information for the Office of Disability Services is:
The University of Texas at Dallas, SU 22
PO Box 830688
Richardson, Texas 75083-0688
(972) 883-2098 (voice or TTY)

Essentially, the law requires that colleges and universities make those reasonable adjustments necessary to eliminate discrimination on the basis of disability. For example, it may be necessary to remove classroom prohibitions against tape recorders or animals (in the case of dog guides) for students who are blind. Occasionally an assignment requirement may be substituted (for example, a research paper versus an oral presentation for a student who is hearing impaired). Classes enrolled students with mobility impairments may have to be rescheduled in accessible facilities. The college or university may need to provide special services such as registration, note-taking, or mobility assistance.

It is the student's responsibility to notify his or her professors of the need for such an accommodation. Disability Services provides students with letters to present to faculty members to verify that the student has a disability and needs accommodations. Individuals requiring special accommodation should contact the professor after class or during office hours.

Religious Holy Days

The University of Texas at Dallas will excuse a student from class or other required activities for the travel to and observance of a religious holy day for a religion whose places of worship are exempt from property tax under Section 11.20, Tax Code, Texas Code Annotated.

The student is encouraged to notify the instructor or activity sponsor as soon as possible regarding the absence, preferably in advance of the assignment. The student, so excused, will be allowed to take the exam or complete the assignment within a reasonable time after the absence: a period equal to the length of the absence, up to a maximum of one week. A student who notifies the instructor and completes any missed exam or assignment may not be penalized for the absence. A student who fails to complete the exam or assignment within the prescribed period may receive a failing grade for that exam or assignment.

If a student or an instructor disagrees about the nature of the absence [i.e., for the purpose of observing a religious holy day] or if there is similar disagreement about whether the student has been given a reasonable time to complete any missed assignments or examinations, either the student or the instructor may request a ruling from the chief executive officer of the institution, or his or her designee. The chief executive officer or designee must take into account the legislative intent of TEC 51.911(b), and the student and instructor will abide by the decision of the chief executive officer or designee.

These descriptions and timelines are subject to change at the discretion of the Professor.