

HEALTH LAW SPRING 2008

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Office Hours by Appointment

Course Materials: The text for the course is Hall, et al., HEALTH CARE LAW AND ETHICS (6th ed. 2007). The text will be supplemented with several in-class handouts. Additional materials may be assigned from the textbook's website at www.health-law.org. Please also read http://lawprofessors.typepad.com/healthlawprof_blog. We will be commenting on articles that appear in the blog in class.

Course Contents

The primary goal of the class is to introduce you to the law as it affects the professional, institutions, and entities that deliver and finance health care in the United States. The course is organized according to the fundamental structural relationships that give rise to health care law. These relationships are: (1) the patient/physician relationship, which encompasses the duty to treat, confidentiality, informed consent, and malpractice; (2) state's relationship and oversight of doctors and patients, which encompasses the right to die, reproductive rights, physician licensure, and public health; and (3) the relationship between institutions that surround the treatment relationship, encompassing public and private insurance, hospitals, and HMOs, and more complex transactions and organizational forms.

The course develops the traditional themes of quality, ethics, autonomy, access and cost throughout each of these divisions. It also addresses cutting edge and controversial topics such as AIDS, genetics, managed care, rationing; and other high profile legal topics such as constitutional law and discrimination statutes.

Course Description

Class Participation: You will derive the maximum benefit from the course if you come prepared every day for class discussion, having read and reflected upon the reading for that day. Moreover, this Law School's policy requires regular class attendance and preparation.

Final Exam and Grading: Your final grade will be based on a 24-hour, open book, take home exam that will be given at the end of the semester. I will provide more information about the exam during class.

Study Aids and Reference Materials

One valuable reference source for this course is Furrow's treatise, HEALTH LAW (2d ed. 2000). If you find some of the medical terminology in the cases and administrative materials difficult, please feel free to consult on-line sources for definitions. See, e.g. <http://cancerweb.ncl.ac.uk/omd/>; www.nlm.nih.gov/medlineplus/mplusdictionary.html or www.online-medical-dictionary.org/

Schedule and Syllabus

Page numbers refer to the Hall casebook. These assignments may be altered from time to time during the semester.

Class	Date	Pages	Topic
1	1/15	105-132	The Treatment Relationship: Formation
2	1/16	132-171	The Treatment Relationship: Formation and Termination
3	1/22	173-197	The Treatment Relationship: Confidentiality
4	1/23	197-244	The Treatment Relationship: Consent & Conflict of Interest
5	1/29	244-272	Informed Consent and Human Experimentation
6	1/30	273-300	Medical Malpractice: Physician Liability
7	2/5	300-332	Medical Malpractice: Standard of Care
8	2/6	349-395	Medical Malpractice: Alternative Theories of Liability
9	2/12	396-425	Medical Malpractice: Causation
10	2/13	443-493	Medical Malpractice: Institutional Liability
11	2/19	494-514	Medical Malpractice: Managed Care and Tort Reform; Ohio Tort Reform case law - http://www.sconet.state.oh.us/rod/newpdf/0/2007/2007-ohio-6948.pdf
12	2/20	No Reading	No Class

13	2/26	517-545	The Right and Duty to Die: Right to Refuse Treatment
14	2/27	No Reading	Dr. Douglas Mossman, Guest Lecture on Competency Determinations
15	3/4	545-596	The Right and Duty to Die: Competency Determinations
16	3/5	596-626	The Right and Duty to Die: Physician-Assisted Suicide
17	3/11	626-642	The Right to Die: Futility and Brain Death/Organ Transplantation
18	3/12	643-663	Organ Transplantation: Ownership and Control of the Body
19	3/18	711-732; 747-764	Reproductive Rights: A Right to Procreate and to Avoid Procreation
20	3/19	No Reading	Fred Friendly Videotape
18	3/24-28	No Reading	SPRING BREAK
19	4/1	No Reading	Guest Lecturer: Chief Justice Shirley S. Abrahamson, Judge-in-Residence, discussing Wisconsin's Tort Reform Statute
20	4/2	764-796	Reproductive Rights: State or Federal Recognition of Fetal Interests
21	4/8	796-845	Reproductive Rights: Using Reproductive Technologies to Create New Families
22	4/9	845-868	Reproductive Rights: Genetics and Cloning Concerns
23	4/15	No Reading	Video: Frontline Documentary, Making Babies
24	4/16	869-902	Public Health Law: Public Health Strategies

25	4/22	902-941	Public Health Law: Public Health Strategies (continued)
26	4/29	942-962	Public Health Law: Civil Commitment, Quarantine & Mandatory Treatment
26	4/30	No Reading	Review Session for Take Home Exam