Course Director
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Milken Institute School of Public Health
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Office Hours: By appointment. Please e-mail or call to schedule a meeting.

Course Description: This course explores legal, ethical, and policy issues that arise in the biomedical arena. We address controversial and challenging questions concerning, inter alia, the definitions of life and death, the nature of personal identity, the requirements of justice, and the boundaries of liberty. We will draw on legal, medical, and ethical/philosophical literature in examining these issues.

Course Prerequisite(s): Public Health and Law, PUBH 6335 (If you have not taken PUBH 6335, please contact Professor Goldstein before enrolling). Residential students must have taken either Health Services and Law, PUBH 6330, or PUBH 6335.

Course Learning Objectives/Learning Outcomes – Upon completion of the course, students will be able to:

- Establish a working knowledge of health policy issues in law, medicine and ethics.
- Participate in informed discussions, debate, and analytical writing regarding issues in law, medicine, and ethics.
- Develop the skills necessary for critical analysis of current and recurring bioethics issues.

Required Texts:
(Readings should be completed before coming to class!)

<table>
<thead>
<tr>
<th>Title</th>
<th>Author</th>
<th>Edition</th>
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<tbody>
<tr>
<td>NOTE: Text readings are provided via links posted in 2GW</td>
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<tr>
<td>Additional required readings provided via links posted in 2GW (citations provided below)</td>
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Recommended/Supplemental Texts:

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<tr>
<th>Title</th>
<th>Author</th>
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Methods of Instruction:

- Lectures
- Case Studies
- Required Readings/Textbook
- Recommended/Supplemental Readings
- Class and Small Group Discussions
- Student Presentations
- Student-led discussions

Methods of Evaluation:

<table>
<thead>
<tr>
<th>Class Participation [attendance, completion of asynchronous material, careful preparation, thoughtful contributions to discussion, written discussion questions/short reflection papers, leadership in class discussion on discussion questions]</th>
<th>30%</th>
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<tbody>
<tr>
<td>Mid-Term Exam</td>
<td>35%</td>
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<tr>
<td>Final Paper</td>
<td>35%</td>
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Students will be graded on their class participation, performance on a mid-term exam, and substantive writings.

Grading Scale and Standards:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>A</td>
<td>94-100%</td>
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<tr>
<td>A-</td>
<td>90-93%</td>
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<tr>
<td>B+</td>
<td>87-89%</td>
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<tr>
<td>B</td>
<td>84-86%</td>
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<tr>
<td>B-</td>
<td>80-83%</td>
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<tr>
<td>C+</td>
<td>77-79%</td>
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<tr>
<td>C</td>
<td>73-76%</td>
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<tr>
<td>C-</td>
<td>70-72%</td>
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<tr>
<td>F</td>
<td>Below 70%</td>
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Workload:
In this course, you will be expected to spend approximately 4-5 hours per week in independent learning which can include reviewing assigned material, preparing for class discussions, working on assignments, studying for exams, and group work. In addition, you will spend an average of 2.75 hours each week in direct instruction: 80 minutes per week of prepared asynchronous content and 80 minutes per week in live class sessions with your instructor.

Class Policy: Expectations for individual contributions and acceptable levels of collaboration for assignments on which students may work together
Collaboration among students outside of class is strongly encouraged. The final paper must be written independently, although it is acceptable to seek the opinions of others on drafts. Comprehensive academic research in peer-reviewed sources and rigorous citation of all sources will be expected. These guidelines will be discussed in more detail in class.

Class Policy: Attendance, Participation and Discussion
Class attendance is mandatory. Class discussions showing careful preparation, rigorous thought, and an informed understanding of the subject matter will be an integral part of the learning process. Please read and analyze all of the assigned materials before the live session to facilitate discussions. All students will be expected to participate actively in class discussions. Students will also be expected occasionally to lead discussion on discussion questions. Absences will only be excused in extraordinary circumstances and must be discussed with the instructor prior to class.

Law, Medicine, and Ethics is a demanding course that requires students to think critically and utilize high-level analytical skills regarding complex issues. The discipline requires such mastery not only in well-articulated written work, but also in thoughtful discussions between and among students and instructors. Receiving full points for participation is not simply a matter of showing up and turning work in
on time. Outstanding participation grades require truly thoughtful, insightful, and well-argued contributions and leadership in class that demonstrate a high level of mastery of the course material.

Class Policy: Assignments

- **Regular attendance in live sessions, completion of asynchronous material, careful preparation for class, thoughtful contributions to discussion, written discussion questions/short reflection papers, leadership in class discussion on discussion questions. 30%
  - A discussion question based on the readings should be posted on the wall **24 hours prior to each live session.** Students should be prepared to lead class conversation on the question during the live session. The discussion questions will be graded on a satisfactory/unsatisfactory basis.
  - 2-3 pages of "reflection" that demonstrate the student's engagement with the assigned readings and reflection on the issues at hand will be due prior to the live sessions for Units 3, 7, and 8. The instructor will provide more details regarding expectations for this assignment. The reflection papers will be graded on a satisfactory/unsatisfactory basis.

- **Midterm exam.** The mid-term exam will be available after the L/S in Unit 4 and due before the L/S in Session 5. The instructor will provide more details regarding expectations for this assignment. **35%

- **Final paper.** The final paper will be due 72 hours after the final live session of the course. A proposed topic for the final paper will be due prior to the L/S in Unit 6. The instructor will provide more details regarding expectations for this assignment. **35%

Class Policy: Late Work

Students must meet the due dates for all assignments. **Extensions will be granted only in extraordinary circumstances and must be discussed with the instructor in advance of the due date.** Grades for unexcused late assignments will be reduced one step for each day the assignment is late (A to A-, B+ to B, etc.).

Class Policy: Make-up Exams

Any student who experiences significant family or personal illness or emergency after the final withdrawal date and is unable to complete course work should ask the instructor for an incomplete for the course. Each case will be managed on an individual basis.

University Policy on Religious Holidays:

1. Students should notify faculty during the first week of the semester of their intention to be absent from class on the day(s) of religious observance.

2. Faculty should extend to these students the courtesy of absence without penalty on such occasions, including permission to make up examinations.

3. Faculty who intend to observe a religious holiday should arrange at the beginning of the semester to reschedule missed classes or to make other provisions for their course-related activities.

2GW:

2GW will be used for all online course activities, hosting weekly course content, the posting of course files and assignments and for communicating with the class. Students are already enrolled for this course on 2GW if registration has been completed. If the student’s responsibility to periodically check the course site for updates to the syllabus/readings/schedules.
Academic Integrity:

All Milken Institute School of Public Health Students are required to complete the GW Academic Integrity Activity. This must be completed within 2 weeks of starting your coursework at Milken Institute School of Public Health. - See more at: https://publichealth.gwu.edu/integrity#sthash.FlIRdO5H.dpuf

Please review the University’s policy on academic integrity, located at www.gwu.edu/~ntegrity/code.html and complete the online training for all GWSPH students; All graded work must be completed in accordance with the George Washington University Code of Academic Integrity. There will be no exceptions to this policy.

Academic dishonesty is defined as cheating of any kind, including misrepresented one’s own work, taking credit for the work of others without crediting them and without appropriate authorization, and the fabrication of information. Common examples of academically dishonest behavior include, but are not limited to, the following: cheating; fabrication; plagiarism; falsification and forgery of University academic documents; facilitating academic dishonesty.

SafeAssign and TurnItIn:

All GWSPH faculty have access to the SafeAssign and TurnItIn plagiarism detection services. Please be aware that the work products you submit for this course may be scanned by these tools for originality. Students found plagiarizing will be subject to penalties outlined in the GWSPH Student Handbook and GW Code of Academic Integrity.

NOTE: You are expected to type out and sign the following honor pledge at the end of each assignment:

“On my honor as a student of the George Washington University, I have neither given nor received assistance on this assignment.

[Signed: Your name]"

Support for Students Outside the Classroom:

Disabilities Support Services: (DSS)
Any student who may need an accommodation based on the potential impact of a disability, should contact the Disability Support Services office at 202.994.8250 in the Rome Hall, Suite 102, to establish eligibility and to coordinate reasonable accommodations. For additional information please refer to: https://disabilitysupport.gwu.edu/

Mental Health Services: 202-994-5300
The University’s Mental Health Services offers 24/7 assistance and referral to address students’ personal, social, career, and study skills problems. Services for students include: crisis and emergency mental health consultations, confidential assessment, counseling services (individual and small group), and referrals. https://counselingcenter.gwu.edu/

Adverse Weather/Class Cancellation:
Because this is an online class, it is rare for either instructor or student to miss a class. Under severe weather conditions, students or instructors may lose electricity, and potentially the internet, but not the phone connection.

To Report an Emergency or Suspicious Activity:
Call the University Police Department at 202-994-6111.
### Additional Information:
Additional information about emergency preparedness and response at GW or the University’s operating status can be found on GW Campus Advisories (http://CampusAdvisories.gwu.edu) or by calling the GW Information Line at 202-994-5050.

### Session Outline

<table>
<thead>
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<th>Session 1</th>
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<td><strong>Course Overview and Introduction</strong></td>
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| a. Introduction to bioethics literature and analysis.  
b. Introduction to legislative issues in bioethics.  
c. Case study: HR 3200, Sec. 1233  
d. Case study: Ethical considerations for using untested interventions for Ebola virus disease |

**Required readings:**

2) HR 3200, Sec. 1233 — 111th Congress (2009-2010)
Session 2

Defining Death & Withholding and Withdrawal of Life-Sustaining Treatment

a. Introduction to legal cases in bioethics.
b. Legal/Medical/Ethical definitions of death.
c. Decision-making competence.
d. Surrogate decision-making.
e. The “right” to die.
f. Legal standards of review.

Required readings:

1) State v. Guess, 244 Conn. 761, 715 A.2d 643 (1998), plus notes, Text, pp. 976-981
8) Cruzan v. Director, Missouri Dept. of Health, 497 U.S. 261 (1990), plus notes, Text, pp. 1001-1017

Assignment: Post discussion question based on the readings on the wall 24 hours prior to live session. Be prepared to lead class conversation on the question.
### Session 3

**Euthanasia and Physician-Assisted Suicide**

- a. Euthanasia v. physician-assisted suicide: Legal distinctions.
- b. Statutory Law.
- c. Evolution of common law regarding the “right” to die and physician-assisted suicide.
- d. Euthanasia v. physician-assisted suicide: Ethical/moral distinctions.
- e. The role of trade organizations/medical societies.
- f. Policy v. law v. ethics/morals.

**Required readings:**


4) The Oregon Death with Dignity Act, Text, pp. 1050-1055

5) Current Annual Report on Oregon’s Death with Dignity Act


9) Rachels, J. *Active and Passive Euthanasia*, plus notes, Text, pp. 1059-1062


11) American Medical Association, Council on Ethical and Judicial Affairs, Policies (Excerpt)

**Assignments:**

1. **Post discussion question based on the readings on the wall 24 hours prior to live session.** Be prepared to lead class conversation on the question.

2. **2-3 pp. reflection paper that demonstrates your engagement with the assigned readings and reflection on the issues at hand due prior to live session.**
Session 4

Maternal-Fetal Relations/Assisted Reproduction

a. Ethical/social debates regarding maternal-fetal relations.
b. Autonomous decision-making
c. The meaning and interpretation of parental rights.
d. Surrogate motherhood.
e. Assisted reproduction

Required readings:

1) In re A.C., 573 A.2d 1235 (D.C. 1990) (Excerpt)
5) Davis v. Davis, 842 S.W.2d 588 (TN 1992), cert. denied, 507 U.S. 911, plus note, Text, pp. 1115- 1124
7) Notes, Text, pp. 1209-1213

Assignment: Post discussion question based on the readings on the wall 24 hours prior to live session. Be prepared to lead class conversation on the question.

Midterm exam distributed: Due before L/S, Session 5.
### Session 5

#### Research with Human Subjects

- a. The evolution of human subjects research policy
- b. The Nazi Experiments
- c. Tuskegee
- d. Informed consent in research trials
- e. Guidelines for international research trials
- f. Case studies in research with human subjects

#### Required readings:

1) Overview and the Nazi War Crimes Trials, plus notes, Text, pp. 871-885
3) Testimony of Fred Gray, plus notes, Text, pp. 890-894
4) Patricia King, *The Dangers of Difference*, Text, pp. 894-898
5) *Government Regulations*, Text, pp. 904-907
6) Department of Health and Human Services, Regulations on Protection of Human Subjects, plus notes, Text, pp. 907-914
7) U.S. Department of Health and Human Services (Jan. 18, 2017), Final rule enhances protections for research participants, modernizes oversight system, available at: https://www.hhs.gov/about/news/2017/01/18/final-rule-enhances-protections-research-participants-modernizes-oversight-system.html
9) CIOMS, *International Ethical Guidelines for Biomedical Research Involving Human Subjects*, plus notes, Text, pp. 918-924

#### Optional Reading: The Immortal Life of Henrietta Lacks

**Assignment:** Post discussion question based on the readings on the wall 24 hours prior to live session. Be prepared to lead class conversation on the question.

**Midterm exam due before L/S.**
Session 6

Abortion

   a. Ethical/social debates regarding abortion
   b. Legal debates regarding abortion.
   c. Evolution of common law.

Required Readings:

2) *Griswold v. Connecticut*, 381 U.S. 497 (1965), plus notes, Text, pp. 1134-1138
3) *Roe v. Wade*, 410 U.S. 113 (1973), majority opinion, Stewart concurring opinion, and Rehnquist dissent
8) *Whole Woman’s Health v. Hellerstedt*, 579 U.S. ___ , No. 15-274 (2016), majority opinion and Ginsburg concurring opinion
9) Presidential Memorandum Regarding the Mexico City Policy, Jan. 23, 2017

Assignment:

  1. Post discussion question based on the readings on the wall 24 hours prior to live session. Be prepared to lead class conversation on the question.
  2. Proposed final paper topic due prior to live session.
**Session 7**

**Stem Cells & Cloning**

a. Review of bioethics advisory commissions’ recommendations regarding cloning and research involving embryonic, induced pluripotent, and adult stem cells.

b. Discussion of proper role of advisory commissions in public policy-making.

c. Discussion of ethical/legal/policy debates regarding cloning and research involving stem cells.

**Required Readings:**

1) National Bioethics Advisory Commission, Cloning Human Beings, Executive Summary


3) President’s Council on Bioethics, Human Cloning and Human Dignity, plus notes, Text, pp. 1213-1222


6) Executive Order 13505, March 9, 2009, Removing Barriers to Responsible Scientific Research Involving Human Stem Cells


**Assignments:**

1. Post discussion question based on the readings on the wall 24 hours prior to live session. Be prepared to lead class conversation on the question.

2. 2-3 pp. reflection paper that demonstrates your engagement with the assigned readings and reflection on the issues at hand due prior to live session.
### Session 8

**Genetics**

a. Discussion of ethical/moral/legal issues raised by advances in genetics.

b. Discussion of privacy implications and recent legislation involving genetics.

c. Discussion of ethics cases in genetics.

**Required readings:**

1) Text: Decoding the Structure of Life, Text, pp. 6-11; Katskee v. Blue Cross/Blue Shield, 245 Neb. 808, 515 N.W.2d 645 (1994), plus notes, Text, pp. 25-28; Genetic Enhancement, Text, pp. 39-46


3) Genetics and Public Policy Center, The Genetic Information Nondiscrimination Act

4) Genetics and Public Policy Center, Information on The Genetic Information Nondiscrimination Act


8) Presidential Commission for the Study of Bioethical Issues, Privacy and Progress in Whole Genome Sequencing, Executive Summary.


11) The National Academy of Sciences and National Academy of Medicine, Committee on Human Gene Editing: Scientific, Medical, and Ethical Considerations. Human Genome Editing: Science, Ethics, and Governance, Executive Summary

**Assignments:**

2. Post discussion question based on the readings on the wall 24 hours prior to live session. Be prepared to lead class conversation on the question.

3. 2-3 pp. reflection paper that demonstrates your engagement with the assigned readings and reflection on the issues at hand due prior to live session.
Session 9

Distributive Justice and the Allocation of Health Care Resources

a. Theories of justice
b. Legal rights and human rights
c. Justice and health reform
d. Rationing
e. Futile Care
f. Macroallocation & Microallocation
g. Case study: Oregon Medicaid

Required Readings:
1) Social Justice, Text, pp. 633-636
7) In re: Baby K, 16 F.3d 590 (4th Cir. 1994), plus notes. (Excerpt)

Assignment: Post discussion question based on the readings on the wall 24 hours prior to live session. Be prepared to lead class conversation on the question.
## Session 10

### Public Health Ethics

- Ethical principles in population health
- Similarities/differences between public health ethics and bioethics
- Practical ethics: case studies

### Required readings:


### Assignment:

1. Post discussion question based on the readings on the wall 24 hours prior to live session. Be prepared to lead class conversation on the question.

2. Final paper due 72 hours following L/S.