

Health Law and Ethics
HADM 6150-900/PHIL 6229-900
Spring 2009
Course Syllabus

Course Number: HADM 6150-900/PHIL 6229-900
Course Title: Health Law and Ethics
Course Credits: 3 Graduate Semester Hours
Course Dates and Time: Saturdays, 9:00 am – 12:00 pm
January 17th – May 2nd, 2009
Course Location: Winningham 101

Faculty: Dr. Rosemarie Tong, PhD.
Office Hours: by appointment
Office Location: Winningham 105A
Office Phone: 704-687-2850
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Course Assistants Megan Rorie Karen Scully
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Course Description:

Analysis of ethical and bioethical problems confronting health care delivery systems. Selected legal principles and their application to the healthcare field, including corporate liability, malpractice, informed consent and governmental regulation of health personnel and health facilities.

Course Competencies:

1. Increase students' knowledge of the main moral principles and guidelines operative in the U.S. healthcare environment.
2. Increase students' understanding, monitoring, and interpretation of the impacts of legal, regulatory, and political environments on healthcare organizations.
3. Increase students' ability to handle the complex interplay between personal and professional ethical responsibilities and rights.
4. Increase students' ability to analyze the complex regulatory milieu in which healthcare professionals work.
5. Increase students' ability to discuss and resolve complex ethical issues and legal requirements with a diverse group of individuals with different cultural backgrounds and values.
6. Increase students' ability to express their views clearly on complex ethical and legal issues in written as well as oral fashion.
7. Increase students' ability to work in teams that share workload equitably and resolve issues effectively and efficiently.

University Policies

Academic Integrity:

Academic honesty and integrity are essential to the existence and growth of an academic community. Without maintenance of high standards of honesty, members of the instructional faculty are defrauded, students are unfairly treated, and society itself is poorly served. Maintaining the academic standards of honesty and integrity is ultimately

the formal responsibility of the instructional faculty; and this responsibility is shared by all members of the academic community.

Students have the responsibility to know and observe the requirements of *The UNC Charlotte Code of Student Academic Integrity* which may be found on the web at http://www.provost.uncc.edu/catalogs/2007-2009/studentconduct.htm#STUDENT_ACADEMIC_INTEGRITY. This code forbids cheating, fabrication, or falsification of information, multiple submission academic work, plagiarism, abuse of academic material, and complicity in academic dishonesty. Any special requirements or permission regarding academic integrity in this course will be stated by the instructor, and are binding on the students. Academic work is free from academic dishonesty of any type; and grades in this course therefore should be and will be adversely affected by academic dishonesty. The normal penalty for the first offense is zero credit on the work involving dishonesty and further substantial reduction of the course grade. In almost all cases the course grade is reduced to an F. Copies of the code can be obtained from the Dean of Students Office. Standards of academic integrity will be enforced in this course. Students are expected to report cases of academic dishonesty to the course's instructor.

Special Needs: If you have a documented disability and require accommodation in this course, contact Disability Services, Fretwell 230, phone: 687-4355 voice TDD.

College of Health and Human Services Policies

College Grading Scale: The following grading will be used in this course:

90%-100%	A
80%-89%	B
70%-79%	C
60%-69%	D
Less than 60%	F

Teaching Strategies:

1. Instructor lectures
2. General class discussion
3. Guest speakers with practical experience and recognized expertise in their field
4. Audiovisual presentations

Evaluation Methods:

1. Oral Case Presentation and Written Synopsis
Teams of two or three students will orally present a case study related to the course material. Ideally, the case should have occurred at a presenter's workplace or appeared in the local or national news in the recent past. The presentation should be no longer than 30 minutes and must include time for class commentary and critique. The presenters will submit a written synopsis of their case as well as any references and supporting material they used to enhance their presentation. **20 points**
2. Mid-term Exam on legal matters. It will include short ID's, paragraph answers, and one or two essay-length answers. **30 points**
3. Final Exam largely focused on ethical issues, but with some reference to legal issues. It will consist of two or three case studies as well as paragraph length ID's. **50 points**

Required Text/Readings:

Harris, DM (2008) *Contemporary Issues in Healthcare Law and Ethics* (3rd Ed., ISBN: 978-1-56793-279) Chicago: Health Administration Press.

Pence, GE (2004) *Classic Cases in Medical Ethics: Accounts of Cases that have Shaped Medical Ethics, with Philosophical, Legal, and Historical Backgrounds* (4th Ed., ISBN: 0-07-282935-4), New York: McGraw-Hill.

About the Instructor

Rosemarie Tong received her Ph.D. in Philosophy from Temple University in 1978. She is currently Distinguished Professor of Health Care Ethics in the Department of Philosophy and the Director of the Center for Professional and Applied Ethics at the University of North Carolina at Charlotte. Dr. Tong presently sits on the Board of Directors for the Association of Practical and Professional Ethics, and has sat on the Board of Directors of the International Association of Bioethics. She was chair of the American Philosophical Association's Committee on the Status of Women from 2003-2007, and was Co-coordinator of the International Network for Feminist Approaches to Bioethics from 1999-2002. Dr. Tong is a frequent panelist and judge for the National Institutes of Health, and winner of the 1986 CASE National Professor of the Year Award.

Dr. Tong has authored or co-edited thirteen books, including Controlling Our Reproductive Destiny: A Technological and Philosophical Perspective (1994), Feminist Approaches to Bioethics (1996), Feminist Thought: A More Comprehensive Introduction (1998), Globalizing Feminist Bioethics: Crosscultural Perspectives, with Aida Santos and Gwen Anderson (2001), Linking Visions: Feminist Bioethics, Human Rights, and the Developing World with Anne Donchin and Sue Dodds (2004), and New Perspectives on Healthcare Ethics (2007) She has published over 100 articles on topics related to reproductive and genetic technology, biomedical research, feminist bioethics, and global bioethics. She is a frequent speaker at national and international conferences, universities and medical schools.

Technology Information

UNC Charlotte students may visit computer labs at various sites across campus. The J. Murrey Atkins Library computer labs are open at the regular scheduled hours for the library. The computer lab that is open 24/7 is in Barnard 101, 103, 105, 108, and 109b and others with limited hours are in Friday 216 and 338 and Fretwell 321. For information call: 704-547-3100 and select option # 1. Or, check UNC Charlotte on the World Wide Web: <http://www.labs.uncc.edu>

Diversity Policy

UNC Charlotte strives to create an academic climate in which the dignity of all individuals is respected and maintained. Therefore, we celebrate diversity that includes, but is not limited to, ability/disability, age, culture, ethnicity, gender, language, race, religion, sexual orientation, and socio-economic status.

Class Schedule and Reading Assignments:

Sessions	Topic/Reading Assignments	Key Concepts	Course Enhancement
<p>Week 1 Jan. 17th</p>	<p>Key Concepts in Healthcare Ethics</p> <p><u>Reading Assignments</u> Pence: pp. 1-25</p> <p>Handout: Tong, Ethical Theories and Principles in Healthcare</p>	<ul style="list-style-type: none"> ◆ Moral Reasoning ◆ Utilitarianism ◆ Deontology ◆ Virtue Ethics ◆ Ethics of Care ◆ Autonomy ◆ Beneficence ◆ Non-maleficence ◆ Justice 	<p>Speaker: Rosemarie Tong, PhD, Director, Center for Professional and Applied Ethics</p>
<p>Week 2 Jan. 24th</p>	<p>The Law of Tort Liability and Legal and Ethical Obligations to Provide Care</p> <p><u>Reading Assignments</u> Harris: pp. 187-234</p>	<ul style="list-style-type: none"> ◆ Tort of Negligence (Duty to Care, Standard of Care, Breach of Duty) ◆ Medical Malpractice ◆ Doctrine of Respondeat Superior ◆ Emergency Medical Treatment and Active Labor Act--1986 ◆ Informed Consent 	<p>Speaker: Ken Nanney JD, Corporate Counsel Carolinas Medical Center- Union</p>
<p>Week 3 Jan 31st</p>	<p>Regulatory Laws, Business Incentives, and Ethics</p> <p><u>Reading Assignments</u> Harris: pp. 73-110 and 297-333</p>	<ul style="list-style-type: none"> ◆ CON Laws ◆ HIPAA ◆ ERISA ◆ Financial Incentives to Provide Less Care 	<p>Speaker: Ken Nanney JD, Corporate Counsel Carolinas Medical Center- Union</p>

Week 4 Feb. 7th	<p>The Law of Government Payment Programs: Medicare and Medicaid</p> <p><u>Reading Assignment</u> Harris: pp. 123-183</p>	<ul style="list-style-type: none"> ◆ Medicare ◆ Medicaid ◆ Fraud ◆ Antitrust 	<p>Speaker: Ken Nanney JD. Corporate Counsel Carolinas Medical Center- Union</p>
Week 5 Feb.14th	<p>Mid-term Exam Legal Issues and Ethical Principles</p>		
Week 6 Feb. 21st	<p>Contraception, Sterilization and Abortion: Ethical and Legal Issues</p> <p><u>Reading Assignments</u> Harris: pp. 263-279 Pence: pp. 122-151</p>	<ul style="list-style-type: none"> ◆ Contraception ◆ Sterilization ◆ Abortion ◆ Emergency Contraception ◆ Maternal-Fetal Conflict ◆ Fetal Tissue Research ◆ Kenneth Edelin Case 	<p>Student Case Presentations</p> <p>Speaker: Rosemarie Tong, PhD, Director of the Center for Professional and Applied Ethics</p>
Week 7 Feb 28th	<p>Assisted Reproduction: Ethical and Legal Issues</p> <p><u>Reading Assignments</u> Pence: pp. 152-183</p>	<ul style="list-style-type: none"> ◆ Infertility ◆ Artificial Insemination ◆ In Vitro Fertilization ◆ Embryo Selection ◆ Embryo Adoption ◆ Surrogate and Gestational Mothers 	<p>Student Case Presentations</p> <p>Speaker: Nancy Teaff, MD Reproductive Endocrinology and Fertility, Mid Town Medical Plaza</p>
Week 8 Mar. 7th	<p>Genetics: Our Future?</p>	<ul style="list-style-type: none"> ◆ Background for Genetics 	<p>Film: Gattica</p>
Week 9 Mar. 14th	<p>No Class. Student Recess</p>		

<p>Week 10 Mar. 21st</p>	<p>Genetic Diagnosis, Counseling, and Therapy: Ethical and Legal Issues</p> <p><u>Reading Assignments</u> Pence: pp. 395-428</p>	<ul style="list-style-type: none"> ◆ Genetics and Eugenics ◆ Genetic Screening (Wexler and the Test for Huntington’s Disease, Breast Cancer Gene) ◆ Genetic Counseling ◆ Legal Issues (Discrimination, Wrongful Birth, Life, and Death) ◆ Genes v. Environment 	<p>Student Case Presentations</p> <p>Speaker: Frank Grass, PhD, Director of Clinical Genetics Laboratory, Carolinas Medical Center</p>
<p>Week11 Mar. 28th</p>	<p>Stem Cells, Therapeutic Cloning, Reproductive Cloning and Ectogenesis: Ethical and Legal Issues</p> <p><u>Reading Assignments</u> Pence: pp 184-215</p>	<ul style="list-style-type: none"> ◆ Research on Fetuses (Fetuses Intended for Birth, Adoption) ◆ Research on Pre-Embryos (Destined for Implantation) ◆ Stem Cell Research (Embryos not Destined for Implantation) ◆ Therapeutic Cloning ◆ Reproductive Cloning ◆ Ectogenesis 	<p>Student Case Presentations</p> <p>Speaker: Rosemarie Tong, PhD, Director of the Center for Professional and Applied Ethics</p>
<p>Week 12 Apr. 4th</p>	<p>Adult Heart Replacement, Allocation of Artificial Transplantable Organs: Ethical and Legal Issues</p> <p><u>Reading Assignments</u> Pence: pp. 301-365</p>	<ul style="list-style-type: none"> ◆ United Network for Organ Sharing (UNOS) ◆ Heart-Beating v. Non-Heart Beating Donor ◆ Organ Donation (Cadaver v. Living) ◆ Seattle “God Committee” ◆ Distribution Systems and Waiting Lists ◆ Xenotransplants ◆ Anencephaly and Organ Donation ◆ Success and Failure Rates 	<p>Student Case Presentations</p> <p>Speakers: Gary Burris RN, CPTC Director of Operations Life Share of the Carolinas</p> <p>Dr. Ben Hippen Department of Nephrology, Carolinas Medical Center</p>
<p>Week 13 Apr. 11th</p>	<p>Student Recess</p>		

<p>Week 14 Apr. 18th</p>	<p>Palliative Care, Letting Die, Refusing Treatment, Euthanasia, Assisted Suicide</p> <p><u>Reading Assignments</u> Pence: pp. 29-120 and 216-243</p>	<ul style="list-style-type: none"> ◆ The History of the Right to Die Movement ◆ Advance Directives ◆ Medical Futility (Brain Death Persistent Vegetative State, Minimal Consciousness – Schiavo Case) ◆ Passive Euthanasia (Quinlan and Cruzan) ◆ Active Euthanasia (Netherlands) ◆ Physician Assisted Suicide (Kevorkian, Quill, Oregon) ◆ Terminal Sedation ◆ Hospice and Palliative Care 	<p>Student Case Presentations</p> <p>Speaker: Darlyne Menscer, MD Director of Geriatric Education Department of Family Medicine Carolinas Medical Center</p>
<p>Week 15 April 25th</p>	<p>Death and Dying</p>	<ul style="list-style-type: none"> ◆ Pain and Suffering ◆ Meaning of Life ◆ Confronting Death 	<p>Student Case Presentations</p> <p>Film: Wit</p>
<p>Week 16 May 2nd</p>	<p>Final Exam</p>		