

.....COURSE OUTLINE
LEGAL GOVERNANCE OF HEALTH CARE - WINTER 2004

Name of Instructor: Professor Joan Gilmour

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Faculty Assistant:	Felicia Holder, Near room 334, ext. 33467
Office Hours:	Tuesdays, 12:40 - 1:30 p.m., Thursdays, 2:40 - 3:30 p.m.
Course Website:	osgoode.yorku.ca/joangilmour

Class Meeting Times and Location:

Tuesdays 12:40 p.m. - 2:30 p.m. & Thursdays 12:40p.m. - 1:30 p.m. in Room 207

Course Description

The statutory regimes that govern the delivery of health care are increasingly numerous and complex. This course will introduce students to the legal frameworks within which health care providers and institutions deliver and patients receive care, specifically, those applicable in dealing with patients, in hospitals and other health care facilities and in research. Students will gain a working knowledge of and develop critical perspectives on relevant statutory regimes and as well, will apply that knowledge to specific problems in the areas covered.

The course will focus on the legal mechanisms governing health care delivery. Topics covered will fall into six general areas: federal and provincial governance of health care; professional self-regulation; civil liability of health care providers and institutions; hospitals and other health care facilities; vulnerable populations and the governance of research. There will be particular reference to the situation of vulnerable populations (including minors and those otherwise decisionally incapable) and the implications of privatization. Students will examine the current fault-based malpractice regime and “no fault” alternatives; issues in self-regulation; the regulation responsibilities and liabilities of hospitals and other health care institutions, regulation of drugs and devices, restrictions on and consent to experimental and innovative testing and treatment, and discrimination in the provision of health services. Consideration will be given not only to the ways health care delivery is governed and constrained, but also to the broader implications of the issues raised, and to the effect that underlying paradigms (for instance, relative to health, disability or the role of health care providers) may have had in shaping the political and legal responses.

Teaching Methods & Expectations

The material will be covered through a mixture of lecture, class discussion and small group work on and

presentation of assigned problems.

Evaluation:

(1) Final Examination 100%

OR

(2) Final Examination 50% AND
Essay 50% (Topic must be approved by instructor)

The latter option (if chosen) to be selected and topic discussed with instructor and approved by the end of the fourth week of classes (i.e. by Friday, January 30, 2004). A rough outline of the paper and initial bibliography due by the sixth week of classes (i.e. before class on Thursday, February 12, 2004). The essay will be due on the first day of examinations, April 14, 2004.

Course Materials:

Legal Governance of Health Care course materials and statutory materials (Volume I and the Statutory Materials are available at MDC; Volume II will follow).

Outline of Classes:

- I. Provincial and Federal Spending on and Jurisdiction over Health and Health Care
- II. Self-Regulation
- III. Alternative Medicine and Therapies - Implications for Self-Regulating Health Professions
- IV. Malpractice
- V. Informed Consent
- VI. Experimentation and Innovative Therapy
- VII. Tort Theory: Criticisms and Alternatives
- VIII. Substitute Decision-Making
- IX. Hospitals
- X. Health Insurance; Privatization in the Health Care System
- XI. Independent Health Facilities; Long Term Care
- XII. Health Information: Confidentiality, Access and Disclosure
- XIII. Discrimination in the Provision of Health Services

MONDAY, APRIL 14, 2004: Essays due (if that option was chosen)

FRIDAY, APRIL 16, 2004: FINAL EXAMINATION

Course Policies:

- Students should refer to the Student Handbook for policies regarding evaluation, academic credit and other such general matters.
- Religious observance: “York University is committed to respecting the religious beliefs and practices of all members of the community, and making accommodations for observances of special significance to adherents. Should any of the dates specified in this syllabus for in-class test or examinations pose such a conflict for you, contact the Course Director within the first three weeks of class. Similarly, should lab, practica, workshop, etc., assignments scheduled later in the term pose such a conflict, contact the Course Director immediately. Please note that to arrange an alternative date or time for an examination scheduled in the formal examination periods (December and April/May), students must complete an Examination Accommodation Form, which can be obtained from The Registrar’s Office.”)