

Seminar: Complementary and Alternative Medicine and the Law Syllabus

Fall 2010
Professor Jesson

General Course Information

Course:	Seminar: Complementary and Alternative Medicine and the Law
Credits:	3
Classroom:	Law 301
Day:	Wednesday
Time:	9:00 a.m. – 10:50 a.m.
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E-mail:	ljesson01@hamline.edu
Office Hours:	One hour before and after class and by appointment.

I am available by email to schedule meetings or to answer short inquiries. If you have substantive questions and comments, however, please visit me by phone or in person.

Course Description and Objectives

Welcome to Complementary and Alternative Medicine and the Law! This seminar will examine the legal and policy issues raised by the delivery of complementary and alternative medicine (CAM). Special attention will be given to the definitions, theories, and practice of major CAM therapies, including chiropractic, acupuncture, homeopathy, naturopathy, massage therapy, dietary supplementation, herbal medicine, and various cancer therapies; the role of evidence-based medicine in evaluating CAM therapies; the licensure, regulation, and certification (or lack thereof) of CAM providers; legal issues relating to collaboration with CAM providers, including credentialing, medical staff membership, clinical privileges, ordering, and referrals; informed consent to CAM therapies and CAM research; and CAM malpractice.

Course Description and Objectives (continued)

In addition to gaining a deeper understanding of the major and policy issues raised by the delivery of CAM, the focus of this class is the production of a scholarly paper. After examining a variety of legal and policy issues in the first two thirds of the class, during the final third, students will make presentations based on the drafts of their papers. Thus, during the semester you will have the opportunity to:

1. Learn and apply basic strategies for approaching and organizing a seminar paper, including topic selection, the identification of relevant research, and thesis development;
2. Hone and demonstrate the writing skills necessary to construct a well-reasoned seminar paper, including the ability to craft the essential background foundation and present a compelling analysis that effectively advocates the thesis;
3. Engage in evaluating and constructively critiquing the work of others;
4. Utilize creative presentational skills that inform and actively engage the audience; and
5. Complete a thoughtful, scholarly work of at least 30 pages (double spaced, including footnotes), suitable for publication in a law review.

Texts & Materials:

Reading assignments (in addition to the draft papers) are from the required texts, *Complementary and Alternative Medicine and the Law*, by Lucinda Jesson and Stacey Tovino (ISBN 978-1-59460-767-7) and *Midwives* by Chris Bohjalian (ISBN 0-375-70677-1). All students must enroll in the TWEN Course Website. Any PowerPoint's used in class will be posted to TWEN following class.

Course Evaluation

Grading will be based almost entirely on the final paper produced on a topic related to CAM and the law. A particularly strong (or weak) classroom presentation, failure to submit the required critiques in a timely manner, and thoughtful classroom participation may bump that final mark up (or down) by one-half grade.

Course Attendance

At the beginning of each class session, I will distribute a class roster for students to sign. Since this seminar meets only once each week, missing two classes is presumptively excessive and can be the basis for involuntary withdrawal from the course.

Course Requirements:

- 1. Paper:** The focus of this class is the student's production of a scholarly work done in the general "law review article" format. The final paper must be at least 25 pages in length and well-supported by footnotes. The work must reflect a substantial analytical section presenting the student's thesis—the student's personal perspective on the chosen topic. In other words, the article cannot simply summarize the law without expressing and supporting a particular position. On the first day of class, we will determine the date of each student's presentation. A substantial, typed draft (at least 20 pages, double-spaced) is due at least one week before your scheduled presentation. Failure to meet the time deadline or the substantive requirement will result in a grade reduction.
- 2. Critiques of Student Papers:** Each student must type a one-page critique of each other student's first draft. The comments should be constructive in nature. Student critiques are due no later than the day the critiqued paper is presented in class. Failure to provide the critiques in a timely fashion may result in a grade reduction.
- 3. Presentation Requirements:** Each student will do a 25-30 minute presentation based on their selected topic and thesis. The goal is to engage the class in a thoughtful, spirited discussion. Be creative. Do NOT simply stand and read your draft or summarize the main point on PowerPoint slides! If a student's final grade is on the border, a strong or poor presentation will make a difference.

Class Schedule and Readings

Below are the tentative topics and initial assignments. This syllabus is subject to change. Please check the TWEN site for the most up-to-date syllabus.

Class One, August 25: Introduction to CAM

Reading: CAM and the Law pages 1-40.

Assignment: Each student must come to class prepared for a short 5 minute presentation on a CAM modality. I encourage students to look at NCCAM website as part of any research and to contrast this information with that reported on other internet websites. Students can work in groups of two or three, at their option. Each presentation should include information regarding:

- Frequency of use within population
- Recommended uses
- Clinically controlled trials, if any

- Other evidence of safety and efficiency
- Insurance coverage, if any
- Potential toxicity and side effects, if any
- History of usage, including its importance within particular cultures

Class Two, September 1: Licensure

Reading: *CAM and the Law* pages 41-80. Pay special attention to the problems in the text.

Class Three, September 8: Scope of Practice and Introduction to Malpractice

Reading: *CAM and the Law* pages 81-116.

Guest Speaker: Donald E. Horton, JD, MA, LPC

Attorney at Law & Licensed Professional Counselor

Class Four, September 15: Malpractice and the CAM Provider

Reading: *CAM and the Law* pages 116-155

Class Five, September 22: Informed Consent

Reading: *CAM and the Law* pages 156-196

Class Six, September 29: Dietary Supplements

Reading: *CAM and the Law* pages 197-222

Class Seven, October 6: Antitrust and Alternative Approaches to Regulation

Reading: *CAM and the Law* pages 223-248; 267-280

Class Eight, October 13: CAM and the Law in Context

Reading: *Midwives* by Chris Bohjalian

Class Nine, October 20: Student Presentations

NO CLASS OCTOBER 27

Class Ten, November 3: Student Presentations

Class Eleven, November 10: Student Presentations

Class Twelve: November 17: Student Presentations

Class Thirteen, November 24: Student Presentations

Class Fourteen, December 1: Student Presentations