

Mental Health Law Syllabus

Summer 2010
Professor Tovino
Hamline University School of Law

Course Information

Faculty: Professor Stacey A. Tovino, J.D., Ph.D.
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Course: Selected Topic: Mental Health Law (CRN 55404)
Semester: Summer 2010
Meeting Schedule: June 21, 22, 23, and 24; 9:00 a.m.–12:00 p.m.; 12:30 p.m.- 4:00 p.m.
Room: 105

Textbook and Materials

The one and only required text is SLOBOGIN, REI, AND AND REISNER, LAW AND THE MENTAL HEALTH SYSTEM: CIVIL AND CRIMINAL ASPECTS, 5th ed. (2008-09), ISBN-13: 9780314183644. There are no other required or recommended readings. Additional materials available through our Class Blog, located at <http://mentalhealthlaw10.blogspot.com/> include: (1) eight PowerPoint presentations (one for each morning and afternoon of class), which will include references and links to relevant federal, Minnesota, and other state statutes and regulations; and (2) the most current version of this syllabus. The PowerPoint presentations are designed to structure class discussions and assist you with class preparation.

Learning Outcomes for this Course

The learning outcomes for this course include obtaining the information and skills necessary to recognize, understand, and question the legal and ethical duties that apply to mental health care providers as well as the rights of individuals with mental illness, intellectual disabilities, neurodegenerative diseases, alcohol and drug dependency, and brain injuries. In addition to traditional mental health law topics, including mental health malpractice, special attention is given to the licensing, certification, and accreditation of mental health care providers; the confidentiality of mental health records, including psychotherapy notes and drug and alcohol abuse treatment records, under state and federal law; the requirements for using physical and chemical restraints, seclusion, and electroconvulsive therapy in the mental health setting; mental health parity legislation and the financing of and payment for mental health care; and the burgeoning (and overlapping) fields of neurolaw and neuroethics.

Course Expectations

I expect that you will have read the assignments listed below prior to the date and time listed in the left hand column of the chart below (i.e., the date and time the readings will be discussed in class). Page numbers refer to our required text, SLOBOGIN, REI, AND AND REISNER, LAW AND THE MENTAL HEALTH SYSTEM: CIVIL AND CRIMINAL ASPECTS, 5th ed. (2008-09), ISBN-13: 9780314183644.

Date	Chapters	Reading Assignment
Mon., June 21, 2010 (Morning)	Introduction; Licensing, certification, and accreditation of mental health care providers	1-58; 80-97
Mon., June 21, 2010 (Afternoon)	Restraint and seclusion	42 C.F.R. 482.13(e), (f), and (g), avail. at http://edocket.access.gpo.gov/cfr_2009/oct_qtr/42cfr482.13.htm
Tues., June 22, 2010 (Morning)	Electroconvulsive therapy; Informed consent to mental health treatment	257-305
Tues., June 22, 2010 (Afternoon)	Financing and payment for mental health care; Mental health parity law	59-79
Wed., June 23, 2010 (Morning)	Prescriptive authority and other scope of practice issues	98-122
Wed., June 23, 2010 (Afternoon)	Confidentiality of mental health records, including psychotherapy notes and alcohol and drug abuse treatment records	306-421
Thurs., June 24, 2010 (Morning)	Mental health malpractice; other liability issues	123-256
Thurs., June 24, 2010 (Afternoon)	Brain injury prevention and regulation; neurolaw and neuroethics	PowerPoint only

I will post the PowerPoint presentations to our Class Blog approximately one week prior to the beginning of class so that you have ample time to download and use the presentations for class preparation. I will not distribute paper copies of the PowerPoint presentations in class. Again, to access the PowerPoints, go to: <http://mentalhealthlaw10.blogspot.com/>.

HUSL Policies on Attendance, Lateness and Preparation

The program of instruction at the School of Law is based on an active and informed exchange between instructor and student and between student and student. Regular, prepared class attendance helps develop skills essential to the competent practice of law. A student who violates the attendance policy, including the instructor's specification of course expectation described below, may lose his or her right to take the exam in the course, to receive course credit or may receive other penalties described below and in Academic Rule 108. Persistent or frequent lateness or unpreparedness may also be the basis for reduction of the grade awarded in a course. See Academic Rule 108 for further details.

Attendance Policies in this Course

I expect that you will attend 80% of our scheduled in-class minutes. At the beginning of each morning and afternoon session, I will distribute a class roster for you to sign. If you are absent for more than 20% of our total in-class minutes, your absence will be treated as "excessive" in accordance with Hamline University School of Law Academic Rules.

Punctuality/Preparation Policies in this Course

I expect that you will be sitting in your seat between 9:00 a.m.–12:00 p.m. and between 12:30 p.m.- 4:00 p.m. on each of the four days of class. Any time that you are not in your seat during these time periods will count against your required in-seat minutes.

Policy on Laptop Use in Class

Laptop use is permitted in class.

Grading Components

One hundred percent (100%) of your final grade will be based on an open-book and open-note final examination that shall include two essay questions. The final examination will be distributed through TWEN and will be electronically 'start-and-stop-time-stamped.' You shall have no more than two hours and twenty minutes (2 hours and 20 minutes) to download, complete, and re-upload your completed examination to TWEN. There are no other mid-term examinations, written assignments, or oral assignments.

Last Revised: May 11, 2010