

Patients' Rights 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 Topics: Patients' Rights (CRN 55402)
Semester: Summer 2010
Meeting Schedule: June 14, 15, 16, and 17; 9:00 a.m.–12:00 p.m.; 12:30 p.m.- 4:00 p.m.
Room: 103

Textbook and Materials

The one and only required text is GEORGE J. ANNAS, THE RIGHTS OF PATIENTS, 3rd edition (either Southern Illinois University Press or New York University Press, 2004), and either ISBN-10: 0814705030 or ISBN-13: 978-0814705032. There are no other required or recommended readings.

Additional materials available through our Class Blog, located at <http://patientsrights10.blogspot.com/> include: (1) four PowerPoint presentations (one for each day 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 recognizing and understanding the legal and ethical sources of patients' rights and the legal duties of hospitals and other health care providers as they relate to such rights. Examples of issues that will be examined during class include, but certainly are not limited to, whether patients have a right to health care; whether patients have the right to refuse to be examined and treated by medical and nursing students and residents; whether patients have a right to know their prognosis; whether patients have the right to know the HIV-status of their physicians; whether hospitals can prevent patients from leaving; whether patients have the right to videotape childbirth or other activities, treatments, or procedures in which they are involved; whether health care facilities such as nursing homes can videotape their residents' activities;

whether patients in all health care facilities have the right to receive visitors and to associate with other patients; whether pregnant women have the right to be informed of the option of genetic counseling and screening; whether pregnant women can refuse to be tested for illegal drugs; whether pregnant women can elect to give birth at home; and whether patients can refuse to consent to autopsy prior to death.

Course Expectations

I expect that you will have read the assignments listed below prior to the date listed in the left hand column of the chart below (which is the date the readings will be discussed in class). Page numbers refer to our required text, GEORGE J. ANNAS, THE RIGHTS OF PATIENTS, 3rd edition (Carbondale: Southern Illinois University Press, 2004). Please do not be thrown by the length of the readings. The text is a paperback and is a quick and easy read. The author uses a very simple and straightforward ‘question and answer’ format to present and examine issues relating to patients’ rights, and I will follow this format in class.

| Date | Chapters | Reading Assignment |
|-----------------------|--|---|
| Mon., June 14, 2010 | Preface; Patient Rights; The Patient Rights Advocate; Hospitals. | xv-xx; 1-27; 28-43; 63-88. |
| Tues., June 15, 2010 | Emergency Medicine Informed Choice; Choices about Surgery and Children’s Care; Reproductive Health. | 89-112; 113-140; 141-167; 168-193. |
| Wed., June 16, 2010 | Research; Medical Records; Privacy and Confidentiality. | 194-223; 224-245; 246-272. |
| Thurs., June 17, 2010 | Care of the Dying; Suffering, Pain, and Suicide; Death, Organ Donation, and Autopsy. | 273-297; 298-315; 316-336. |

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://patientsrights10.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 3, 2010