

Law and Bioethics
Fall 2009
Professor Kahn
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Goals and Objectives:

This course examines the legal, ethical, and policy aspects of current controversies in health care and human subjects research. Objectives of this course include: (1) learning how to apply traditional principles of bioethics, including autonomy, beneficence, nonmaleficence, and justice; (2) learning how to approach issues in health care and human subjects research from both legal and ethical perspectives. (3) understanding some of the larger structural constraints in law and society that shape the conceptualization and applications of ethical principles in medical health-related contexts.

Readings:

The casebook for the course is: King, Areen and Gostin. *Law, Medicine and Ethics*. (Foundation Press). All page references in the syllabus assignments are to this book, unless otherwise noted.

Resources: The National Institutes of Health has a helpful bioethics resources web page at: <http://bioethics.od.nih.gov/>. Other useful web sites are maintained by the Kennedy Institute of Ethics at Georgetown University, <http://bioethics.georgetown.edu/nrc/>; and the Hastings Center, <http://www.thehastingscenter.org/>. For an international flavor you might try the Nuffield Council of Britain web site at, <http://www.nuffieldbioethics.org/>

Class Participation: The course is organized around fostering student discussion of the cases we read each class, therefore your regular attendance is essential. Every student will be responsible for presenting at least one case in class. These cases will be assigned in advance.

Classroom Etiquette: The classroom environment must be conducive to learning for all students. Proper conduct in the classroom is intended to encourage everyone to participate in, to derive benefit from, and ultimately to enjoy the class. It is perfectly acceptable and indeed professionally required that you demand professional behavior of your classmates in and out of class.

Technological devices, in particular, can be distracting to your classmates and me and thus undermine that goal. Accordingly, during class, in addition to usual courtesies, refrain from text-messaging and email; using cell phones, pagers, or any other communication device; refrain from displaying wallpaper, screen savers, or other material on your laptop computer screen that can reasonably be expected to offend or distract your classmates.

- Behavior which interferes with the learning ability of your classmates will be sanctioned accordingly.

Attendance Policy: Attendance is important and required by the ABA and Hamline University School of Law. If a student is absent (for any reason) more than 5 times this semester, it is **his or her responsibility** to contact the professor to determine whether the work can be made up or whether some other arrangement such as a grade change or withdrawal from the course is more appropriate. Failure to consult with the professor promptly about make-up work or other alternatives after a sixth (6) absence may constitute grounds for withdrawal from the course.

Grading: Your course grade will be derived primarily from your final exam. Class participation may count as a “plus” factor in cases where grades are on a particular borderline. Failure to participate in class will *not* count against you so long as you each make a good faith effort in your assigned class case presentations.

Final Exam: The Final Exam will be *limited open book*. This means you may use the casebook and any other assigned materials. You may also use any notes or outlines that *you yourself* have written. This does not include other materials that you have simply copied. You may bring in notes that have been prepared cooperatively with other students. You may not bring in commercial outlines or any other such materials not assigned in class.

THIS SYLLABUS SUBJECT TO REVISION

Section I: Bioethics: Foundations

Assignment 1: Foundations: The Belmont Report

Available at: <http://www.hhs.gov/ohrp/humansubjects/guidance/belmont.htm>

Section II: Humans as Research Subjects

Assignment 2: Overview

pp. 259-274

Assignment 3: Historical Abuses in the U.S.

pp. 274-292

Assignment 4: Evolution of Public Regulation of Human Experimentation

pp. 292-308

Assignment 5: International Regulation

pp. 308-317

Assignment 6: Assessment of Current Regulations
pp. 318-330

Assignment 7: IRBs
pp. 330-341

Assignment 8: Protecting the Most Vulnerable Subjects - I
pp. 342-355

Assignment 9: Protecting the Most Vulnerable Subjects – II
pp. 355-370

Section III: Ownership of the Body

Assignment 10: Who Owns the Body?
pp. 208-227

Assignment 11: The Body as Commodity
pp. 228-243

Assignment 12: The relationship Between Body and Human Being
pp. 243-258

Section IV: Reproduction and the New Genetics

Assignment 13: Defining Life
pp. 509-520

Assignment 14: Aiding Reproduction -I
pp. 560- 576

Assignment 15: Aiding Reproduction -II
pp. 576-596

Assignment 16: Aiding Reproduction –III
pp. 596-616

Section V: Death and Dying

Assignment 17: Defining Death

Assignment 18: Is there a Constitutional Right to Die?
pp. 395-410

Assignment 19: Competent Patients – I

pp. 411-429

Assignment 20: Competent Patients – II
pp. 429-444

Assignment 21: Competent Patients – III
pp. 444-455

Assignment 22: Incompetent Patients – I
pp. 456-475

Assignment 23: Incompetent Patients – II
pp. 475-488

Section VI: Patients, Subjects and Citizens

Assignment 24: What Control Can Individuals Exercise?
pp. 130-147

Assignment 25: Consent and Choice
pp. 147-168

Assignment 26: Limitations on Individual Choice
pp. 168-186

Assignment 27: Individual Choice and Collective Action
pp. 186-205

Assignment 28: Review
pp. 205-208