The Johnson-Shoyama Graduate School of Public Policy, with campuses at the University of Regina and the University of Saskatchewan, is an interdisciplinary centre for public policy research, teaching, outreach and training.

## JSGS 835AT – HEALTH LAW AND POLICY

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<tr>
<th>UNIVERSITY OF REGINA CAMPUS</th>
<th>UNIVERSITY OF SASKATCHEWAN CAMPUS</th>
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<tbody>
<tr>
<td><strong>INSTRUCTOR:</strong></td>
<td>Am y Zarzeczny</td>
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<tr>
<td><strong>PHONE:</strong></td>
<td>337-3345</td>
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<tr>
<td><strong>OFFICE HOURS:</strong></td>
<td>By appointment</td>
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<tr>
<td><strong>OFFICE LOCATION:</strong></td>
<td>110.2 – 110 – 2 Research Drive</td>
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<tr>
<td><strong>TERM:</strong></td>
<td>Winter 2013, Block</td>
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<tr>
<td><strong>ROOM:</strong></td>
<td>ED 619</td>
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| **DATE AND TIME:** | Feb 2, 1:00 – 4:00 pm  
Feb 19-23, 9:00 – 4:45 pm  
Mar 23, 1:00-4:00 pm | N/A |
CALENDAR DESCRIPTION

This course will provide an overview of issues at the intersection of health law and policy. It will include a basic introduction to the foundations of health law followed by examination of topical issues in this domain such as stem cell research, genetics, and medical tourism.

COURSE CONTENT AND APPROACH

The course will be loosely structured in two parts. We will begin by obtaining a basic understanding of key concepts in health law and policy. We will then go on to explore legal, policy and ethical issues surrounding a select assortment of special topics in health law and policy including research ethics, ethical decision-making in health care, stem cell research, medical tourism, genetics and public health. The initial grounding in fundamental health law principles will enable students to critically examine the often multi-faceted nature of issues in this domain. Students will examine the tensions that frequently emerge between law, policy and ethics in these and other challenging areas, and will have the opportunity to take a broad and interdisciplinary approach to their analysis.

Given the large and continually growing range of emerging issues in health law and policy, our aim will not be a comprehensive examination of this field. Rather, we will adopt a ‘big picture’ approach and will develop a general framework for approaching and analyzing health law and policy issues. A focus on law and policy, and the relationship between them, will remain a consistent theme throughout the course. At the same time, our discussions will accommodate assessing issues from various interdisciplinary perspectives, recognizing that students will bring diverse backgrounds to the class. Seminars will include lecture content, group discussion, in-class exercises and student presentations.

REQUIRED READINGS

Required readings are outlined below for each seminar. All are available through the University of Regina library or are publicly accessible on the internet.

It is essential that all required readings be completed before the seminar on February 19th. The required readings have been chosen to provide students with an introduction to the topics of the day, with the understanding that many of the topics are likely to be new to the majority of the students. Completion of the required readings in advance will facilitate our more in-depth consideration of the issues involved.

SUPPLEMENTARY READINGS

Supplementary readings are suggested for a number of topics. Their purpose is to provide additional background information and introduce different perspectives on the topics being considered. Students are not required to read all supplementary materials, but are encouraged to become generally familiar with as many of the readings as possible.
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There is no required textbook for this course, but Canadian Health Law and Policy, 4th Ed., Downie, J., Caulfield, T. & Flood, C., eds. (LexisNexis Canada, 2011) is an excellent resource for interested students. Earlier editions are available at reduced cost, although it is important to note that because the law moves quickly in some of these areas, earlier editions should be treated with caution as some aspects may be out-of-date.

EVALUATION

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<tr>
<th>Method of Evaluation</th>
<th>% of Total Course Grade</th>
<th>Time-frame/Due Date</th>
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<tbody>
<tr>
<td>Class Participation*</td>
<td>10%</td>
<td>All semester</td>
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<tr>
<td>Seminar Leadership (case studies)</td>
<td>15%</td>
<td>February 21-23rd (in class)</td>
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<tr>
<td>Opinion Memo</td>
<td>40%</td>
<td>March 15th (by email/drop-off)</td>
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<tr>
<td>Poster</td>
<td>25%</td>
<td>March 23rd (in class)</td>
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<tr>
<td>Poster Presentation</td>
<td>10%</td>
<td>March 23rd (in class)</td>
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* Please see the attached JSGS Participation Guidelines, also available at: http://www.schoolofpublicpolicy.sk.ca/_documents/_resource_documents/Participation%20Guidelines.pdf and on our URCourses site, for additional information regarding seminar participation expectations and assessment.

LATE ASSIGNMENTS

5% will be deducted per day for late assignments, subject to extensions granted in exceptional circumstances.

ATTENDANCE

Students are expected to attend all seminars. Given the short duration of this class, any absence (subject to exceptions for unavoidable and unforeseen events) may have a significant adverse impact on the student’s participation mark. Students who are aware of a potential concern or conflict should discuss it with the instructor as soon as possible.

STUDENTS WITH SPECIAL NEEDS

Students in this course who, because of a disability, may have a need for accommodations are encouraged to discuss this need with the instructor and to contact the Coordinator of Special Needs Services at 585-4631.

ACADEMIC INTEGRITY AND CONDUCT

Ensuring that you understand and follow the principles of academic integrity and conduct as laid out in the University of Regina’s Graduate Calendar is vital to your success in graduate school (available at http://www.uregina.ca/gradstudies/calendar/policy_univ.shtml#conduct). Ensuring that your work is your own and reflects both your own ideas and those of others incorporated in your work is important: ensuring that you acknowledge the ideas, words, and phrases of others that you use is a vital part of the scholarly endeavour. If you have any questions at all about academic integrity in general or about specific issues, contact your course instructor and to discuss your questions.
COURSE OUTLINE AND ASSIGNMENTS

Introductory Seminar | Saturday, February 2nd | 1:00 p.m. – 4:00 p.m.

This introductory meeting will facilitate group introductions and will include an overview of the course structure, content, expectations and methods of evaluation. The timing of seminar leadership will be confirmed. We will discuss various possible interpretations of “health law” and “health law and policy”, and will confirm the definition or scope we will adopt for the purpose of this class.

Defining the field of health law with any degree of specificity is increasingly challenging. As Hank Greely proposes:

I believe health law should be defined very loosely, as encompassing all legal and public policy issues involving the provision of health care (medical or otherwise) or health status. Importantly, this includes policy questions about what the laws or, more broadly, the non-legal rules or standards as they affect health care should be and not just what they are.” (Greely, H. “Some Thoughts on Academic Health Law” (2006) 41 Wake Forest L. Rev. 391, at 392)

This session will encourage students to develop a critical appreciation of the relationship between law and legal values and the direction of medical, bioethical and health system practice and policy.

Days 1 & 2: Health Law – The Basics | Tuesday, February 19th | 9:00 a.m. - 4:45 p.m.
Wednesday, February 20th | 9:00 a.m. - 4:45 p.m.

Together, these first two seminars will provide a crash course in health law and medical ethics. We will cover the fundamentals of essential topics including medical negligence (duty of care, standard of care, damage, causation and defences), informed consent, substitute decision-making, fiduciary duties and vicarious liability. We will use hypotheticals and examples from case law to identify and explore the key issues.

Required Readings:


Supplementary Readings:


Day 3: Research Ethics & Ethical Decision-Making Thursday, February 21st 9:00 a.m. - 4:45 p.m.

This day will be divided into two parts, with ethics being the unifying theme.

In the first part of the day we will review research ethics governance in Canada (in the context of human subjects research), including an overview of the Tri-Council Policy Statement and a review of relevant case law and common law principles. We will look at a number of specific issues and challenges currently facing stakeholders in health-focused research such as, for example, the requirements of informed consent, research with vulnerable populations, managing incidental findings and the legal duties/potential legal liability of researchers and research ethics boards.

Required Readings:


Supplementary Readings:


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In the second part of the day, we will discuss health care law and ethics in decision-making. We will look at foundational principles such as autonomy and beneficence, and will consider their application in context including, for example, end-of-life situations and resource rationing – organ allocation policies.

Required Readings:


Supplementary Readings:


Lancet 373: 423-431.


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<tr>
<th>Day 4: Stem Cell Research &amp; Medical Tourism</th>
<th>Friday, February 22\textsuperscript{nd}</th>
<th>9:00 a.m. - 4:45 p.m.</th>
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This seminar will present an opportunity to use the tools and frameworks developed thus far to examine emerging and particularly controversial health law and policy issues.

In the first part of the day, we will consider stem cell research law and policy. We will review the legal landscape surrounding stem cell research in Canada and will consider the past and present policy factors that have contributed to the current status quo. We will situate Canada’s position internationally and discuss the implications different international policy positions have had on the direction of this area of research. This seminar will highlight current debates and policy challenges in the dynamic and fast-changing field of stem cell research, and will provide an introduction to the value of an interdisciplinary approach to addressing policy issues associated with emerging biotechnologies.

**Required Readings:**


Supplementary Readings:


In the second part of the day, we will use the growing concern regarding stem cell tourism to provide context for an ensuing discussion about medical tourism more broadly. Topics to be addressed will include the obligations of physicians and other primary care providers and the roles/responsibilities of the state and other key stakeholders in the context of medical tourism.

Required Readings:


Supplementary Readings:


Day 5: Genetics & Public Health Saturday, February 23rd 9:00 a.m. - 4:45 p.m.

In the first part of this class, we will explore some of the key ethical, legal and social policy challenges permeating the promising but complex field of genetics. Topics to be addressed will include direct-to-consumer genetic testing, genetic discrimination, genomic hype and personalized medicine, among others. We will canvass existing legal frameworks, identify dominant social, ethical and policy concerns, and discuss issues that must be given special consideration in the context of the genetic testing of minors.
Required Readings:


Supplementary Readings


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We will then go on to consider issues at the intersection of genetics and public health, such as newborn screening and the application of racially based medical interventions. As our focus shifts onto public health principles, we will conclude the day’s analysis by discussing key principles in public health law. Our focus will not be on public health as a general health policy issue, but rather on public health law and issues associated with the legal regulation of public health.

Required Readings:


Supplementary Readings:


Concluding Seminar: Poster Presentations  
Saturday, March 23rd 1:00 p.m. – 4:00 p.m.