

Western University: Faculty of Law and School of Health Studies
Law 3101A 001/Health Sciences 3101A 001
Health Care Law

Instructor:	Professor Jacob Shelley	Course Coordinator:	Assistant Dean Mysty Clapton
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Office:	Law Building Room 21	Office Hours:	By appointment
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Overview

This course surveys the law governing the provision of treatment, counselling and care in Ontario. Topics covered include: consent, capacity to consent, end-of-life decision making, mental health and the law, negligence, documentation, confidentiality, disclosure, mandatory reporting, and health information privacy. The course is open to all Western undergraduates (other than law students enrolled in the J.D. program). Unless you have either the requisites for this course or written special permission from your Dean to enroll in it, you may be removed from this course and it will be deleted from your record. This decision may not be appealed. You will receive no adjustment to your fees in the event that you are dropped from a course for failing to have the necessary prerequisites.

Schedule

This fall-term course consists of three lecture hours per week. The classes are Tuesdays and Thursdays from 5:00 pm – 6:30 pm in Room 145 of the Natural Sciences Building.

Readings

The required text is Solomon, *Health Care Law 3101: Fall Term 2018* [purchase at Western's Book Store; **older editions are NOT acceptable**]. Students are expected to attend the classes and prepare for them by reading the assigned pages. The reading schedule for each class is available online on the OWL course page and in the following pages of this document.

Professor Shelley would like to thank Professor Solomon for graciously providing his materials for continued use in this course.

Course Coordinator

The course coordinator is Mysty Clapton (mclapton@uwo.ca). The course coordinator is available by email to answer questions about accommodations, enrolment, evaluations, OWL, and all other administrative matters. The course instructor is not able to answer these types of questions.

Teaching Assistants

There are two Teaching Assistants (TAs): Kiri Latuskie (klatuski@uwo.ca) and Jennifer McBlain (jmcbain@uwo.ca). The TAs are available by email to help with any problem related to the course content, and will be monitoring the class bulletin board (Discussion Forums) on OWL. When you have specific questions about the course material please contact the TAs. For questions about Chapters I to VI contact Kiri Latuskie and for questions about Chapters VII to XIII contact Jennifer McBlain.

Email

Email is the primary method used to communicate with students outside of class. Be sure to check your email regularly or you may miss important information. Email will be sent to your UWO email address via OWL. If you wish to forward your mail to some other address, make sure you set your UWO account to

do so properly. Also, please ensure that your UWO mailbox (and the one being forwarded to) does not get so full that emails are rejected. **IMPORTANT: if you send an email to the instructor, course coordinator or TA, please include "Health Care Law" at the start of the subject line.**

OWL

The course page for Health Care Law 3101A is available on OWL. You can log into the course website at <https://owl.uwo.ca/portal>.

Evaluation

The grades in the course are based on three components: (a) a 35% multiple-choice midterm examination in October; (b) a 55% multiple-choice final examination in December; and (c) a 10% component based on the 12 short (15-20 minutes) weekly online quizzes. There are no other assignments or essays. As required by University rules, students are hereby informed that software will be used to check for unusual coincidences in answer patterns that may indicate cheating.

Component	Value	Date
Midterm Examination	35	Saturday October 20, 2018
Final Examination	55	December 2018 (date TBD)
Weekly Quizzes (12)	10	Weekly (see schedule below)
Total	100	

Midterm Examination

The two-hour multiple-choice closed-book midterm exam will take place on **Saturday October 20, 2018 at 9:00 a.m.** in rooms to be confirmed in September on OWL. The midterm exam will cover Chapters I to V inclusive of the Coursebook and is worth 35% of your final grade in the course.

Final Examination

The two-and-a-half-hour multiple-choice closed-book final exam will take place in December at a date and time set by the Registrar's Office. The final exam is non-cumulative (i.e., it will cover only Chapters VI to XIII inclusive of the Coursebook) and is worth 55% of your final grade in the course. You will not be examined on the materials in the Appendix; this material has been provided solely for your information.

Final Grade

If necessary, the final grades in the course may be adjusted up or down to comply with the grading norms in the Faculty of Health Sciences. The university-wide descriptor of the meaning of letter grades, as approved by Senate:

A+	90-100	One could scarcely expect better from a student at this level
A	80-89	Superior work that is clearly above average
B	70-79	Good work, meeting all requirements and eminently satisfactory
C	60-69	Competent work, meeting requirements
D	50-59	Fair work, minimally acceptable
F	below 50	Fail

It is expected that the grades for this course will fall between 74 and 78. In the event that the course average falls outside this range, a constant may be added (or subtracted) from each student's grade, by the instructor, to bring the class average in line with school policy.

Weekly Quizzes

The purposes of the quizzes are to: 1) encourage you to do the readings and stay on top of the material; 2) help you stay better "connected" to the course; 3) reveal any misunderstandings you are having with the materials or lectures; and 4) give you practice for the multiple-choice examinations you will be writing in October and December.

The quizzes are short (6 questions) and each should take approximately 15-20 minutes to complete. It is suggested that you check your quiz answers against the course materials before you submit your quiz. You can take as much time as you wish to complete the quiz once you start, but there is a fixed submission deadline for each weekly quiz. In other words, do not confuse the **unlimited time** allowed for completing the quiz with the **limited time period** within which you must submit your completed quiz for academic credit (see Quiz Schedule below). **No academic credit will be given for quizzes that are submitted after the deadline.** The quizzes are located in the relevant weekly folder on OWL.

A new quiz will be available on a weekly basis and must be completed within a one-week period in order to receive marks. Each quiz can be completed once only. Each quiz is weighted equally for a total of 10% of your final grade in the course. The quiz must be submitted before class begins (i.e. by 5:00 p.m.) on the due date. Problems or questions regarding the administration of the quizzes **must be directed** to the course coordinator, Mysty Clapton, not the instructor.

Academic Accommodation for Medical Illness or Non-Medical Absences

https://www.uwo.ca/univsec/pdf/academic_policies/appeals/accommodation_illness.pdf

The University recognizes that a student's ability to meet his/her academic responsibilities may, on occasion, be impaired by medical illness. Illness may be acute (short term), or it may be chronic (long term), or chronic with acute episodes. The University further recognizes that medical situations are deeply personal and respects the need for privacy and confidentiality in these matters. However, in order to ensure fairness and consistency for all students, academic accommodation for work representing 10% or more of the student's overall grade in the course shall be granted only in those cases where there is documentation indicating that the student was seriously affected by illness and could not reasonably be expected to meet his/her academic responsibilities.

A student seeking academic accommodation for any work worth **less than 10%** (i.e. weekly quizzes) **must contact** the course coordinator, Mysty Clapton. A student seeking academic accommodation for any work worth **more than 10%** (i.e. midterm and final examinations) must contact the academic counsellor at his or her home Faculty.

To receive accommodation for any missed quiz, midterm or final examination, medical documentation will be required. This documentation should be obtained at the time of the initial consultation with the physician or walk-in clinic. A student medical certificate can be downloaded from the following website: http://www.uwo.ca/univsec/pdf/academic_policies/appeals/medicalform.pdf. Medical documentation for work worth **less than 10%** must be submitted by the student to the course coordinator, Mysty Clapton. Medical documentation for work worth **more than 10%** must be submitted by the student directly to his or her Dean's office, and it will be the Dean's office that will make the determination whether accommodation is warranted. The Dean's office of the student will, in turn, notify the course coordinator.

Documentation is required for non-medical absences where the course work missed is more than 10% of the overall grade. Students should contact their Faculty Academic Counselling Office to determine what documentation is needed.

Whenever possible, students who require academic accommodation should provide notification and documentation in advance of due dates, examinations, etc. Students must follow up with their professors and their Academic Counselling office in a timely manner. Documentation for any request for accommodation shall be submitted, as soon as possible, to the appropriate Academic Counselling Office of the student's Faculty of registration. BHSc students may go to the School of Health Studies Office in HSB room 222.

Use of Electronic Devices

During Exams: Unless you have medical accommodations that require you to do so, or explicit permission from the instructor of the course, you may not use any of the following electronic devices during ANY of the tests, quizzes, midterms, examinations, or other in-class evaluations: cellphones, smart phones, smart watches, smart glasses, audio players or recorders of any sort, video cameras, video games, DVD players, televisions, laptop/notebook/netbook computers, flashlights or laser pointers.

During Lectures and Tutorials: Although you are welcome to use a computer during lecture and tutorial periods, you are expected to use the computer for scholastic purposes only, and refrain from engaging in any activities that may distract other students from learning. From time to time, your professor may ask the class to turn off all computers, to facilitate learning or discussion of the material presented in a particular class.

Unless explicitly noted otherwise, you may not make audio or video recordings of lectures – nor may you edit, re-use, distribute, or re-broadcast any of the material posted to the course website. Computer and/or smartphones may be used for online, anonymous polling during class discussions.

Scholastic Offences

Scholastic offences are taken seriously and students are directed to read the definition of what constitutes a Scholastic Offence, at the following website:

http://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf

Support Services

As part of a successful undergraduate experience at Western, we encourage you to make your health and wellness a priority. Western provides several on-campus health-related services to help you achieve optimum health and engage in healthy living while pursuing your degree. For example, to support physical activity, all students receive membership in Western's Campus Recreation Centre as part of their registration fees. Numerous cultural events are offered throughout the year. Please check out the Faculty of Music website <http://www.music.uwo.ca/>, or the McIntosh Gallery <http://www.mcintoshgallery.ca/>.

Further information regarding health and wellness-related services available to students may be found at www.uwo.ca/health/.

If you are in emotional or mental distress you should refer to Mental Health@Western www.uwo.ca/health/mental_wellbeing for a complete list of options about how to obtain help. To help you learn more about mental health, Western has developed an interactive mental health learning module, found here: https://uwo.ca/health/mental_wellbeing/education/module.html.

There are various support services around campus. These include but are not limited to:

1. Student Development Centre – <http://www.sdc.uwo.ca/ssd/>
2. Student Health – <http://www.shs.uwo.ca/student/studenthealthservices.html>
3. Registrar's Office – <http://www.registrar.uwo.ca/>
4. Ombuds Office – <http://www.uwo.ca/ombuds/>

CLASS SCHEDULE AND READING LIST

INTRODUCTORY CLASS

Thursday, September 6, 2018

5:00 p.m. – 6:30 p.m.

Review of Course Requirements and Administration (Assistant Dean Mysty Clapton)

Overview of Course and Chapter I: Preliminary Issues (Professor Jacob Shelley)

CHAPTER ONE (classes 1 and 2)

Tuesday, September 11, 2018

5:00 p.m. – 6:30 p.m.

Chapter I: Preliminary Issues (cont'd)

Thursday, September 13, 2018

5:00 p.m. – 6:30 p.m.

Completion of Chapter I

CHAPTER TWO (classes 3 and 4)

Tuesday, September 18, 2018

5:00 p.m. – 6:30 p.m.

Chapter II: Consent and Capacity

Thursday, September 20, 2018

5:00 p.m. – 6:30 p.m.

Completion of Chapter II

CHAPTER THREE (classes 5 and 6)

Tuesday, September 25, 2018

5:00 p.m. – 6:30 p.m.

Chapter III: Substitute Consent

Thursday, September 27, 2018

5:00 p.m. – 6:30 p.m.

Completion of Chapter III

CHAPTER FOUR (classes 7 and 8)

Tuesday, October 2, 2018

5:00 p.m. – 6:30 p.m.

Chapter IV: Factors Negating Consent,
Treatment Without Consent, and End-
of-Life Decision Making

Thursday, October 4, 2018

5:00 p.m. – 6:30 p.m.

Completion of Chapter IV

October 8-12 is Fall Study Week – no classes

CHAPTER FIVE (classes 9 and 10)

Tuesday, October 16, 2018

5:00 p.m. – 6:30 p.m.

Chapter V: Mental Health, Criminal Justice
and Civil Commitment

Thursday, October 18, 2018

5:00 p.m. – 6:30 p.m.

Completion of Chapter V

MIDTERM EXAM

Saturday, October 20, 2018 at 9:00 a.m. (rooms to be announced on OWL)

The midterm exam covers Chapters I to V of the Coursebook

CHAPTER SIX (class 11)
Tuesday, October 23, 2018
5:00 p.m. – 6:30 p.m.
Chapter VI: General Principles
of Negligence (**one class only**)

CHAPTER SEVEN (class 12)
Thursday, October 25, 2018
5:00 p.m. – 6:30 p.m.
Chapter VII: Standard of Care and Its
Breach (**one class only**)

NOTE: Quizzes on Chapters VI and VII will be assigned this week

CHAPTER EIGHT (classes 13 and 14)
Tuesday, October 30, 2018
5:00 p.m. – 6:30 p.m.
Chapter VIII: Duties of Affirmative Action

Thursday, November 1, 2018
5:00 p.m. – 6:30 p.m.
Completion of Chapter VIII

CHAPTER NINE (classes 15 and 16)
Tuesday, November 6, 2018
5:00 p.m. – 6:30 p.m.
Chapter IX: Documentation and Related Issues

Thursday, November 8, 2018
5:00 p.m. – 6:30 p.m.
Completion of Chapter IX

CHAPTER TEN (classes 17 and 18)
Tuesday, November 13, 2018
5:00 p.m. – 6:30 p.m.
Chapter X: Confidentiality and Privilege

Thursday, November 15, 2018
5:00 p.m. – 6:30 p.m.
Completion of Chapter X

CHAPTER ELEVEN (classes 19 and 20)
Tuesday, November 20, 2018
5:00 p.m. – 6:30 p.m.
Chapter XI: Disclosure of Confidential
Information and Related Issues

Thursday, November 22, 2018
5:00 p.m. – 6:30 p.m.
Completion of Chapter XI

CHAPTER TWELVE (classes 21 and 22)
Tuesday, November 27, 2018
5:00 p.m. – 6:30 p.m.
Chapter XII: Mandatory Reporting and
the Duty to Warn

Thursday, November 29, 2018
5:00 p.m. – 6:30 p.m.
Completion of Chapter XII
Review and Questions

REVIEW CLASSES
Tuesday, December 4, 2018
5:00 p.m. – 6:30 p.m.

Thursday, December 6, 2018
5:00 p.m. – 6:30 p.m.

FINAL EXAM: December 2018 (Date, Time and Place TBA)

The final exam covers Chapters VI to XII of the Coursebook
Reminder: you will not be examined on the materials in the Appendix

Quiz Schedule - Fall Term 2018

Chapter	Available (6:30 p.m.)	Credit Ends (5:00 p.m.)
Chapter I: Preliminary Issues	Thur. Sept. 13	Thur. Sept. 20
Chapter II: Consent and Capacity (Competency)	Thur. Sept. 20	Thur. Sept. 27
Chapter III: Substitute Consent	Thur. Sept. 27	Thur. Oct. 4
Chapter IV: Factors Negating Consent, Treatment Without Consent, and End-of-Life Decision Making	Thur. Oct. 4	Thur. Oct. 18 (two weeks)
Chapter V: Mental Health, Criminal Justice and Civil Commitment	Thur. Oct. 18	Thurs. Oct. 25
Chapter VI: General Principles of Negligence	Tues. Oct. 23	Tues. Oct. 30
Chapter VII: Standard of Care and Its Breach	Thur. Oct. 25	Thur. Nov. 1
Chapter VIII: Duties of Affirmative Action	Thur. Nov. 1	Thur. Nov. 8
Chapter IX: Documentation and Related Issues	Thur. Nov. 8	Thur. Nov. 15
Chapter X: Confidentiality and Privilege	Thur. Nov. 15	Thur. Nov. 22
Chapter XI: Disclosure of Confidential Information and Related Issues	Thur. Nov. 22	Thur. Nov. 29
Chapter XII: Mandatory Reporting and the Duty to Warn	Thur. Nov. 29	Thur. Dec. 6

(undergrad classes end Fri. Dec 7, 2018)