

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

Instructor:	Professor Robert Solomon	Course Coordinator:	Professor Christopher Sherrin
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Office:	Law Building Room 25	Office:	Law Building Room 237
Office Hours:	By appointment	Office Hours:	By appointment

Overview

This course surveys the law governing health care professionals and the provision of health services in Ontario. The legal principles that will be discussed are relevant to all regulated health practitioners (*e.g.* physicians, nurses, dentists, psychologists, physiotherapists, and midwives *etc*), social workers, educational counsellors, personal support workers, and anyone else who works in a hospital, health clinic, or long-term care or retirement home. The topics covered include consent, capacity to consent, substitute consent, end-of-life decision making, mental illness and the criminal justice system, liability in negligence, the principles of informed consent, documentation, confidentiality, mandatory reporting, and the duty to warn.

On a broader level, the course addresses the legal relationship between users and providers of health care services. Consequently, the course should be of interest to individuals who want to understand their rights regarding treatment, counselling and care. For example, who owns a patient's medical record, and do patients have a right to obtain a complete copy? What information are practitioners required to disclose to patients about a proposed treatment? The course also addresses many current policy issues, including: the federal and provincial governments' powers to detain and treat individuals without their consent for infectious diseases, such as COVID-19; the *Criminal Code* limits on who can obtain medical aid in dying; and whether health professionals can refuse to provide treatment that is contrary to their values.

The course is open to all Western undergraduates (other than law students enrolled in the J.D. program). There are no prerequisites.

Course Structure

Unfortunately, there are no in-person classes. The coursebook and accompanying PowerPoints with audio summaries are the primary means of conveying the course content. A printed copy of the coursebook is available from Western's Book Store. The PowerPoints and audio summaries will be released in the first week of term and will be available until after the final exam. The coursebook, PowerPoints and audios will be supplemented with weekly live virtual office hours on Tuesdays hosted by the two teaching assistants (TAs) and weekly live virtual office hours on Thursdays hosted by Professor Solomon. In addition, you are encouraged to contact the TAs or Professor Solomon directly, or post questions on the discussion board which the TAs will be monitoring.

Course Objectives

The course is designed to provide you with a good working understanding of the legal issues that arise in the provision of treatment, counselling and care. You will be able to put legal issues in context, whether it is drafting a power of attorney for personal care, responding to patient requests to access their treatment records, identifying who has legal authority to exercise substitute consent on behalf of incapable person, or determining how to obtain an informed consent.

Readings

The required text is Solomon, *Health Care Law 3101: Fall Term 2020* (purchase at Western's Book Store). There are no outside readings in this course. The coursebook summarizes a broad range of federal and provincial legislation and dozens of the leading cases. Although the coursebook is relatively short, it

contains a considerable amount of information which you will be expected to fully understand. The coursebook needs to be read very closely. You are encouraged to read the assigned materials and view the accompanying PowerPoints with the audio summaries to identify concerns prior to the virtual office hour sessions.

The coursebook and accompanying PowerPoints are updated every year to include important new cases and legislative amendments. Relying on a previous edition of the coursebook will put you at a major disadvantage because it is inconsistent with the PowerPoints and will not include all of the information on which you will be examined. The reading schedule for each week is available online on the OWL course page and is set out later in this document. You are strongly advised to obtain a copy of the current coursebook as soon as you register in the course.

Course Instructor

Professor Solomon will host virtual office hours every Thursday at 5:00 during the term. If more time is required, the office hours will be extended or additional office hours will be scheduled. Please note that these sessions may be recorded and later posted on the OWL course page so that students who were unavailable can view the session. You can also call Professor Solomon (519-661-3603) if you have a question that the TAs have not been able to answer. If you send an email to Professor Solomon, include a **telephone number** at which you can be reached. Professor Solomon will **not** provide detailed email responses to questions. Please speak slowly and clearly when leaving a phone number.

Course Coordinator

The Course Coordinator is Professor Chris Sherrin (csherrin@uwo.ca). He 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

The two TAs are Lauren MacLeod (lmacle4@uwo.ca) and Alisha Kapur (akapur23@uwo.ca). The TAs are available by email to help with any problems or questions related to the course content and will be monitoring the class discussion board on the OWL Discussion Forum. In addition, you can drop in on the TAs' virtual office hours at 7:00 pm every Tuesday, which begin the week of September 14-18 and run all term except during the Fall Reading Week (week of November 2-6). If more time is required, the TAs' office hours will be extended or additional office hours will be scheduled.

Email

Email is the primary method used to communicate with students. 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 email to some other address, make sure you set your UWO account to do so properly. Also 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 TAs, 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 four short online quizzes. There are no other assignments or essays.

Component	Value	Date
Midterm Exam	35%	Oct. 2020 (date TBD)
Final Exam	55%	Dec. 2020 (date TBD)
Quizzes (4)	10%	see schedule below
Total	100%	

(a) Midterm Exam

The multiple-choice midterm exam will be written and proctored online in October (date and time to be announced). The midterm exam will cover Chapters I to V inclusive of the coursebook and is worth 35% of your final grade in the course.

(b) Final Exam

The multiple-choice final exam will be written and proctored online in December at a date and time set by the Registrar’s Office. The final exam is not cumulative (*i.e.*, it will only cover Chapters VI to XII inclusive of the coursebook) and is worth 55% of your final grade in the course.

(c) The Quizzes

The quizzes are intended to: encourage you to do the readings and stay on top of the materials; reveal any misunderstandings you may have with the materials; and give you practice for the multiple-choice exams in October and December.

The quizzes are short (15 questions) and each should take approximately 45 to 60 minutes to complete. It is suggested that you check your quiz answers against the coursebook before you submit your quiz. You can take as much time as you wish to complete the quiz, but you must **submit it** by the deadline or you will not get credit for it. **No academic credit will be given for quizzes that are submitted after the deadline.** See the Quiz Schedule below.

A new quiz will be available on OWL every two to three weeks and **must** be completed within the posted period in order to receive credit. Each quiz is weighted equally (2.5% each) for a total of 10% of your final grade in the course. The quiz **must be submitted by 11:30am** on the due date in order to get credit. Problems or questions regarding the administration of the quizzes should be directed to the **Course Coordinator** (not the Course Instructor).

Quiz Schedule – Fall Term 2020

	Available (12:30pm)	Due Date (11:30am)
QUIZ ONE Chapter I: Preliminary Issues Chapter II: Consent and Capacity (Competency)	Mon. Sept. 14	Mon. Sept. 21
QUIZ TWO Chapter III: Substitute Consent Chapter IV: Factors Negating Consent, Treatment Without Consent and End-of-Life Decision Making	Mon. Sept. 28	Mon. Oct. 5
QUIZ THREE Chapter V: Mental Health, Criminal Justice and Civil Commitment Chapter VI: General Principles of Negligence	Mon. Oct. 12	Mon. Oct. 19

QUIZ FOUR

Chapter VII: Standard of Care and Its Breach
Chapter VIII: Duties of Affirmative Action
Chapter IX: Documentation and Related Issues

Mon. Nov. 9

Mon. Nov. 16

Final Grades

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.

Course Schedule – Fall Term 2020**Week One: Sept. 8-11**

PowerPoints and Audio Summary, Session 1: Overview of the Course & Chapter I: Preliminary Issues
Virtual Office Hours: Thur. Sept. 10 @ 5pm (Instructor)

Week Two: Sept. 14-18

PowerPoints and Audio Summary, Session 2: Chapter II: Consent and Capacity (Competency)
Virtual Office Hours: Tues. Sept. 15 @ 7pm (TAs); and Thurs. Sept. 17 @ 5pm (Instructor)

Week Three: Sept. 21-25

PowerPoints and Audio Summary, Session 3: Chapter III: Substitute Consent
Virtual Office Hours: Tues. Sept. 22 @ 7pm (TAs); and Thurs. Sept. 24 @ 5pm (Instructor)

Week Four: Sept. 28-Oct. 2

PowerPoints and Audio Summary, Session 4: Chapter IV: Factors Negating Consent, Treatment Without Consent and End-of-Life Decision Making
Virtual Office Hours: Tues. Sept. 29 @ 7pm (TAs); and Thurs. Oct. 1 @ 5pm (Instructor)

Week Five: Oct. 5-9

PowerPoints and Audio Summary, Session 5: Chapter V: Mental Health, Criminal Justice and Civil Commitment
Virtual Office Hours: Tues. Oct 6 @ 7pm (TAs); and Thurs. Oct. 8 @ 5pm (Instructor)

Week Six: Oct. 12-16

PowerPoints and Audio Summary, Session 6: Chapter VI: General Principles of Negligence
Virtual Office Hours: Tues. Oct. 13 @ 7pm (TAs); and Thurs. Oct. 15 @ 5pm (Instructor)

MIDTERM EXAMINATION: Date and Time TBD

(Tentatively scheduled for Week Five or Week Six)

Week Seven: Oct. 19-23

PowerPoints and Audio Summary, Session 7: Chapter VII: General Principles of Negligence
Virtual Office Hours: Tues. Oct. 20 @ 7pm (TAs); and Thurs. Oct. 22 @ 5pm (Instructor)

Week Eight: Oct. 26-30

PowerPoints and Audio Summary, Session 8: Chapter VIII: Duties of Affirmative Action
Virtual Office Hours: Tues. Oct. 27 @ 7pm (TAs); and Thurs. Oct. 30 @ 5pm (Instructor)

(Fall Reading Week: Nov. 2-6)

Week Nine: Nov. 9-13

PowerPoints and Audio Summary, Session 9: Chapter IX: Documentation and Related Issues

Virtual Office Hours: Tues. Nov. 10 @ 7pm (TAs); and Thurs. Nov. 12 @ 5pm (Instructor)

Week Ten: Nov. 16-20

PowerPoints and Audio Summary, Session 10: Chapter X: Confidentiality and Privilege

Virtual Office Hours: Tues. Nov. 17 @ 7pm (TAs); and Thurs. Nov. 19 @ 5pm (Instructor)

Week Eleven: Nov. 23-27

PowerPoints and Audio Summary, Session 11: Chapter XI: Disclosure of Confidential Information and Related Issues

Virtual Office Hours: Tues. Nov. 24 @ 7pm (TAs); and Thurs. Nov. 26 @ 5pm (Instructor)

Week Twelve: Nov. 30-Dec. 4

PowerPoints and Audio Summary, Session 12: Chapter XII: Mandatory Reporting and the Duty to Warn

Virtual Office Hours: Tues. Dec. 1 @ 7pm (TAs); and Thurs. Dec. 3 @ 5pm (Instructor)

Review Week: Dec. 7-11

Virtual Office Hours: Tues. Dec. 8 @ 7pm (TAs); and Thurs. Dec. 10 @ 5pm (Instructor)

FINAL EXAMINATION: Date and Time TBD

Academic Accommodation for Medical Illness or Non-Medical Absences

A student seeking academic accommodation for any work worth **less than 10%** (*i.e.* weekly quizzes) must contact the Course Coordinator. A student seeking academic accommodation for any work worth **more than 10%** (*i.e.* midterm and final exams) must contact the academic counsellor at his or her home Faculty.

In order to receive accommodation for any missed quiz, midterm or final exam, 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. 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 decide if accommodation is warranted. The Dean's office of the student will, in turn, notify the Course Coordinator.

Documentation is required for non-medical absences. 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, exams, *etc.* Students must follow up with their professors and their Academic Counselling office in a timely manner. Documentation for any request for accommodation must be submitted, as soon as possible, to the appropriate Academic Counselling Office of the student's Faculty of registration. For BHSc students, you may go to the School of Health Studies Office in HSB room 222.

Scholastic Offences

Scholastic offences are taken seriously. Computer-marked, multiple-choice exams may be submitted to submission for similarity review by software that will check for unusual coincidences in answer patterns that may indicate cheating. Students are directed to read the definition of what constitutes a scholastic offence, at http://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf.

Support Services

Students who are in emotional/mental distress should refer to Western's Health and Wellness website at <http://uwo.ca/uwocom/mentalhealth/> for a complete list of options for obtaining help.

The University offers a range of other support services, including:

1. Academic Support and Engagement – <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. Office of the Ombudsperson – <http://www.uwo.ca/ombuds/>