

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

Instructor: Professor Jacob Shelley  
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Office: Room 21, Law Building  
Office Hours: As posted on OWL or by appointment.

Course Co-ordinator: Professor Chris Sherrin  
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Office: Room 239, Law Building

TAs: Teaching Assistants and hours details will be posted on OWL.

Course Time: Tuesday, 2:30-4:30 pm (in person\*)  
Thursday, 2:30-3:30 pm (online)

Location: Natural Science Building, Room 145

\*Subject to change due to public health requirements. See statement below.

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### **Course Information**

This course surveys the law governing health care professionals and the provision of treatment, counselling and care in Ontario. “Health care professionals” here is defined broadly, but this course will focus on regulated health professionals. Topics covered include: the role of law in the health care system, the regulation of health care professionals, including duties and rights, patient rights, consent, capacity to consent, reproduction, decisions around one’s body and mind, treatment decisions, and end-of-life decision making. Particular attention will be paid to how vulnerable and marginalized populations navigate the health care system. The course is open to all Western undergraduates (other than law students enrolled in the J.D. program).

### **Course Objectives**

This course aims to provide an understanding of the role of law in health care in Ontario. Upon successful completion of the course, students will be able to:

1. Identify the legal foundations of health care in Ontario.
2. Identify the legal duties and rights of health care professionals in Ontario.
3. Understand how the law informs approaches to treatment, including the role of consent, capacity assessments and substitute decision-makers, and to identify how mental health issues impact these domains.
4. Reflect on how the law governs decision-making throughout the life course (e.g., reproduction, treatments, end-of-life).
5. Recognize the obligations of health care professionals with respect to records, reporting, confidentiality and privacy.

6. Identify and analyze when health care professionals may be legal responsible for harms, whether through tort law, criminal law, professional standards, or other legislative requirements.
7. Identify and analyze how the recent COVID-19 pandemic has impacted the health care system.

## Course Materials

As this course will be offered in a hybrid model, with Thursday classes being online, we will rely heavily on OWL. Students are expected to treat the OWL site as part of the course materials.

The required text for the course are:

Health Care Law 3101 OWL Site  
*Health Care Law 3101: Fall Term 2022* – text

Recommended:

Hardcastle, *Introduction to Health Law in Canada*

The reading schedule will be available on the OWL course page.

## Teaching Assistants

Teaching Assistants for this course will be announced at the start of the semester.

## Hybrid Format

This course will be run in a hybrid format, with Thursday classes being done online. Class materials will be available as of Thursday mornings, but the online quiz will only be available as of 2:30 pm (see below about quizzes). Students will be expected to work through the online materials. All of the required, examinable, materials will be possible to complete within the 50 minutes allotted. Additional resources will be provided, but are not examinable, and this will be clearly identified.

As a hybrid course, a strong internet connection is highly recommended.

## Email Policy

Email is the primary method I will use (through OWL to your UWO email) to communicate with students. Be sure to check your email regularly or you may miss important information. 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: please do not send the instructor or TAs emails – you are required to post all course-related inquires to the discussion board on OWL.** Email should be used as a last resort, and should be used for confidential matters only. For such emails, please use “Law 3101” or “Health Sciences 3101” in 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>.

## Schedule & Public Health Policy

It is critical that students pay attention to the course schedule, distributed at the start of term. It is possible that due to ongoing public health concerns that this course will need to be delivered online. If that occurs, all Tuesday lectures will be recorded and posted to OWL by the regular start of class. More guidance on this, should it occur, will be provided.

## Evaluation

The grades in the course are based on three components: (a) multiple-choice midterm examination in October (worth 35%) (b) multiple-choice final examination in December (worth 45%); and (c) online quizzes (worth 20%). 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.

### (a) Midterm Examination (worth 35%)

The two-hour multiple-choice closed-book midterm exam will take place on **Tuesday, October 25<sup>th</sup>** in class. The midterm exam will be based on materials covered up until Thursday, October 20<sup>th</sup>.

Please see below (under “Scholastic Offences”) for potential information about use of exam analysis software.

**There will be an opportunity to rewrite a missed midterm.** The make-up exam may include other elements, including short-answer and essay questions. In situations where a make-up exam cannot be arranged, the final examination will be reweighted to 80% of the final mark.

### (b) Final Examination (worth 45%)

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 will have two main sections: of the 45% weight, 35% will be based on the materials covered after the midterm examination (classes beginning Thursday, October 27<sup>th</sup>) and 10% of the mark will be based on a case study, drawing on materials drawn from the entire term.

### (c) Weekly Quizzes (worth 20%)

Every Thursday, there will be an online quiz. These will be based on course readings and lectures from that week. Students **will not** have an opportunity to make up any quizzes or assignments. Each quiz will be made available on the Thursday of the online class, starting at 2:30pm (start of class). Students will have until 11:55pm on Thursday to complete the quiz.

Quizzes will be worth 2% each. There will be a quiz on the following dates: September 8, 15, 22 & 29; October 6, 13, 20 & 27; and November 10 & 17.

**No academic credit will be given for quizzes that are submitted after the deadline.**

## Final Grade

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 **74-78**. 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.

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## **Additional Statements**

### **Prerequisites**

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

### **Contingency Plan**

In the event of a COVID-19 resurgence during the course that necessitates the course delivery moving away from face-to-face interaction, all remaining course content will be delivered entirely online, either synchronously (i.e., at the times indicated in the timetable) or asynchronously (e.g., posted on OWL for students to view at their convenience). The grading scheme will not change. Any remaining assessments will also be conducted online as determined by the course instructor.

In the event of a COVID-19 resurgence during the course that necessitates the course delivery moving away from face-to-face interaction, tests and examinations in this course will be conducted using a remote proctoring service. By taking this course, you are consenting to the use of this software and acknowledge that you will be required to provide personal information (including some biometric data) and the session will be recorded. Completion of this course will require you to have a reliable internet connection and a device that meets the technical requirements for this service. More information about this remote proctoring service, including technical requirements, is available on Western's Remote Proctoring website at: <https://remoteproctoring.uwo.ca>.

### **Student Code of Conduct**

The purpose of the Code of Student Conduct is to define the general standard of conduct expected of students registered at The University of Western Ontario, provide examples of behaviour that constitutes a breach of this standard of conduct, provide examples of sanctions that may be imposed, and set out the disciplinary procedures that the University will follow. For more information, visit <http://www.uwo.ca/univsec/pdf/board/code.pdf>.

### **English Proficiency for the Assignment of Grades**

Visit the website [http://www.uwo.ca/univsec/pdf/academic\\_policies/exam/english.pdf](http://www.uwo.ca/univsec/pdf/academic_policies/exam/english.pdf)

### **Academic Considerations**

The University recognizes that a student's ability to meet their academic responsibilities may, on occasion, be impaired by extenuating circumstances, including short-term illness or injury. Reasonable academic consideration is a cooperative process between the University, the student, and academic staff. All participants in the process must act in good faith, and fulfil their respective obligations, if it is to succeed.

Students who experience an extenuating circumstance (illness, injury, or other extenuating circumstance) sufficiently significant as to temporarily render them unable to meet academic requirements, may submit a request for academic consideration through the following routes:

- (i) For medical absences, submitting a Student Medical Certificate (SMC) signed by a licensed medical or mental health practitioner, in order to be eligible for Academic Consideration; or
- (ii) For non-medical absences, submitting appropriate documentation (e.g., obituary, police report, accident report, court order, etc.) to academic advising office in their Faculty of registration, in order to be eligible for academic consideration.

Students seeking academic consideration:

- Are advised to consider carefully the implications of postponing tests or midterm exams or delaying handing in work;
- Are encouraged to make appropriate decisions, based on their specific circumstances, recognizing that minor ailments (e.g., upset stomach) or upsets (e.g., argument with a friend) are not normally an appropriate basis for a self-reported absence;
- Are advised that all necessary documentation, forms, etc. are to be submitted to academic advising office within two business days after the date specified for resuming responsibilities

### **Attendance**

In the School of Health Studies, each course instructor sets specific expectations for attendance and participation that are specific to the course, teaching objectives, and learning outcomes.

Regular attendance is expected and essential for all courses. Participation means not only attendance, but a demonstrated effort to prepare for class by completing assigned readings before class and following the instructor's guidelines for use of electronic devices during class time. Students who miss classes, or parts of classes, are responsible for the material they have missed. Instructors are not obliged to review the contents of missed lectures.

### **Use of Electronic Devices**

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.**

### **Scholastic Offences**

Scholastic offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, at the following Web site: [Academic Calendar - Western University \(uwo.ca\)](http://www.uwo.ca/academic/calendar/)

Computer-marked multiple-choice tests and/or exams may be subject to submission for similarity review by software that will check for unusual coincidences in answer patterns that may indicate cheating. Additionally, all required papers may be subject to submission for textual similarity review to the commercial plagiarism detection software under license to the University for the detection of plagiarism. All papers submitted for such checking will be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system. Use of the service is subject to the licensing agreement, currently between The University of Western Ontario and Turnitin.com (<http://www.turnitin.com>).

### **Wellness & Support Services**

The undergraduate experience is rewarding and challenging socially, emotionally, and intellectually. Finding ways to balance scholarly life with our personal lives can be tough, but it's important to learn how to manage stress. Western provides several health and wellness-related services to students, which may be found at <http://www.health.uwo.ca/>. You can also check out the Campus Recreation Centre or the McIntosh Gallery ( <http://www.mcintoshgallery.ca/>), for alternative spaces to reconnect with your bodies and restore your spirit. You may also want to access local resources that are closer to where you are living during the school year. Recalibrating ourselves emotionally begins with slowing down, reminding ourselves that we are ok, and taking a few deep, slow breaths. This remarkably effective strategy brings the body from stress mode into a more relaxed state.

If you are in emotional or mental distress should refer to Mental Health@Western [Mental Health Support - Health & Wellness - Western University \(uwo.ca\)](http://www.uwo.ca/mentalhealth) for a complete list of options about how to obtain help or Thames Valley Family Services (<https://www.familyservicethamesvalley.com/>), a trusted provider within the community. To help you learn more about mental health, Western has developed an interactive mental health learning module, found here: [Health & Wellness - Western University \(uwo.ca\)](http://www.uwo.ca/healthandwellness). It's also advisable to have a wellness safety plan if you don't want to reach out to formal services. Having the numbers of a few trusted individuals is another strategy.

There are various support services around campus, and these include, but are not limited to:

1. Student Development Centre -- <http://academicsupport.uwo.ca/>
2. Student Health -- <https://www.uwo.ca/health/>
3. Registrar's Office -- <http://www.registrar.uwo.ca/>
4. Ombudsperson Office -- <http://www.uwo.ca/ombuds/>

**Common Concerns:**

Concern	How to address concern
Course administrative matters	Read through the course outline or email instructor if question cannot be answered from information in the course outline
Course content questions	Refer to the OWL Resources (notes, calendar, etc). Email the instructor.
Grade disputes and requests for appeals	<p>A student requesting an appeal to a specific course with respect to a grade for an assignment or examination must first contact their instructor to discuss such matters.</p> <p>Visit the following website for guide on submitting an appeal:  <a href="https://uwo.ca/fhs/policies/appeals.html">https://uwo.ca/fhs/policies/appeals.html</a></p>

(please see the Course Schedule on the following pages)

## Course Schedule

This class uses a variety of lecture styles, approaches, and modes to facilitate and enhance student learning and engagement. It is imperative that students pay attention to the schedule.

Two types of classes will be used on a rotating basis throughout the term.

**Lecture – in class:** These classes will entail an in-depth discussion of legal principles, cases, and contemporary issues. Resembling a traditional lecture, taking place during the schedule class hours in NSB 145, in class lectures will build on video lectures, described next, that will be used at the primary method for delivering the foundational materials.

**Online:** Students will walk through the OWL site. The online content will utilize written materials, websites, and videos. **Students are responsible for all materials on video lectures, as all of this material is testable.**

Reminder: there will be a quiz associated with the following online Thursday classes:  
September 8, 15, 22 & 29; October 6, 13, 20 & 27; and November 10 & 17.

Readings are from required materials or will posted to OWL.

The final schedule will be posted on OWL at the beginning of term.

Date	Class Type	Topic	Readings
September 8	Online	Introduction to Course	
September 13	Lecture – in class	I. Introduction to Law	
September 15	Online	I. Introduction to Law, cont'd	
September 20	Lecture – in class	II. Introduction to Canadian Health Care System	
September 22	Online	II. Introduction to Canadian Health Care System, cont'd	
September 27	Lecture – in class	II. Introduction to Canadian Health Care System, cont'd  III. Consent: Consent & Capacity	
September 29	Online	III. Consent: Consent & Capacity	
October 4	Lecture – in class	III. Consent: Substitute Consent	
October 6	Online	III. Consent: Factors Negating Consent	
October 11	Lecture – in class	III. Consent: Factors Negating Consent, con'td  IV. End-of-Life Decision Making	
October 12	Online	IV. End-of-Life Decision Making, cont'd	

<b>Date</b>	<b>Class Type</b>	<b>Topic</b>	<b>Readings</b>
October 18	Lecture – in class	V. Mental Health	
October 20	Online	V. Mental Health, cont'd	
October 25	MIDTERM – in class		
October 27	Online	VI. Negligence	
November 1	Reading Week		
November 3	Reading Week		
November 8	Lecture – in class	VI. Negligence, cont'd	
November 10	Online	VI. Negligence, cont'd	
November 15	Lecture – in class	VI. Negligence, cont'd	
November 17	Online	VII. Duties	
November 22	Lecture – in class	VII. Duties, cont'd	
November 24	Online	VII. Duties, cont'd	
November 29	Lecture – in class	VIII. Health Information	
December 1	Online	VIII. Health Information, cont'd	
December 6	Lecture – in class	IX. The Future of Health Care	
December 8	Review Session		
December	<b>Final Exam</b> (Location and time to be announced on OWL)		