

# HS4500: Law, Values, and Health Care (formerly HS450)

## School of Health Sciences

Oakland University

Winter, 2018

**CRN#:** 13217  
**Instructor:** Rebecca Cheezum, PhD, MPH  
**Office:** HHB 3150  
**Office Hours:** Wednesdays 1:00 – 2:45 PM  
**Telephone:** 248-364-8681  
**Email address:** cheezum@oakland.edu  
**Course Time/Rm:** Mondays/Wednesdays, 3:30-5:17 PM  
**Location:** Hannah Hall, Room 123

### Required Texts:

**Note added 1/4/2018: There was some confusion in class on Day 1. This is the main text we will be using for the course:** Jones, G. E. & DeMarco J. P. (2016). *Bioethics in context: Moral, legal, and social perspectives*. Peterborough, Ontario: Broadview Press.

Fadiman, A. (2012). *The spirit catches you and you fall down: A Hmong child, her American doctors, and the collision of two cultures*. Farrar Straus & Giroux.

### Course (Catalog) Description:

An examination of the ethical theories, legal concepts, and institutions that shape and control professional responsibility, licensure and related problems in the organization and delivery of health care services, along with the questions that are associated with maintaining and terminating life. Application of knowledge acquired in general education and core AHS/HS courses. Satisfies the University General Education Capstone Writing Requirement.

**Course Prerequisites:** *Senior standing, WRT 160.*

**General Education Learning Outcomes: After completion of this course, students will have:**

A. **Writing**

1. Knowledge of the elements, writing processes, and organizing strategies for creating analytical and expository prose.
2. Effective rhetorical strategies appropriate to the topic, audience, context, and purpose

B. **Integration Knowledge Area (Capstone)**

1. Appropriate uses of a variety of methods of inquiry and recognition of ethical considerations that arise.
2. The ability to integrate the knowledge learned in general education and its relevance to the student's life and career.

**Course Objectives** (After completion of this course, students will be able to):

1. Identify and understand key ethical and moral principles to apply in analyzing issues in medical ethics.
2. Describe the development of legal concepts and apply them to key subject areas in medical ethics.
3. Comprehend the attributes and limitations that the law brings to biomedical developments.
4. Identify and analyze the rights and responsibilities of health care providers and patients.
5. Apply ethical principles and legal concepts to common dilemmas in medical ethics in classroom discussion and through preparation of a written case analysis.
6. Describe decision-making forums for resolving dilemmas in medical ethics.
7. Identify future trends in medical ethics.
8. Understand the role of licensure and federal and state regulation of medical professionals.
9. Understand the role and influence of professional ethics in health care delivery.
10. Describe the elements of a malpractice claim and the impact of malpractice litigation on health care delivery.
11. Demonstrate appropriate use of a variety of methods of inquiry and recognition of ethical considerations that arise and the ability to integrate the knowledge learned in general education and its relevance to the student's life and career.
12. Successfully apply four cross-cutting generic capacities that are of the Oakland University General Education program, namely, critical thinking, social awareness, effective communications, and subject specific information literacy.
13. Demonstrate knowledge of the elements, writing processes, and organizing strategies for creating analytical and expository prose.

**Academic Integrity:**

The faculty of the School of Health Sciences believes that the conduct of a student registered or taking courses in the School should be consistent with that of a professional person. Courtesy, honesty, and respect should be shown by students toward faculty members, guest lecturers, administrative support staff, and fellow students. Similarly, students should expect faculty to treat them fairly, showing respect for their ideas and opinions and striving to help them achieve maximum benefits from their experience in the School.

Student academic misconduct refers to behavior that may include plagiarism, cheating, fabrication, falsification of records or official documents, intentional misuse of equipment or materials (including library materials), unauthorized collaboration, and aiding and abetting the perpetration of such acts. The preparation of reports, papers, and exams, assigned on an individual basis, must represent each student's own effort. Reference sources should be indicated clearly. The use of assistance from other students or aids of any kind during a written exam, except when the use of aids such as electronic devices, books or notes has been approved by an instructor, is a violation of the standard of academic conduct expected in this course. The Oakland University policy on academic conduct will be strictly followed with no exceptions. See catalog under Academic Policies and Procedures.

## **Course Procedures:**

The format of this class will be presentation of theoretical, conceptual, and analytical information in a wide variety of areas of medical ethics and the law. The class will consist of lecture, interactive discussion, and small group activities that give a student the opportunity to practice using the material.

Readings associated with each topic are listed in the Topical Outline (below). **Students need to read these materials before each associated class session.** Class sessions will include activities where this material will be used for small group activities. Therefore, not only your own learning, but your peers' classroom experience is also dependent upon your being able to participate in these activities.

Attendance in class is required on dates of any scheduled exams. Students with emergency situations need to notify the instructor promptly in advance or no later than the day of the exam (through email and/or voicemail) if they are unable to take a scheduled exam. Documentation of reason for absence (e.g., doctor note, funeral notice, police report) **MUST** be provided to the instructor in order for absence to be considered excused. An excused absence must be previously arranged or notice of absence must be received by the end of the class on the exam day otherwise the absence is not excused and a grade of 0.0 will be recorded.

There will be two exams consisting of multiple choice, true/false, short answer, and/or essay questions. The exams will include material covered in class discussion, lecture, and required readings.

Every student will complete a short writing assignment, which is a two-page application of an ethical theory. Students will also complete an in-depth case analysis that consists of selecting a current dilemma in medical ethics, researching and analyzing peer-reviewed resources, and proposing a solution. The case analysis must be 5 pages of text in length. See Writing Assignments for a more complete description of the short writing assignment and the case analysis.

For the second half of the semester, students will be divided into problem-based learning (PBL) teams. Student teams will work collaboratively through a facilitated process to solve complex problems related to Laws, Values, and Healthcare that do not have a single correct answer. This project will take place during class time. Time will be provided in class to work on the project, though it is likely that time outside of class will also be required.

Changes may be made to this syllabus; any changes made will be communicated to the students through Moodle.

## **Expectations of Students:**

Regular class attendance and participation in class discussions is required. (See **Grade Determination** below.) Students need to arrive on time for class and ready to engage in discussion/class session. Students are expected to be respectful of each other at all times. Students must be prepared for all classes, including having completed the reading assignments. Students need to turn communication devices that will disturb or distract attention from class to vibrate or off before entering the classroom and place devices out of sight. While it is OK to use laptops during class except during exams and finals, use of instant messaging, chat, social media (e.g. Facebook), on-line shopping is **NOT** acceptable during class. Being caught doing any of the above will result in a dramatic reduction in your class participation grade. Texting is also not permitted.

Email conversations must be courteous and professional or **the professor will not respond**. As such, emails MUST contain, at minimum, a salutation (e.g. Hi Professor Cheezum) and grammatically correct language and maintain a professional and respectful tone. Emails are NOT text messages; be aware that emails convey an impression of you as a person. It is best that the impression be one of a mature and well-spoken student.

**Add/Drops:**

The University add/drop policy will be explicitly followed. It is the student’s responsibility to be aware of the University deadline dates for dropping the course.

**Special Considerations:**

Students with disabilities who may require special considerations should make an appointment with campus Disability Support Services. Students should also bring their needs to the attention of the instructor during office hours as soon as possible.

**Grade Determination**

The following table provides a breakdown of your final grade. Please note that failure for any one component of the course may result in failure for the course, regardless of calculated grade.

Graded component	Percent, each
Class Participation	10%
Short Writing Assignment	10%
Exam 1	15%
Exam 2	15%
Case Analysis	30%
PBL project	20%
<b>TOTAL</b>	<b>100%</b>

\*Note: failure on any graded component may result in failure for the course.

Grading scale:

<b>A</b>	100%	4.0	<b>B</b>	89%	3.5	<b>C</b>	79%	2.9	<b>D</b>	69%	1.9
	99%	4.0		88%	3.5		78%	2.8		68%	1.8
	98%	4.0		87%	3.4		77%	2.7		67%	1.7
	97%	3.9		86%	3.4		76%	2.6		66%	1.6
	96%	3.9		85%	3.3		75%	2.5		65%	1.5
	95%	3.8		84%	3.3		74%	2.4		64%	1.4
	94%	3.8		83%	3.2		73%	2.3		63%	1.3
	93%	3.7		82%	3.2		72%	2.2		62%	1.2
	92%	3.7		81%	3.1		71%	2.1		61%	1.1
	91%	3.6		80%	3.0		70%	2.0		60%	1.0
	90%	3.6									
									<b>F</b>	≤59%	0.0

**Incomplete Grade (“I” grade):**

Students who, for reasons beyond their control (illness, bereavement, accident) are unable to complete the work in HS 450 by the end of the semester, may request an Incomplete grade from the professor. The student and the professor must complete the form “Request for an Incomplete Grade,” available from the professor or the Dean of Health Sciences office. The “I” grade must be approved at least one day before the final exam. It is the professor’s decision whether to allow an Incomplete grade. Procedures for completing the work in the course are spelled out on the “Request for an Incomplete Grade” form. An Incomplete grade must be converted to a numerical grade within the first 12 months after completing the “Request for an Incomplete Grade” form.

**Grading Criteria for written papers:**

Writing assignments will be graded on the following general criteria:

1. The paper contains a concise description of relevant facts and clear definitions of terms.
2. The paper demonstrates a clear understanding of the applicable ethical and legal issues involved.
3. The paper contains a clear and concise analysis of the arguments.
4. The paper delineates support for any conclusions that you reach.
5. The typed paper contains structured writing, good organization, and proper grammar/punctuation. (Please be sure to review *Common Grammar and Punctuation Errors*, a document on Moodle, and be sure to avoid these errors in your submitted paper.)
6. The submitted paper follows the format instructions given.

## **Brief description of graded components:**

### **Short Writing Assignment:**

There will be one short writing assignment in the semester. A draft of the Short Writing Assignment is due for peer review on **1/31/2018**. The due date for submission to the professor of the short writing assignment is **2/7/2018**. **Assignment should be uploaded to Moodle before the start of class**. See Writing Assignments for a more complete description of the short writing assignment. Assignments will be **penalized 5% if uploaded after the start of class on the due date and 10% per day late** when submitted after due dates. The Short Writing Assignment is worth **10% of the final grade**.

### **Exams:**

There will be two exams during the course, each worth 15%. The exams will cover all course readings, lectures, and discussions for the designated topic areas as well as a cumulative method of analysis interrelating topic areas. The exam questions will consist of multiple choice, true/false, short answer, and essay questions. The short answer questions will seek a specific answer that can be provided in a few words up to a few sentences. The essay questions will require deliberation and a thoughtful response drawing on the methods of analysis learned in the class. The exam questions will focus on: (a) knowledge of major concepts in medical ethics and law in the health sciences; (b) how dilemmas in medical ethics impact health care providers; (c) general knowledge of the legal impact on health care providers through litigation and regulation; and (d) application of legal and medical ethics knowledge to factual scenarios using methods of analysis learned in the course. Pre-approval must be obtained for an excused absence from taking either exam at the indicated time.

### **Case Analysis:**

The case-analysis is **worth 30% of your grade**. You will need to select a medical ethics topic of interest from a pre-selected list found at the end of this syllabus and search the informed literature for peer-reviewed journal articles on the legal and medical ethics issues involved. **You will notify the instructor of your topic on 2/12/2018**. You will then prepare a typed report of five (5) pages that describes the dilemma and informs the reader of any necessary factual background. You also will discuss the alternative points of view on the dilemma using the medical ethics and legal principles learned in class and in your search of the informed literature on the topic. You will conclude with your resolution of the dilemma and discuss how you reached the conclusion. Your Case Analysis will contain two submission dates: the first submission is of a **draft** that will be reviewed (**due 3/19/2018**) and graded and the second submission is the final paper (**due 4/20/2018**). See **Written Assignment Descriptions**, below, for a more complete description of the Case Analysis assignment.

### **Problem-based learning project:**

For the second half of the semester, students will be assigned to problem-based learning (PBL) teams consisting of five to seven students per group. Student teams will work collaboratively through a

facilitated process to solve complex problems that do not have a single correct answer Each team will work on one complex problem, assigned by the professor related to one of the topics covered in class.

This project will take place during class time over the second half of the semester. Each group will complete in-class activities and through these activities will prepare a portfolio and presentation that are due 4/16/2018. Some time outside of class will likely be necessary to complete the project, though significant class time will be provided to students to facilitate effective group work. Each student will receive a grade for the PBL project that will constitute **20%** of their course grade. This grade will be based upon the (1) portfolio, (2) group presentation, and (3) team member scores based, in part, upon peer evaluation.

### **Class Participation:**

Attendance is essential to successful completion of the course. The class participation grade will be based on coming to class prepared as demonstrated by meaningful participation in small-group class discussions, classroom activities, and lecture. Please see Expectations of Students. Class participation is worth **10% of your final grade**. Written Assignment descriptions:

### **Short Writing Assignment:**

**Draft for peer review due by 1/31/2018 and submission to Dr. Cheezum by the time class starts on 2/6/2018 (upload to Moodle).**

The first writing assignment is designed for practicing ethical analysis and explaining that analysis in a clear and concise manner. The text of the paper should be no longer than 2 pages double spaced in length. Please include a cover page and have a separate page for references. Brevity is important, as it will force you to focus your thoughts. No additional research is required (or desirable) for this assignment. Select **one** of the following Decision Scenarios. (These Decision Scenarios are from "Intervention and Reflection: Basic Issues in Bioethics," 9<sup>th</sup> Edition by Munson. These scenarios are available via PDF on the course Moodle page. Be sure the Decision Scenario you select is listed below; some included on the PDF are not options. If you pick an option not listed below, you will NOT get credit for this assignment.)

Option 1: Boyd Rush: The first animal-human transplant

Option 2: Phase I and consent

Option 3: A duty not to reproduce?

Option 4: A duty to tell or to remain silent?

Option 5: Tampering with human life?

Option 6: Mandatory testing, mandatory treatment?

Read the facts and identify an ethical dilemma. Ignore the questions at the end of each decision scenario. **Select either Utilitarianism, Kantian ethics, or Natural.** I suggest that you do **not** select the theory upon which you focused for Class #2, when you taught your peers about the theory. Apply the ethical theory

you have chosen to the ethical dilemma that you have selected from the Decision Scenarios and discuss the outcome that the ethical analysis that you have chosen dictates. Indicate at the top of the page which Decision Scenario you are discussing.

## **Case Analysis:**

**Draft due by the time class starts 3/19/2018; final paper due by the time class starts 4/20/2018.**

### 1. Purpose

The student must demonstrate the ability to research and write effectively on a topic in medical ethics (selected from list at end of syllabus or with instructor approval). The assignment develops the research abilities, the writing techniques, and the organization skills necessary to prepare an analytical and thoughtful exposition. An important element of good writing is the ability to use constructive criticism to revise a writing project. For this project, you will have an early initial submission date. The professor will read the project, provide you with comments and suggestions for improvement give it an initial grade, and return it. You will have an opportunity to revise the project in light of the comments and suggestions and return it for final grading on the final submission date.

### 2. Format

Your paper shall be typed, double-spaced, and titled, with **1 inch margins all around**; Times New Roman font, size 12. Number every page. The **text** of the paper should be **5 pages** in length (points will be deducted for papers that exceed this page limit). The text should be written in the third person, following the APA style. Every source of information used in the paper must be appropriately attributed. For APA information, consult the links posted on Moodle or the Purdue University Online Writing Lab (OWL) at <http://owl.english.purdue.edu/owl/section/2/10/>. Please include a cover sheet and reference page in accordance with APA formatting. I do not require the inclusion of an abstract or a running header.

### 3. Submission

You must submit **an electronic version** of your paper **with references in APA format**. Prepare your paper completely (you **must** consider it to be final) by the first submission date: **3/19/2018**. The professor will review your work and prepare comments and suggestions on the research, content, organization, and grammar of the paper. You will receive an interim grade. You will then have time to revise and finalize your paper. The final submission date is **4/20/2018**. The professor will review the final submission and issue a final grade. Your grade will be based upon the grading criteria described above, but finalization of your grade will be determined by how well you address the professor's comments and suggestions on the final submission.

### 4. Content and Research

Begin by informing yourself about some of the current topics in bioethics and the resources that are available for researching topics in bioethics. There are many resources that explore these issues from the disciplines of medicine, nursing, law, philosophy, religion, economics, history, politics, and others. When you search on the Internet, look for information at appropriate websites; i.e. non-commercial sites that have no particular vested interest in promoting a particular viewpoint. Some commercial sites are useful if they provide links to quality sites or summaries of information. But in the bioethics arena, you must be alert to identifying and discerning special interest biases when you search on the Internet. Do not overlook



the library! There are many excellent books written on bioethics topics readily available in Kresge Library, Rochester Hills Public Library and other local public libraries.

Once you have a feel for what you might be interested in further exploring, select an ethical dilemma in health care from the attached list of some current ethical issues. Select the topic as early as possible so that you have adequate time to research the topic in general and think about the ethical and legal issues involved. Research the current literature (e.g. books and peer-reviewed articles) on the legal and bioethical issues involved. You will need to cite at least five sources (in addition to your text) of research in your paper. ***Select at least two peer-reviewed professional/scholarly journal articles*** relevant to your topic to deepen your knowledge of the ethical dilemma. You will then conduct an analysis of the dilemma by ***applying two of the major moral principles (NOT ethical THEORIES) learned in class and explained in your text book to this dilemma and determining a solution to the dilemma.***

The paper will describe the bioethical dilemma in the factual situation and inform the reader of any necessary factual background. It also will define the key terms used in the analysis. The paper will discuss the alternative points of view on the dilemma using the bioethics and legal principles learned in class. The paper should focus on ***two major moral principles*** associated with the dilemma. It is not necessary to describe the dilemma using every ethical principle discussed in class. Discuss the dilemma with classmates and others to help you formulate your analysis. The paper will conclude with your viewpoint on ***how to resolve*** the dilemma and discuss how you reached your conclusion.

5. Evaluation

The Case Analysis will be evaluated on: (a) your understanding of the bioethical and legal principles involved; (b) evidence of information literacy by being a critical consumer and user of the informed literature in presenting your analysis; (c) evidence of critical thinking skills through appropriate drawing of conclusions; (d) evidence of evaluation and discussion of the relevance of findings; and (e) evidence of effective communication skills in the written case analysis.

The particular items that will be evaluated in grading the Case Analysis include:

**Writing (40% of total grade):** Punctuation, grammar, spelling, organization, professional style of writing, length of paper, and referencing technique.

**Content (60% of total grade):** Accurate and appropriate information from refereed and quality sources, completeness, appropriate choice of ethical arguments, no inclusion of superfluous or repetitive information, integration of information, appropriate depth, thorough and well-grounded analysis, and well-supported arguments for student's point of view.

## **Important notes for written assignments:**

### **Formatting requirements:**

Papers must be submitted in Microsoft Word format. Papers in Pages, PDFs, or other formats will NOT be accepted, and will result in a grade penalty. Papers should be in Times New Roman 12-point font, 1-inch margins (top, bottom, left, and right), in APA format. Your papers should have a cover page with your name, topic name or description, assignment name. This cover page will not count to your page limit. A reference page should be included, in correct APA format (see <https://owl.english.purdue.edu/owl/resource/560/01/> for help on this.) Neither a running header, nor an abstract are required for papers in this course.

### **Citing sources:**

All sources MUST be cited and included on your reference page. Your reference page should not include any sources that are NOT cited in your paper. If you do NOT cite a source used for the paper or for the PBL portfolio, this is plagiarism, and you will receive a grade of a zero for the assignment. Academic misconduct charges are also likely to be pursued.

### **Note on the importance of the draft:**

You MUST turn both the draft AND final version of the paper in order to receive a final grade. Failure to do either (initial draft and final paper) will result in a 0.0 grade on the written assignment. Drafts for the short writing assignment will not be accepted after the deadline. For the final case analysis, grades will receive a 5% penalty if submitted on the due date, but after the time the paper is due and 10% per day when submitted late after the due date.

For the case analysis, grades will receive a 5% penalty if submitted on the due date, but after the time the paper is due and 10% per day when submitted late after the due date. If the draft and/or the final paper are submitted late, the grade deduction will apply to the final grade.

### **Submission of work and penalties for lateness:**

The short writing assignment and case analysis must be submitted through Moodle. Assignments will be penalized **10% per day late** when submitted after due dates and **5% if uploaded after the time it is due on the due date**. This lateness penalty will be applied to the final grade if either the draft or the final analysis is submitted late.

## Class Schedule and Course Content Outline

\*Readings must be completed before the class for which they are listed.

\*\*The following schedule may be changed due to unforeseen circumstances, guest speaker availability, the pace of the course, or other factors as necessary.

Class No.	Date	Topic	Assignment
1	1/3/2018	Introduction to course, review of syllabus & discussion of class expectations	Read course syllabus
2	1/8/2018	Ethical theories	Review syllabus DeMarco & Jones, pp. 25-43; Munson, pp. 862-876 & 885-891 (PDF on Moodle) Special focus on one theory, as per instructions
3	1/10/2018	Ethical theories, continued	No additional reading, review reading due 1/6/2018
	1/15/2018	MLK Day – No class	
4	1/17/2018	Major moral principles	DeMarco & Jones, pp. 49-53 Munson, pp. 891-904.
5	1/22/2018	Basic Law	DeMarco & Jones, Chapter 2
6	1/24/2018	Research ethics	DeMarco & Jones, Chapter 12
7	1/29/2018	Research ethics, continued	
8	1/31/2018	Informed consent Peer review of short writing assignments	DeMarco & Jones, Chapter 5 Two copies of draft short writing analysis.
9	2/5/2018	Informed consent, continued	
10	2/7/2018	Privacy and Confidentiality	DeMarco & Jones, Chapter 8 Short Writing Assignment due
11	2/12/2018	Library session, <b>PBL Day 1</b> <b>Meet in Kresge 222</b>	Case analysis topic due (pick from list at the end of the syllabus)
12	2/14/2018	Cultural Competency; The case of Lia Lee	DeMarco & Jones, Chapter 9 Finish <i>The Spirit Catches You and You Fall Down</i>
	2/19/2018	Break – no class	

	2/21/2018	Break – no class	
13	2/26/2018	<b>PBL Day 2</b>	
14	2/28/2018	<b>Exam 1</b>	<b>Study for exam 1</b>
15	3/5/2018	Justice and Right to Care Affordable Care Act	DeMarco & Jones Chapter 3, Additional readings, TBD
16	3/7/2018	Affordable Care Act	Additional readings may be added. These will be communicated through Moodle
17	3/12/2018	Informed refusal and discontinuation of treatment	DeMarco & Jones, Chapter 6
18	3/14/2018	<b>PBL Day 3</b>	
19	3/19/2018	Informed refusal and discontinuation of treatment, continued	<b>Case analyses drafts due</b>
20	3/21/2018	<b>PBL Day 4</b>	
21	3/26/2018	Human Reproduction	DeMarco & Jones, Chapter 10
22	3/28/2018	Human Reproduction, continued	
23	4/2/2018	Transplantation ethics, Exam review	DeMarco & Jones, Chapter 13
24	4/4/2018	<b>Exam 2</b>	<b>Study for exam 2</b>
25	4/9/2018	<b>PBL Day 5</b>	
26	4/11/2018	<b>PBL Day 6</b>	
27	4/16/2018	<b>PBL presentations</b>	<b>PBL presentations</b> <b>PBL portfolios due</b>
	4/20/2018 (Friday)		<b>Case analysis papers due</b>

## Topics for Case Analysis Paper

1. As part of their training, medical residents often are required to work very long shifts. While some claim that this not only is grueling for the residents, but also puts patients at risks, others claim that this model of training has been used successfully for decades. Are long residency shift requirements dangerous? Is there an alternative model?
2. Should residents of long-term care facilities and nursing homes be permitted to smoke or should such facilities ban smoking in all areas in order to provide the most health-promoting environment to their patients and employees?
3. Some available foods have been genetically modified or include genetically modified ingredients. Some consumers claim that all foods that include any genetically modified ingredient should be labeled as such. Others state that this is not a simple thing to do and is not necessary and there is little to know health risk. Should genetically modified foods or foods that include genetically modified ingredients be labeled?
4. Municipalities sometimes spray to limit mosquito populations to prevent the spread of diseases such as West Nile virus. Is such spraying necessary and ethical?

5. A recent case in Texas of a pregnant woman who was on life support has brought attention to laws in some states that state that pregnant women cannot be removed from life support, regardless of the wishes of their families or physicians. Are such laws ethical?
6. Cloning of animals that are endangered or already extinct has been claimed by some to be a viable approach to conservation. Should such cloning be permitted?