

Oakland University
School of Health Sciences
HS 4500
CRN 11882 (2018-10)
Law Values and Health Care

Instructor: Marjorie Lang, JD, MA, LPC
Office Hours: By appointment
Telephone: 248-495-9977
Email address: lang@oakland.edu
Course Time/Rm: Mondays, 6:30 p.m. - 9:50 p.m., Rm. 104, Mathematics and Science Ctr
Semester, Year: Winter, 2018

Required Text:

Munson, Ronald, Intervention and Reflection – Basic Issues in Bioethics, 9th edition, (2012)
Thomson Wadsworth Publishers.

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 generic capacities that are part 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 medical or other professional. 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 examinations, 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 examination, 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 and Description of Learning:

The format of this class includes presentation of theoretical, conceptual, and analytical information in a wide variety of areas of medical ethics and the law. Lecture, interactive discussion, small group activities, and presentations provide students the opportunity to practice written and oral critical thinking and to prepare for quizzes and exams.

1. Readings associated with each topic are listed below. **It is important to read assigned materials before class.**
2. Attendance is required in this class. Students must be present in class each week to participate in the following: classroom discussion following completion of individual participation sheets provided at the start of most class sessions; small group activities; and small group presentations. Students with emergency situations need to notify the instructor in advance of scheduled class meeting time.

EXAMS AND QUIZZES

3. There are three exams in this class as well as two quizzes. Exams are scheduled in February, early and late April. Quizzes are scheduled in late January and early February. Please see week-by-week calendar for exam and quiz dates. Exams and quizzes include true and false, multiple choice, fill-in-the-blank and short answer questions and are based on material covered in class discussion, lecture, and required reading. Exams and quizzes must be completed on scheduled dates barring documented emergency and approval by the instructor.

WRITING ASSIGNMENTS

4. Each student will complete a 1-2 page short writing assignment based on application of an ethical theory to a hypothetical ethical dilemma. This paper is not a research paper.
5. Each student will complete a 5 page case analysis initial draft or “rough draft” that requires application of two different major moral principles to a hypothetical patient case for a patient whose medical care is impacted by a health care ethical dilemma. Each student will also complete a 7-8 page case analysis final draft in the second half of the semester. The case analysis is an applied research paper further described below:
 - Available list of case analysis topics is provided in early January. Upon assignment of topic, each student may commence research and analysis of peer-reviewed, scholarly, and non-scholarly sources to gain knowledge and insight regarding the case analysis topic itself and the ethical dilemma posed by the topic.
 - Both rough draft and final draft of the case analysis require writing of an introduction paragraph followed by separate paragraph containing description of a hypothetical patient affected by a health care dilemma.

- Both rough draft and final draft require writing of relevant demographics, science, law, and ethics paragraphs that relate to the hypothetical patient and other individuals affected by the ethical dilemma.
- Each student is required to write a 5 page case analysis rough draft guided by acquisition and use of two scholarly and three non-scholarly research articles.
- After receiving draft critique from the instructor, each student is required to write a 7-8 page case analysis final draft which includes writing an abstract, a solution, and a conclusion. In the solution paragraph, the student applies relevant law and science to the ethical dilemma affecting the hypothetical patient, and other potential patients that may be impacted by the same ethical dilemma. Each student is also required to author a separate conclusion paragraph applying the “better fit” major moral principle to justify the detailed solution written by the student author. The final draft typically requires rewrite of introduction paragraph as well as expansion or rewrite of facts, demographics, science, law, and ethics paragraphs.
- Considerable work is required after submission of the rough draft including acquisition and use of two additional scholarly research articles.
- Total number of scholarly academic journal articles: 2 (rough draft) and 4 (final draft). You may obtain and use more than 2 scholarly journal articles at rough draft stage if you would like to do so. All students must obtain and meaningfully rely upon two additional scholarly journal articles at final draft stage.
- Total number of non-scholarly or secondary research sources: 3 (rough draft) and 5 (final draft). All students must obtain and meaningfully rely upon 2 additional non-scholarly or secondary research sources at final draft stage.

PROJECT-BASED LEARNING GROUP WORK and INDIVIDUAL REFLECTION

6. Students are assigned to two problem-based learning (PBL) groups: a bioethics role play group and a Chapter 1 and Chapter 2 study/research group. In the first PBL group, students are required to join a role play group typically with seven members each. After research and discussion, each group authors a bioethics role play that is typically 5-6 pages in length. Role plays are based conceptually on one of the following textbook chapters: 4, 5, 6, 7, or 8. Students research and write the role play collectively and present it during class.

7. In the second PBL group, students are split into Chapter 1 and Chapter 2 study/research groups. Members of each group conduct outside research on one of the legal and medical cases described in Chapter 1 and Chapter 2. Each group member will complete a 1-2 page outline of one of the following legal and medical cases contained in Chapter 1. List of available Chapter 1 and Chapter 2 legal and medical cases is provided in the second half of January.

8. In both PBL groups, students will work collaboratively through a facilitated process to analyze complex ethical dilemmas involving law and medicine. Students will grapple with the knowledge that ethics does not allow for a single correct answer to real-world moral dilemmas.

Assigned reading from the textbook may vary from the weekly calendar presented in this syllabus. Any changes to sequence of chapter reading are announced in Moodle News Forum.

Expectations of Students:

Attendance, Participation, and Professionalism

- Class attendance and participation in class discussions and activities 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 off or to vibrate to avoid disrupting class. Cellular devices need to be placed out of sight to avoid distraction.
- In order to facilitate the learning process and to ensure respect for student colleagues and professor, students are expected to turn off electronic devices during class lecture and discussion and group presentations.

Add/Drops:

The University add/drop policy is followed explicitly. It is the student's responsibility to be aware of University deadline dates applicable to dropping or withdrawing from a course.

Special Considerations:

Students with disabilities who may require special considerations should make an appointment with campus Disability Support Services. Students are asked to provide notice of requested and required accommodations to the attention of the instructor during the **first** week of class.

DESCRIPTION OF WRITING ASSIGNMENTS

The **first** short writing assignment, SWA 1, requires five paragraphs of writing. This is a non-research assignment and is based on ethical **theories** described in Part VI of Munson (9th edition). To complete this assignment, it is necessary to understand your assigned ethical theory and be able to describe it before applying it to a set of hypothetical facts found at the end of chapter one of the textbook

The sole source of information for SWA 1 is your textbook. Do not include a title page, abstract, or references page when writing this 1-2 page assignment.

Required content and writing organization for SWA 1 is as follows

Paragraph one: describe relevant facts found in hypothetical decision scenario;

Paragraph two: describe “macro” or “big picture” of ethical theory;

Paragraph three: describe “micro” or “nuts and bolts” of ethical theory;

Paragraph four: apply theory to hypothetical facts;

Paragraph five: provide a solution to the hypothetical facts. Be certain to support your solution with reasoning and analysis as opposed to opinion and conjecture.

Case Analysis draft and final submission

CASE ANALYSIS INITIAL DRAFT

Research

Acquire and utilize research relevant bioethics informed literature consisting of peer-reviewed or scholarly journal articles related to the legal and medical ethics issues posed by your case analysis topic. **Two** peer-reviewed or scholarly sources must be included in your list of references and in-text citations. Three non-scholarly sources are also required for completion of the draft. These consist of news or media articles; non-scholarly government publications, other website material. The total number of references required for the draft submission is **five**. You may exceed the number of five references if you wish and may also exceed the number of two peer-reviewed or scholarly references.

Writing

- The body of the paper for the initial draft is **five** pages excluding title and references page(s).
- This research assignment requires use of APA 6th formatting and citation.

Additionally, the case analysis requires the following:

- Paragraph one: introduction of the ethical dilemma affecting the hypothetical patient case and other individuals facing similar medical issues (do not include in-text research citations).
- Paragraph two: describe hypothetical patient facts (do not include in-text research citations).

- Paragraph three: (additional relevant paragraphs may be included): describe and analyze relevant demographics for other patients with similar medical issue and concerns (research is important).
- Paragraph four (additional relevant paragraphs may be included): describe and analyze relevant science, and medical science, applicable to hypothetical patient and other patients with similar medical issue and concerns (research is important).
- Paragraph five: (additional relevant paragraphs may be included): describe and analyze relevant law and policy applicable to hypothetical patient and other patients with similar medical issue and concerns (research is important).
- Paragraph six and seven (additional relevant paragraphs may be included): define, analyze, and apply two selected major moral principles to the ethical dilemma. Two separate paragraphs must be authored analyzing each of two major moral principles (research is important).

NOTE: Solution and conclusion paragraphs are **not** written at initial draft stage and are only written at final draft stage.

CASE ANALYSIS FINAL DRAFT

Research

The final draft requires acquisition and use of **two additional** peer-reviewed or scholarly journal articles consisting of bioethics and/or legal research. The final draft also requires acquisition and use of **two additional** non-scholarly sources. In sum, the final draft requires a minimum of **four** peer-reviewed or scholarly sources as well as minimum of **five** non-scholarly sources. There is no maximum number of sources. APA citation requires that each reference cited on a references page must also be cited in text.

Writing

The body of the final submission is **7-8 pages** excluding title page, abstract, or references page(s).

As indicated above, the final draft includes an abstract, solution, and conclusion. None of these paragraphs are written at rough draft stage.

Instructions provided for initial draft including required order and content of paragraphs remain applicable for final draft. You may choose to rewrite as many paragraphs as you wish from the initial draft. This is common as required additional research expands thinking processes and continued work with writing tutors at the Writing Center helps to improve clarity and content of writing.

Writing a scholarly paper

The case analysis is not an opinion or persuasion paper. Research from Wikipedia and Pro Con or similar sites is not permitted. The case analysis is a scholarly paper written in professional tone using objective analysis. The paper is not a blog, editorial, survey paper, or “bare bones” research paper. Both case analysis rough draft and final draft require investigative analysis or “critical thinking” in each paragraph. As an example, what does the data in a given study suggest? And, what does the methodology employed by the researchers suggest and how is it applicable to your hypothetical patient’s case?

Additional requirements for case analysis research and writing at both stages (initial draft and final draft):

RESEARCH:

- After conducting scholarly research including sources acquired from relevant databases and conceptualizing the ethical dilemma impacting patient and medical provider, you will write a thoughtful, scholarly case analysis that first describes the ethical dilemma posed by the case analysis topic and encountered by your hypothetical patient or research subject.
- It is important to describe relevant factual background related to your hypothetical patient as well as other patients, research subjects, or individuals affected by the same ethical dilemma or “problem”.
- The case analysis requires thorough understanding of the topic and supporting research.

WRITING:

- Do not use headings when writing your case analysis.
- The number of paragraphs is left to your discretion but must not exceed the page limitation for initial and final draft.
- The case analysis requires explanation and analysis of two different major moral principles.
- It is important to demonstrate critical thinking throughout your paper.
- It is important to complete balanced research and insightful writing for each of the two guiding ethical principles that are discovered through your scholarly research.
- The textbook (Munson, 2012) may be utilized for definitions only.

WRITING OF FINAL DRAFT ONLY:

- You will ultimately conclude with a solution of the dilemma and support as to how you arrived at your conclusion.
- In the solution paragraph, you will describe specific laws or regulations that can be drafted, changed, or expanded to solve the problem affecting the hypothetical patient, and others like your patient, affected by the ethical dilemma.
- In the conclusion paragraph, you will describe which of two major moral principles works better to solve the ethical dilemma posed by the case analysis topic, and will indicate why your careful research and writing dictates that it works better than the alternative principle. In other words, justify your reasoning.

PBL ROLE PLAY GROUPS

Students are assigned to role-play teams which work collaboratively through a facilitated process to gain understanding and ultimately solve a complex ethical dilemma that does not have a single correct answer.

- Each team will work on research and writing of a script that will form the basis of a 5-10 minute role play that each group will present in class coinciding with chapter work on 1) Abortion, (2) Reproductive control, (3) Treating or terminating seriously impaired infants, (4) End of life decisions including assisted suicide; and (5) Scarcity of medical resources.

- The script need not be memorized and may be consulted if needed during role- play presentation.
- There is no minimum or maximum page length for your group script; however, 5-6 single-spacing with role player scripted lines is typical with double-spacing between role players lines.
- Role play presentations typically take 5-10 minutes per group.

Each group will complete in-class activities, and through these activities, will write and prepare a script for use on date of group presentation. The role- play will demonstrate an ethical dilemma. The script for each group is due in hard copy at the beginning of class on the date of role- play presentation. The role-play is based on a **hypothetical** factual scenario as opposed to a real-world medical case reported in the media or published in a legal court decision. The role-play content may not be based on a legal case, decision scenario, or other material contained in Munson. Be creative in your development of an ethical dilemma conceptually related to one of the following textbook chapters: 4, 5, 6, 7, or 8.

Cooperation is essential to successful completion and enjoyment of this project. The stage manager of each group is required to document and submit names of any students who are absent from any group role- play meetings that take place, or get started, during allotted class time.

During the first role play group meeting that takes place during class meeting time, group members will select one of the following offstage roles: principal or coordinating playwright; principal or coordinating researcher; director; stage manager; sound/lights/props or any variant of this trio. **All group members must have at least one speaking line in their role-play and one primary offstage role.**

It is not expected that teams will spend significant amounts of time working on this project outside of class. In semesters past, student groups often met outside of the classroom on one or two occasions for one hour or less including the day of each group's role- play. On that date, a dry run or dress rehearsal is recommended in the hour or so before class meeting time begins.

Graded assessment of role play work is based upon the following activities: (1) preparation and hard copy submission of group script by one group member, and, (2) group presentation consisting of performance of role-play and debriefing with class after presentation.

INDIVIDUAL ROLE PLAY REFLECTION PAPER

This paper is completed in class. The reflection paper is your opportunity to reflect on your group's process (did it work overall; what glitches did your group encounter; how did your group solve them), and on the significance, if any, on your professional or personal growth.

The summary addresses:

- Onstage acting work; offstage work both in class and outside of class meetings; distribution of workload, overall effectiveness and cohesion; and,
- Impact of the assignment on your perception of group work in classroom settings; reflect on whether the "content" or subject matter of the assignment impacted you in any manner.

PBL CHAPTER 1 and CHAPTER 2 STUDY/RESEARCH GROUPS

Submit 1-2 page outline conforming to APA 6th outline requirements. Each outline is individually written and submitted on Moodle as part of a group portfolio. One member of the group will submit the portfolio. Example: Chapter 1/Chapter 2 Dax, Tarasoff, and Abigail group.

CLASS PARTICIPATION

Participation is earned by completing individual participation sheets during class some of which require advance preparation both reading and critical thinking. Participation points are also earned based upon critical thinking evidenced in class discussions.

Summary of Course Requirements and Corresponding Point Values

Assignment	Maximum Point Value
1. Exams 1, 2, and 3; Quizzes 1 and 2	100 points per exam; 50 points per quiz (400 points collectively)
2. Short Writing Assignment	100 points
3. Class Participation (80% based on information provided in participation sheets distributed during class; 20% based on critical thinking evidenced during class discussions)	100 points
4. Case analysis portfolio: a.) Initial draft (Credit/No credit) b.) Final draft (<i>Final draft will not be accepted if initial draft is not completed and submitted on time.</i>)	200 points (final submission) <i>No grade is provided for initial draft but it must be completed and submitted on time.</i>
5. PBL individual and group work: a.) Role-plays conducted in class with onstage and offstage work by each student (80 points for individual contribution to group work; 20 points for individual reflection summary) b.) Chapter 1/Chapter 2 group legal and medical case discussion and outline preparation (50 points for individual contribution to group work and discussion; 50 points for 1-2 page APA 6 th outline)	200 points (100 points each)

Grading Criteria for Short Writing Assignment includes the following:

1. Concise description of relevant facts and apt definitions of key terms.
2. Conveys understanding of the applicable ethical and legal issues.
3. Concise analysis of the material demonstrated by ability to apply selected principles for case analysis, and selected theory for SWA 1, and legal analysis to SWA 2.
4. Sets forth conclusions and resolution of dilemma with supporting facts and reasoning.
5. Structured writing, good organization, and proper writing mechanics.
6. Follows APA 6th with the following exceptions: a.) single -space block quotes are allowed and encouraged to make best use of page limitations for assignments; b.) avoid use of headings and subheadings.

Grading criteria for Case Analysis Final Submission includes the following:

1. Increased relevance and suitability of facts for hypothetical patient; increased use of apt definitions for all key terms and concepts used in paper;
2. Acquisition and use of two required additional scholarly sources, and improvement in critical thinking of scholarly sources retained and initially utilized in draft submission;
3. Critical thinking in evaluation and writing related to relevant demographics, science, law, and ethics applicable to ethical dilemma posed by case analysis topic;
4. Critical thinking in analyzing and writing scholarly-based solution for specific problem faced by medical providers treating the hypothetical patient; critical thinking in analyzing and writing a separate conclusion paragraph supporting overall reasoning for solution and choice of “better fit” major moral principle used in solving dilemma.
5. Writing: mechanics; clarity; professionalism and objectivity; formatting.

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. 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 “Request for an Incomplete Grade” form.

Late submission of individual writing assignment(s):

There is a 5% point deduction for late submission of papers with 5% of potential grade deducted per day late. A paper may not be submitted more than 7 days after due date.

Class Schedule and Course Content Outline

The class schedule is posted below. The professor reserves the right to alter this schedule as necessary.

	Date	Topic	Before class meets today
	January 8, 2018	<p>Introduction of course and detailed review of syllabus.</p> <p>Ethical Decision-making PowerPoint discussed in class.</p> <p>Introduction to ethical theories and philosophy.</p>	<p>Read syllabus before class meeting.</p>
	January 22, 2018	<p>Ethical theories and major moral principles reviewed and discussed in class.</p> <p>Assigned reading in Munson discussed in class; YouTube videos.</p> <p>Learn how to write SWA 1 (non-research ethical theory assignment).</p> <p><u>Small group work and review for Quiz 1: become a Kantian, utilitarian, or Natural Law theorist.</u></p>	<p>Read pages 860-876, 885-904 (Part VI)</p> <p><u>Select case analysis topic from available list by rank-ordering top three preferences.</u></p>
	January 29, 2018	<p>Physicians and patients: autonomy, informed consent, and confidentiality <u>Chapter 1</u> discussed in class (patient-based)</p> <p><u>Quiz 1 takes place.</u></p> <p><u>Small group work and review for Quiz 2: autonomy and its limitations; beneficence and non-maleficence; comparative and non-comparative justice.</u></p>	<p>pp. 3-50 (Chapter 1)</p> <p><u>Quiz 1: Ethical Theories</u></p>
	February 5, 2018	<p>Chapter 2 discussed in class (clinical research)</p> <p>Quiz 2 takes place.</p>	<p><u>Quiz 2: Major Moral Principles</u></p> <p><u>Short Writing Assignment due.</u></p>

February 12, 2018	<p>Medical malpractice lecture and discussion (no textbook reading needed for this class session)</p>	<p><u>PBL portfolio of individual outlines submitted by Group administrator</u></p> <p><u>Rank order role play group preferences: first, second, and third choice (Chapter 4, 5, 6, 7, or 8) submitted on Moodle.</u></p>
February 26, 2018	<p><u>Exam 1 (one hour exam) takes place</u></p> <p><u>Small group work: first role play group meeting (number of groups depends on class size)</u></p>	<p><u>Exam 1: Chapters 1, 2, and Medical Malpractice Lecture/Discussion</u></p>
March 5, 2018	<p>Small group work: Role-play group meeting.</p>	<p><u>Case analysis initial/“rough draft” due.</u></p>
March 12, 2018	<p>Chapter 3 discussed in class. Small group work (role play).</p>	<p>Assigned reading, Chapter 3 (pp. 216-280)</p>
March 19, 2018	<p>Small group work: <u>Chapter 5 group role-play presented at start of class.</u> Chapter 5 discussed in class. DISCUSS continued research and developing understanding of case analysis.</p>	
March 26, 2018	<p><u>Chapter 4 group role-play presented at start of class</u></p> <p><u>Chapter 4 discussed in class.</u></p>	<p>Assigned reading, pp. 433-461 (Chapter 5)</p>
April 2, 2018	<p><u>Exam 2 takes place.</u> <u>Discuss case analysis final submission.</u></p>	<p><u>Exam 2: Chapters 3, 4, and 5.</u></p>

