

Fall  
2018

# Course Outline

LAWS 2132: Health Law

Michael Hadskis

Schulich School of Law

## Table of Contents

General Information .....	3
Course Time, Location and Format .....	3
Instructor: Michael Hadskis .....	3
Course Overview .....	3
Description .....	3
Organization and Instruction Methods.....	4
Student Preparation for Class .....	4
Course Materials and Information Conveyed During Class .....	4
Course Organization.....	4
Evaluation .....	5
Examination .....	5
Optional Minor Paper .....	5
Lecture Recording .....	6
Student Requests for Accommodation.....	6
Academic Support.....	7
Inclusivity .....	7
Plagiarism.....	7
<i>Copyright Act</i> and Fair Dealing Guidelines.....	7

## General Information

### Course Time, Location and Format

<b>Title:</b>	Health Law (LAWS 2132)
<b>Time:</b>	Mondays, 11:30 a.m. – 12:50 p.m. Wednesdays, 11:30 a.m. – 12:50 p.m.
<b>Format:</b>	Lectures
<b>Class Location:</b>	Schulich School of Law, Room 204

### Instructor: Michael Hadskis

<b>Phone:</b>	(902) 494-2534
<b>Email:</b>	<a href="mailto:Michael.Hadskis@dal.ca">Michael.Hadskis@dal.ca</a>
<b>Offices:</b>	<p><b>Schulich School of Law (SSL)</b> – My “official” office hours at the SSL will be on Tuesdays from 3:00 p.m. to 5:00 p.m. However, please feel free to drop by anytime you like. You can also schedule a specific appointment time if you want to ensure that I will be in my office.</p> <p><b>School of Health Administration (SHA)</b> – I also have an office (Room 2A10) in the SHA, which is located on the second floor of the Sir Charles Tupper Medical Building, 5850 College Street.</p>
<b>Autobiography</b>	<p><b>Michael Hadskis</b>, BSc (Hons), LLB, LLM, is a faculty member of the Schulich School of Law, School of Health Administration, and the Health Law Institute. He teaches courses in the areas of health law and tort law. His research is both interdisciplinary and collaborative, and deals with health law and policy issues.</p>

## Course Overview

### Description

The course surveys a wide variety of topics in the area of health law. By the end of the course, students will be familiar with many of the key laws and the public policy rationale that underlie them, and will understand how the law applies to particular healthcare delivery contexts. The course begins by providing an outline of the basic legal framework of Canada’s healthcare system, including the implementation and enforcement of the *Canada Health Act* and important legal challenges to the single-payer system. With this as a backdrop, the course takes a detailed look at fundamental health law topics, including: tort liability of healthcare institutions and healthcare practitioners; the regulation of healthcare professionals, including complementary and alternative medicine practitioners; the law concerning consent to treatment; legal issues that

attend the delivery of healthcare to minors; confidentiality of and access to health information, including mandatory reporting obligations of healthcare practitioners and institutions; decision-making about end of life care; mental health law; public health law; and indigenous peoples and health law and policy.

Since this course will survey many health law topics within a short timeframe, **in-depth coverage of the topics will not be undertaken.**

### Organization and Instruction Methods

The course will be presented through a combination of assigned readings, onsite lectures, and instructor- facilitated discussion, which will involve analyzing case scenarios and debating topical health law issues.

### Student Preparation for Class

The course draws upon a significant number of statutory/regulatory instruments and judicial decisions. Consequently, students must be able to efficiently navigate these instruments and the case law during the lectures and while writing the final examination. As a consequence of these factors, students are strongly urged to closely review the assigned reading material in advance of the lectures.

## Course Materials and Information Conveyed During Class

The following materials are mandatory for this course:

1. Health Law Casebook (2018-2019); and
2. any other material made available on the Health Law 2132 Brightspace site or distributed in class.

Students are also responsible for all information related to the topics covered in this course that arises during class lectures/discussion, regardless of whether this information is addressed in the required reading. Students who are absent from a lecture should ensure that they obtain adequate information regarding the content of the lecture from a classmate.

## Course Organization

The course is divided into the following ten units:

- **Unit 01:** Legal Framework for the Canadian Healthcare System
- **Unit 02:** Regulation of Healthcare Professionals
- **Unit 03:** Regulation of Complementary and Alternative Medicine
- **Unit 04:** Consent to Treatment
- **Unit 05:** Decision-making at the End of Life

- **Unit 06:** Minors and Healthcare
- **Unit 07:** Health Information
- **Unit 08:** Mental Health Law
- **Unit 09:** Public Health Law
- **Unit 10:** Aboriginal Peoples and Health Law and Policy

## Evaluation

### Examination

Students will be evaluated on the basis of a written examination that will constitute 100% (or 60% for those students who exercise the minor paper option, which is described below) of their final grade for the course. The examination is scheduled to take place on **Tuesday, December 18, 2018, from 9:30 a.m. to 12:30 p.m.**

Students will be permitted to bring the following **printed** material into the examination:

1. Health Law 2132 Casebook (2018-19);
2. any notes that the student has prepared (e.g., CANS); and
3. any other material Professor Hadskis identifies, in writing, as being permitted in the examination.

The above-noted material may be annotated and tabbed.

Students are **not** permitted to use any other material, including, but not limited to, published texts.

### Optional Minor Paper

Students have the **option** of writing a minor paper, 12 to 15 double-spaced pages in length, that relates to the area of health law. Papers will be evaluated according to the following criteria: (1) research; (2) organization: logic/coherence; (3) analysis-insight-synthesis; (4) literary style; and (5) originality. Section 4 of the “Major Paper Guidelines” describes these criteria – see: ([https://cdn.dal.ca/content/dam/dalhousie/pdf/law/Academic%20Information%20Syllabi%20Mots%20Regulations/major\\_paper\\_guidelines.pdf](https://cdn.dal.ca/content/dam/dalhousie/pdf/law/Academic%20Information%20Syllabi%20Mots%20Regulations/major_paper_guidelines.pdf)). This description also applies to the minor paper criteria.

All of the above-noted information regarding the final examination will apply to students who exercise the minor paper option, except that the examination for such students will constitute 60% of their final grade. Their minor paper will constitute the other 40% of their grade.

If you are interested in the minor paper option, you **must** submit a 1-2 page paper proposal to Professor Hadskis **on or before Friday, October 5, 2018, at 12:00 noon**. The proposal is to be emailed to Professor Hadskis at [michael.hadskis@dal.ca](mailto:michael.hadskis@dal.ca). The proposal must clearly identify: (1) the proposed paper topic; (2) the anticipated thesis of the paper; (3) why the paper topic is

relevant to the health law area; and (4) a point-form outline of the general issues the student expects to address.

The paper must be submitted in hard copy to Reception by **4:00 p.m. on Tuesday, December 4, 2018** (please ensure the paper is dated and time stamped by Reception). As well, an identical electronic copy of the paper must be submitted to Professor Hadskis ([michael.hadskis@dal.ca](mailto:michael.hadskis@dal.ca)) by 4:00 p.m. on Tuesday, December 4, 2018. The Law School's policy on late penalties will apply to the late submission of the minor paper – see: <https://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>.

Please note that the paper may be submitted by Professor Hadskis to a text-matching software service to check for originality. Students wishing to choose an alternative method of checking the authenticity of their work must indicate to Professor Hadskis, by no later than the add/drop date of the course, which one of the following alternative methods they choose:

- a) submit copies of multiple drafts demonstrating development of their work;
- b) submit copies of sources; or
- c) submit an annotated bibliography.

## Lecture Recording

You are **not** permitted to record lectures. The unauthorised use of any form of device to audiotape, photograph, video-record or otherwise reproduce lectures is prohibited. Students must obtain prior written consent to any such recording. Exceptions may be granted in cases of private use for reason of accommodation.

## Student Requests for Accommodation

Requests for special accommodation for reasons such as illness, injury or family emergency will require an application to the Law School Studies Committee. Such requests (for example, for assignment extensions) must be made to Associate Dean, Academic Michael Deturbide or the Director of Student Services and Engagement Dana-Lyn Mackenzie as soon as possible, before a scheduled exam or a deadline for an assignment, and will generally require documentation. Retroactive accommodation will not be provided. Please note that individual professors cannot entertain accommodation requests.

Students may request accommodation for either classroom participation or the writing of tests and exams due to barriers related to disability, religious obligation, or any characteristic under the Nova Scotia *Human Rights Act*. Students who require such accommodation must make their request to the Advising and Access Services Center (AASC) at the outset of the regular academic year. Please visit [www.dal.ca/access](http://www.dal.ca/access) for more information and to obtain the Request for Accommodation – Form A. Students may also contact the Advising and Access Services Centre directly at (902) 494-2836.

## Academic Support

Academic services are available at Dalhousie to coach, support, and guide students to set and meet educational goals. Visit [https://www.dal.ca/campus\\_life/academic-support/advising.html](https://www.dal.ca/campus_life/academic-support/advising.html) for additional information.

## Inclusivity

Dalhousie University is committed to a welcoming and respectful working and learning environment that is free from harassment and discrimination. We encourage open dialogue, however members of the class are expected to refrain from speaking or behaving in ways that are harmful to others, through racism, homophobia, sexism, or other derogatory treatment based on characteristics protected under the Nova Scotia *Human Rights Act*. Please do not hesitate to speak with me if you have questions or concerns, or visit [http://www.dal.ca/campus\\_life/safety-respect.html](http://www.dal.ca/campus_life/safety-respect.html) for further information on resources and supports on campus and <http://www.dal.ca/cultureofrespect.html> for updates on university initiatives.

## Plagiarism

All students must read the University policies on plagiarism and academic honesty <http://academicintegrity.dal.ca/> and the Law School policy on plagiarism <http://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>. Any paper or assignment submitted by a student at the Schulich School of Law may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above and should consult with the instructor if they have any questions. Ignorance of the policies on plagiarism will not excuse any violation of those policies.

## Copyright Act and Fair Dealing Guidelines

All members of the Dalhousie University community, including students, have an obligation to comply with the requirements of the *Copyright Act*. Under this Act, express permission of the copyright owner is required before making copies or distributing works, with some exceptions. For information about the Act visit: <https://libraries.dal.ca/services/copyright-office/guidelines/fair-dealing-guidelines.html>.