

**Health System Law and Policy
LAWS 2159
Winter Term, 2018-2019**

General

Format: 2 hours per week / 3 credits
Location: W411
Times: Wednesday, 12:30 – 2:20 pm
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Office Hours: X-X or by Appointment

Course Description

Traditionally, health law scholarship has focused on the physician-patient relationship; however, stakeholders (including lawyers) need to turn their attention to larger system issues and the complex web of relationships between governments, private insurers, doctors and other health professionals, public and private hospitals, pharmaceutical companies, patients, and so on. This course will focus on the structure and dynamics of Canada's healthcare system, emphasising a legal perspective but highlighting multiple perspectives, and situating Canada's system amongst the variety of approaches available (and alternatively taken in other jurisdictions). Issues that persistently arise within Canadian health policy are access to services, quality of services, and range/scope of services. These are broad questions that are often implicated, either explicitly or implicitly, by the dizzying array of topics and challenges that are constantly arising for those with responsibility for the system. But they are not the only systems-relevant policy questions that arise. This course will critically engage with these and other questions in a collaborative way, and include a significant experiential learning component that will provide students with an opportunity to meet and learn from policy-makers grappling with major challenges to Canada's health care systems.

Course Objectives

The principle objectives of this course are to explore the governance of healthcare in Canada and to critically evaluate the direct and indirect role that law and policy plays in the governance of the healthcare system. Other more general objectives are to:

- introduce students to the concept of 'governance', identify some of the key actors in that broad environment, and consider the role(s) of law in that complex policy setting;
- familiarise students with the key policy and legal instruments relevant to the structure and operation of the Canadian healthcare system, including their core organizational and operational principles;
- encourage a better understanding of how complex systems (such as health systems) relying on multiple levels and types of governance and regulation, and having governance competence divided (federal, provincial, local) shape and are shaped by law, including seemingly remote fields of law;

- facilitate an appreciation for the contribution of other disciplines (e.g., economics, political science, philosophy, sociology and medical) to our understanding of healthcare system law and policy; and
- further develop the research, policy analysis, writing, and presentation skills that are vitally important to effectiveness in the roles that effective actors play in healthcare policy debates, processes, and reform.

In the course of doing so, students will survey a range of healthcare system issues and develop the analytical tools needed to understand and propose solutions to these issues. The issues explored could range from: choice of theory of justice to inform the system and what it demands in terms of access to healthcare; to issues arising from regulation, deregulation and re-regulation; to fair determination of funding limits and allocation and the scope of review of such decisions; to ensuring accountability of decision-makers; to systemic causes of failure for specific marginalized communities (such as Aboriginal peoples); and so on.

Learning Outcomes

By the end of this course, students should:

- be familiar with key actors, core concepts and principles, and primary governing instruments;
- appreciate how complex systems work and embrace and/or resist change;
- appreciate that law is only one governance tool, but that the role of lawyers in policy can be broad;
- be able to critique the role of law in the structure and operation of the system;
- be able to identify system issues and engage with a range of disciplines and sources to assess and engage with those issues; and
- further develop their research, policy analysis, writing, and presentation skills.

Assessment

This course will be assessed using the following: Class Participation (10%); Collaborative Policy Brief & Presentation (30%); Research Paper (60%).