

APPLICATION FOR NEW COURSE

1. Submitted by the College of Law Date: Aug 11, 2009

Department/Division proposing course: Law

2. Proposed designation and Bulletin description of this course:

a. Prefix and Number LAW 831

b. Title* Bioethical Issues in the Law

*If title is longer than 24 characters, offer a sensible title of 24 characters or less: Bioethical Issues

c. Courses must be described by at least one of the categories below. Include number of actual contact hours per week.

() CLINICAL () COLLOQUIUM () DISCUSSION () LABORATORY (3) LECTURE
() INDEPEND. STUDY () PRACTICUM () RECITATION () RESEARCH () RESIDENCY
() SEMINAR () STUDIO () OTHER – Please explain: _____

d. Please choose a grading system: Letter (A, B, C, etc.) Pass/Fail

e. Number of credit hours: 2-3

f. Is this course repeatable? YES NO If YES, maximum number of credit hours: _____

g. Course description:

This course will cover topics such as legal reasoning in bioethical situations, determination of death, issues in human reproduction, organ transplantation, genetic testing, clinical research with human subjects, and end-of-life decision-making. This second survey course in the health law area will provide students who take this course and Healthcare Organizations and Finance (Law 830) with a broad understanding of this increasingly important area of the law. Neither class is a prerequisite for the other class. They may be taken concurrently or in any order chosen by the student. Students must take either this course or Law 830 in order to enroll in the seminar entitled Healthcare Law and Policy Seminar.

h. Prerequisite(s), if any:

i. Will this course also be offered through Distance Learning? YES NO

If YES, please check one of the methods below that reflects how the majority of the course content will be delivered:

Internet/Web-based Interactive video Extended campus

3. Supplementary teaching component: N/A or Community-Based Experience Service Learning Both

4. To be cross-listed as: _____ / _____
Prefix and Number printed name Cross-listing Department Chair signature

APPLICATION FOR NEW COURSE

5. Requested effective date (term/year): Spring / 2010
6. Course to be offered (please check all that apply): Fall Spring Summer
7. Will the course be offered every year? YES NO
If NO, please explain: _____
8. Why is this course needed?
Second of two core courses in health law curriculum. Has been offered on an experimental basis twice per College of Law faculty rules.

9. a. By whom will the course be taught? Associate Professor Nicole Huberfeld
- b. Are facilities for teaching the course now available? YES NO
If NO, what plans have been made for providing them?

10. What yearly enrollment may be reasonably anticipated?
40
11. a. Will this course serve students primarily within the department? Yes No
- b. Will it be of interest to a significant number of students outside the department? YES NO
If YES, please explain.

12. Will the course serve as a University Studies Program course[†]? YES NO
If YES, under what Area? _____
[†]AS OF SPRING 2007, THERE IS A MORATORIUM ON APPROVAL OF NEW COURSES FOR USP.
13. Check the category most applicable to this course:
- traditional – offered in corresponding departments at universities elsewhere
 - relatively new – now being widely established
 - not yet to be found in many (or any) other universities
14. Is this course applicable to the requirements for at least one degree or certificate at UK? Yes No
15. Is this course part of a proposed new program? YES NO
If YES, please name: _____
16. Will adding this course change the degree requirements for ANY program on campus? YES NO
If YES[‡], list below the programs that will require this course:

APPLICATION FOR NEW COURSE

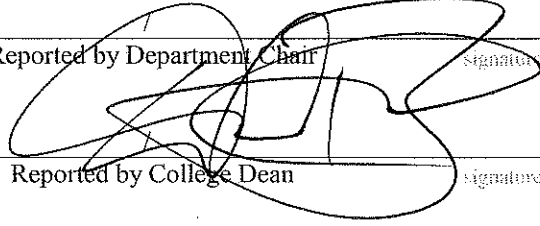
[‡]In order to change the program(s), a program change form(s) must also be submitted.

17. The major teaching objectives of the proposed course, syllabus and/or reference list to be used are attached.
18. Check box if course is 400G or 500. If the course is 400G- or 500-level, *you must include a syllabus showing differentiation* for undergraduate and graduate students by (i) requiring additional assignments by the graduate students; and/or (ii) the establishment of different grading criteria in the course for graduate students. (See *SR 3.1.4*)

19. Within the department, who should be contacted for further information about the proposed new course?
 Douglas C. Michael

Name: Associate Dean for Academic Affairs Phone: 71485 Email: michaeld@uky.edu

20. Signatures to report approvals:

N/A		
DATE of Approval by Department Faculty	printed name	Reported by Department Chair signature
March 26, 2009	David A. Brennen	 signature
DATE of Approval by College Faculty	printed name	Reported by College Dean signature
* DATE of Approval by Undergraduate Council	printed name	Reported by Undergraduate Council Chair signature
* DATE of Approval by Graduate Council	printed name	Reported by Graduate Council Chair signature
* DATE of Approval by Health Care Colleges Council (HCCC)	printed name	Reported by Health Care Colleges Council Chair signature
* DATE of Approval by Senate Council	Reported by Office of the Senate Council	
* DATE of Approval by University Senate	Reported by Office of the Senate Council	

*If applicable, as provided by the *University Senate Rules*. (<http://www.uky.edu/USC/New/RulesandRegulationsMain.htm>)

Bioethical Issues in the Law

Fall 2008 – Wednesday 4:00 - 6:00 – Room 240
Professor N. Huberfeld

Course Overview

The field of health law is often divided into three major subject areas: financing (the payor), business/regulatory issues (the provider), and bioethics (the patient). This course focuses on the patient, and more specifically the bioethical issues that influence the treatment of patients and medical decision-making in a number of settings, stretching from the beginning of life (issues surrounding reproduction) to the end of life (definitions of death, death processes, and patient decisions at the end of life).

Materials

We will use **HEALTH LAW**, 6th Edition, by Furrow, Greaney, Johnson, Jost & Schwartz. The text and its attendant treatises are on reserve in the law library. We will have handouts (and they may include more materials than are currently listed in the syllabus); I will post them on TWEN per the law school's new policy. Questions regarding handouts should be directed to my assistant, Amanda DeBord, 257-2893, akdebo2@email.uky.edu.

Assignments

Students **must** read the assigned materials before class and be prepared to discuss the substance of the materials. Class sessions will involve a great deal of discussion and may incorporate fact patterns, problems, and policy discussions to develop an understanding of the material. Additional assignments may be given to develop the original topics. Also, TWEN is used in this course; it is available on Westlaw's website. You must register for this course so that your e-mail appears on the class list; in this way, I can communicate with the entire class. I will also post handouts, Power Points, web links, and the like on TWEN, so please check the site regularly.

Grading and Attendance

Your final exam is a 48 hour take-home exam. It will be self-scheduled, so the "undue hardship" option does not apply.

Grades may be raised or lowered to reflect attendance and/or participation. Everyone is expected to participate fully and to the best of their abilities.

The Honor Code governs this course. Also, the law school's rules regarding class attendance apply to this course; a student who misses 25% or more of the classes will be disqualified automatically from taking the final exam and will not receive credit for the course. For a 2 hour class, each class that is missed counts as two absences for purposes of this rule (so you have only about 3.5 absences).

Contact Information

Phone: 257-3281; e-mail: nicole.huberfeld@uky.edu; office hours: Tuesday, 12:00-2:00. I will make appointments and answer questions in person, by phone, or by e-mail, whichever you prefer.

Syllabus

This syllabus outlines general topics we will cover and relevant pages in the textbook. We have some flexibility in the topics we cover in this course, so if extra interest exists in certain areas, or if we move through others more quickly than planned, the readings may be paced differently. Major cases/authorities are noted in the assignments simply as a study aid.

<u>Unit</u>	<u>Date</u>	<u>Topic</u>	<u>Assignment</u>
Introduction	August 27		Handout: <i>In the Matter of Karen Quinlan</i> , Belmont Report (excerpt)
Unit 1: Determination of Death	Sep. 3	Determination of Death	Text: 1380 - 1407 (Uniform Determination of Death Act; <i>In re TACP</i> ; AMA Policy; <i>Baby K</i>) Handout: definitions of brain damage
		Organ Transplantation	Text: 78-83 (UNOS organ policies) <i>Please read the syllabus and be sure you have registered on the TWEN page.</i>
Unit 2: Human Reproduction and Birth	Sept. 10	Defining Personhood	Text: 1186-1202 (background for this unit)
		Medical Intervention in Reproduction	Text: 1202- 39 (<i>Roe v. Wade</i> ; <i>Planned Parenthood v. Casey</i> ; <i>Gonzales v. Carhart</i>)
	Sept. 17	Assisted Reproductive Technologies	Text: 1263-80 (<i>In the Interest of KMH</i>), 1283-top of 1293 (<i>Davis v. Davis</i>), 1296-1301 (<i>Baby M</i>)
	Sept. 24	Stem Cell Research	Text 1321-29; Handout
Unit 3: Human Genetics	October 1	Confidentiality and Discrimination Based on Genetics	Text 1352-76 (<i>Safer v. Pack</i> ; HIPAA; <i>Greenberg v. Miami Children's Hospital Research Institute</i>)
(return to Unit 2)	Oct. 8	Wrongful Birth/Wrongful Life/Wrongful Conception	Text: 1250-62 (<i>Smith v. Cote</i>); Handout: <i>Bogan v. Altman</i> <i>NB: Lynn Kolokowsky, J.D., Director of Risk Management and Patient Safety at Central Baptist Hospital, will speak regarding the law in Kentucky and her participation in its development.</i>

Unit 4: Regulation of Research with Human Subjects	Oct. 15	Regulation Liability Commercialization	Text 1568-86 (Nuremberg Code; Belmont Report; the "Common Rule" [45 CFR Part 46]) 1587-96 (<i>Grimes v. Kennedy Kreiger Institute</i>) 1605-07 <i>NB: Helene Lake-Bullock, Office for Research Integrity, will speak regarding clinical trials and IRB processes</i>
Unit 5: Life and Death Decisions (End of Life Decision- making)	Oct. 22	Introduction	Handout: <i>Whose Body Is It Anyway?</i> Atul Gawande, <i>COMPLICATIONS: A SURGEON'S NOTES ON AN IMPERFECT SCIENCE</i> (2002) <i>For discussion purposes, we will consider the ideas Dr. Gawande presents while we watch Frontline: The Life and Death of Nancy Cruzan. It is important that everyone attend this class so we can view Frontline together.</i>
	Oct. 29	Patients <i>with</i> Decisional Capacity Patients <i>without</i> Decisional Capacity	Text 1424-30 (<i>Bouvia, In re Jobes</i> (note 2 after <i>Bouvia</i>)); 1432-top 1434 (<i>Saikewicz</i>), 1436-41 (<i>Georgetown College, Wons</i>) Text 1450-64 (UHDA)
	Nov. 5	Patients w/o Decisional Capacity cont'd	Text 1464-68 (<i>In re Eichner, In re Conroy</i>), 1474-83 (<i>Wendland</i>); 1488-93, Handout (<i>Guardianship of Schiavo</i>); 1497- 1503 (<i>Saikewicz, In re Storar</i>)
	Nov. 12	Pain Management at the End of Life	Handout
	Constitutional Status of Withdrawal of Treatment and Physician Assisted Death	Nov. 19	Withdrawal of Treatment Physician Assisted Death
	Nov. 26		Thanksgiving Break
	Dec. 3		TBD