

HCB 502: LANDMARK CASES IN BIOETHICS

(3 CREDITS)

Spring 2023

PROFESSOR	Caitlyn A. Tabor, JD
PHONE	631.806.3398 (mobile)
EMAIL	caitlyntabor@hms.harvard.edu
OFFICE HOURS	By appointment
CLASS MEETINGS	Wednesdays 6-8 pm, via Zoom

A. COURSE DESCRIPTION

This course covers several topics essential to gain an understanding of the realm of bioethics, the intersection of law and medicine, the cases underlying these principles, and the issues confronting our medical system today. These topics include: federalism and bioethics, informed consent, truth-telling and confidentiality, the doctor-patient relationship, ethical issues in pediatrics, abortion and associated reproductive issues, defining, hastening, and forestalling death, the right to refuse care and the right to die, rationing, the role of culture and religion in medicine, genetic technologies and organ transplantation.

B. COURSE GOALS

The goal of this course is to encourage emerging health professionals to better understand the legal, ethics and professional context in which they practice their profession. This course will focus on the analyses of legal cases to hone individual competencies in the areas of Bioethics. To this end, this course aims to foster a learning environment that encourages intellectual risk-taking, including having students cogently articulate arguments in favor of a position with which they might disagree. In addition, the learning environment is meant to be supportive to allow students to practice their emerging skills rather than relying on their skills that may already be considered strengths (or strengths of team members).

C. COURSE OBJECTIVES

By the end of the semester, students should:

1. Have a basic understanding of the theories, principles, and substantive law in the areas set out in the course overview, including relevant doctrines, policies, and practice issues.

2. Demonstrate the ability to communicate and apply these concepts effectively both orally and in writing.
3. Demonstrate the ability to use problem solving skills to apply these concepts to new and current issues and problems.

D. TEXTS

Selected readings will be listed in the syllabus and sent to students before class via email.

E. TEACHING STRATEGIES

Teaching strategies may include faculty-led presentations, videos, case studies, problem-based learning scenarios and presentations, small and large group discussions, and individual/team based group student presentations.

F. EVALUATION METHODS

Performance will be evaluated as follows:

<i>Meaningful Attendance and Participation</i> Due: Ongoing	25%
<i>Mid-Semester Meetings</i> Due: See Student Assignments in Course Schedule	25%
<i>Final Paper</i> Paper Due: 4/13	25%
<i>Final Presentation</i> Presentation Due: 4/26 (A-L) and 5/3 (M-Z)	25%
Total	100%

Meaningful Attendance and Participation (25%)

Grading of class participation will be based on professor’s assessment of student’s preparedness for and involvement in classroom discussions throughout the course. Comments should be inquisitive and insightful and contribute to the overall learning experience. If you have concerns about class participation, please speak with the professor early in the semester. Sometimes the professor will call on students as is traditional in law school class. Inactive presence in class will result in a reduction from the overall grade, whereas students who make significant contributions in class showing mastery of concepts and methods will receive full points for participation. As a class, we

will stay away from comments that are vague, repetitive, unrelated to the topic under discussion, disrespectful of others, or that have insufficient foundation.

Mid-Semester Meeting (25%)

Each student is responsible for attending a mid-semester meeting to discuss progression of their final paper and presentation. Sign-ups for these brief meetings will be made available at the beginning of the semester.

Final Paper (25%)

Particulars: Times New Roman, 12-point font, 1 inch margins, 4-6 pages, figures, tables and graphs do not count toward the page requirement and the relevance of such visual aids must be connected to the text. Please remember to use citations and place your name and email address in the upper left-hand corner of the first page.

Description: Choose a Bioethics-Legal Topic into which you wish to delve further based on the assigned reading or class discussion. Please research the topic, choose a viewpoint on your chosen topic, then make an argument to support your viewpoint. You must explain your topic (controversy), choose a side, defend it and rebut the opposition. The paper must be realistic and based on evidence and the law. Please take care not to overstate your position or minimize the opposition. This paper requires you to research the bioethics-legal issue beyond the assigned readings and research (e.g., government websites, gray literature and PubMed.) Please remember to define all terms and reference all factual assertions.

OR

Choose a Bioethics-Legal Topic into which you wish to re-draft policy and law. You will prepare a regulatory agenda, a legislative history and background memo. More details will be provided to students interested in pursuing this final project rather than a final paper.

Final Presentation (25%)

The final presentation will be a brief (5-7 minute) summary of your final project.

G. GRADING SCALE

A	93 or greater
A-	90 or more but less than 93
B+	87 or more but less than 90
B	83 or more but less than 87
B-	80 or more but less than 83
C+	77 or more but less than 80
C	73 or more but less than 77

- C- 70 or more but less than 73
- F less than 73

H. COURSE ATTENDANCE/PARTICIPATION AND LATE ASSIGNMENT POLICIES

Attendance and participation are mandatory and should be made a priority each week. Excused absences will be permitted under limited circumstances. Three or more unexcused absences from class will reduce the final course grade by a full letter grade (e.g., A to B).

I. STUDENT ACCESSIBILITY SUPPORT CENTER STATEMENT

If you have a physical, psychological, medical, or learning disability that may impact your course work, please contact the Student Accessibility Support Center, Stony Brook Union Suite 107, (631) 632-6748, or at sasc@stonybrook.edu. They will determine with you what accommodations are necessary and appropriate. All information and documentation is confidential.

Students who require assistance during emergency evacuation are encouraged to discuss their needs with their professors and the Student Accessibility Support Center. For procedures and information go to the following website: <https://ehs.stonybrook.edu/programs/fire-safety/emergency-evacuation/evacuation-guide-disabilities> and search Fire Safety and Evacuation and Disabilities.

J. ACADEMIC INTEGRITY STATEMENT

Each student must pursue his or her academic goals honestly and be personally accountable for all submitted work. Representing another person's work as your own is always wrong. Faculty is required to report any suspected instances of academic dishonesty to the Academic Judiciary. Faculty in the Health Sciences Center (School of Health Professions, Nursing, Social Welfare, Dental Medicine) and School of Medicine are required to follow their school-specific procedures. For more comprehensive information on academic integrity, including categories of academic dishonesty please refer to the academic judiciary website at http://www.stonybrook.edu/commcms/academic_integrity/index.html

K. CRITICAL INCIDENT MANAGEMENT

Stony Brook University expects students to respect the rights, privileges, and property of other people. Faculty are required to report to the Office of Student Conduct and Community Standards any disruptive behavior that interrupts their ability to teach, compromises the safety of the learning environment, or inhibits students' ability to learn. Faculty in the HSC Schools and the School of Medicine are required to follow their school-specific procedures. Further information about most academic matters can be

found in the Undergraduate Bulletin, the Undergraduate Class Schedule, and the Faculty-Employee Handbook.

L. THE WRITING CENTER

In addition to the writing components of this course, the Stony Brook University Writing Center, located in Humanities 2009, supports writing at Stony Brook University. Trained undergraduate and graduate writing tutors help writers through one-on-one tutoring sessions that focus on each individual writer's needs. Writers of all skill levels at any stage of the writing process are invited to make appointments at the Writing Center. Writers can bring in anything they're working on, be it a creative piece, a personal statement, or a paper for class. Tutors will help writers brainstorm, organize, focus, and develop their written works. To make an appointment on-line, go to http://www.stonybrook.edu/commcms/writrhet/writing_center/writing.html.

COURSE SCHEDULE*

DATES	TOPICS	READINGS – to be sent via email
1/25/23	<p><i>Introduction: Overview of the Legal System, Medicine, and Public Health</i></p>	<p><i>Allan Farnsworth, An Introduction to the Legal System of the United States (2010, 4th ed.)</i></p> <p><i>Fuse Brown, & Kesselheim, A. S. (2022). The History of Health Law in the United States. The New England Journal of Medicine, 387(4), 289–292.</i> https://doi.org/10.1056/NEJMp2207360</p>
2/1/23	<p><i>The Right to Privacy</i></p>	<p><i>Griswold v. Connecticut</i></p> <p><i>Eisenstadt v. Baird</i></p> <p><i>The HIPAA Privacy Rule</i></p>
2/8/23	<p><i>Sterilization, Abortion, and Reproduction</i></p>	<p><i>Buck v. Bell</i></p> <p><i>Skinner v. Oklahoma</i></p> <p><i>Conservatorship of Valerie N.</i></p> <p><i>Griswold v. Connecticut</i></p>

		<p><i>Roe v. Wade</i></p> <p><i>Planned Parenthood of SE PA v. Casey</i></p> <p><i>In re Baby M.</i></p> <p><i>In re AC</i></p>
2/15/23	<p><i>Doctor-Patient Relationship</i></p>	<p><i>Hurley v. Eddingfield</i></p> <p><i>Canterbury v. Spence</i></p> <p><i>Helling v. Carey</i></p> <p><i>Tarasoff v. Regents of the University of CA</i></p>
2/22/23	<p><i>Informed Consent</i></p> <p><i>Malpractice Law and Policy</i></p>	<p><i>Johnson v. Kokemoor</i></p> <p><i>Herdrich v. Pegram</i></p> <p><i>Kessler DP. Evaluating the medical malpractice system and options for reform. Journal of Economic Perspectives 2011;25(2):93-110.</i></p>
3/1/23	<p><i>Standard of Care</i></p> <p><i>Research</i></p>	<p><i>In re Guess</i></p> <p><i>Stewart v. Cleveland Clinic Foundation</i></p> <p><i>Ness, & Joint Policy Committee, Societies of Epidemiology, for the. (2007). Influence of the HIPAA Privacy Rule on Health Research. JAMA : the Journal of the American Medical Association, 298(18), 2164–2170. https://doi.org/10.1001/jama.298.18.2164</i></p>
3/8/23	<p><i>Right to Refuse Care</i></p>	<p><i>In re Quinlan</i></p> <p><i>Bouvia v. Superior Court</i></p> <p><i>Lane v. Candura</i></p>

<p>3/22/23</p>	<p><i>The Constitution and the Right to Die</i></p>	<p><i>Cruzan v. Director, Missouri Dep't of Health</i></p> <p><i>Washington v. Glucksberg</i></p> <p><i>Vacco v. Quill</i></p> <p><i>Pope, Thaddeus Mason, Medical Aid in Dying: Key Variations Among U.S. State Laws (October 30, 2020). 14(1) Journal of Health and Life Sciences Law 25-59 (2020).</i></p> <p><i>Hedberg, Katrina, & New, Craig. (2017). Oregon's Death With Dignity Act: 20 Years of Experience to Inform the Debate. Annals of Internal Medicine, 167(8), 579-583: Oregon's Death with Dignity Act (Optional)</i></p>
<p>3/29/23</p>	<p><i>Individual Meetings</i></p>	<p>Sign Up: https://docs.google.com/document/d/1eu9OUd1jwDbnG7eIVho5DTETcwNvEjfm2gM0--2AMZM/edit?usp=sharing</p>
<p>4/5/23</p>	<p><i>“Futile” Medical Care</i></p>	<p><i>In re Wanglie</i></p> <p><i>Causey v. St. Francis Medical Center</i></p> <p><i>In re Baby K</i></p>
<p>4/12/23</p>	<p><i>Genetics and Ownership of Life</i></p>	<p><i>Katskee v. Blue Cross/Blue Shield of Nebraska</i></p> <p><i>Safer v. Pack</i></p> <p><i>Foundation on Economic Trends v. Heckler</i></p> <p><i>Moore v. Regents of Univ. of CA</i></p> <p><i>Davis v. Davis</i></p> <p><i>Hecht v. Superior Court</i></p>

<p>4/19/23</p>	<p><i>Definition of Death</i> <i>Organ Transplantation</i></p>	<p><i>In re Bowman</i></p> <p><i>In re TACP</i></p> <p><i>McFall v. Shimp</i></p> <p><i>Strunk v. Strunk</i></p> <p><i>State v. Powell</i></p> <p><i>Wilson v. Adkins</i></p> <p><i>Robert Truog, The Ethics of Organ Donation by Living Donors, N Engl J Med 2005; 353:444-446 (Aug. 4, 2005).</i></p>
<p>4/26/23</p>	<p><i>Final Presentations</i></p>	<p><i>Last Names A-L</i></p>
<p>5/13/23</p>	<p><i>Final Presentations</i></p>	<p><i>Last Names M-Z</i></p>

*Updates/revisions to the course schedule may have to be made during the course of the semester due to unforeseen circumstances. In the event that changes must be made, students will be informed as soon as possible.