

**Western University:
Faculty of Law and School of Health Studies
Law 3101A /Health Sciences 3101A
Health Care Law**

Instructor:	Professor Robert Solomon	Course Co-ordinator:	Professor Christopher Sherrin
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Overview

This course surveys the law governing health care and counselling professionals and the provision of health services in Ontario. The legal principles discussed are relevant to all regulated health practitioners (e.g. physicians, nurses, psychologists, physiotherapists *etc*), social workers, educational counsellors, and anyone else who works in a hospital, health clinic, or long-term care or retirement home. The topics covered include consent, capacity and substitute consent to treatment; end-of-life decision making; mental illness and the criminal justice system; the standard of care expected of health care and counselling professionals; and documentation, confidentiality, mandatory reporting, and the duty to warn.

On a broader level, the course addresses the legal relationship between users and providers of health care services. Consequently, the course will be of interest to individuals who want to understand their rights regarding treatment, counselling and care. For example, can physicians put a “do not resuscitate” order on a patient’s chart without the patient’s consent, who owns a patient’s medical record, and do patients have a legal right to obtain a copy? What information must practitioners provide to patients to obtain an informed consent? The course also addresses many current policy issues, including the federal and provincial governments’ powers to quarantine, detain and treat individuals without consent in response to COVID-19 and other communicable diseases; the *Criminal Code* limits on obtaining medical aid in dying; and the right of health care professionals to refuse to provide treatment that is contrary to their values.

The course is open to all Western undergraduates, other than law students enrolled in the J.D. program. There are no prerequisites.

Classes

There will be an in-person lecture on Tuesdays from 2:30 pm – 4:30 pm in room 101 of the North Campus Building and a synchronous one-hour lecture on Thursdays from 2:30 pm – 3:30 pm. Please note that the synchronous sessions will be recorded and later posted on the OWL course page so that students who were unavailable can view the session. Students who do not want to be identifiable when participating in the synchronous classes should turn off their camera or submit their questions through the chat function. The classes will be largely based on the Coursebook and accompanying PowerPoints. In addition, optional in-person review classes may be scheduled prior to the midterm and final examinations.

In the event of a COVID-19 resurgence during the course that necessitates the course delivery moving away from face-to-face interaction, all remaining course content will be delivered entirely online, either synchronously (*i.e.*, at the times indicated in the timetable) or asynchronously (e.g., posted on OWL for students to view at their convenience). The grading scheme will not change. Any remaining assessments will also be conducted online at the discretion of the course instructor.

Course Objectives

The course is designed to provide students with a working understanding of the legal issues that typically arise in providing treatment, counselling and care. Students will be able to put legal issues in context, whether it is a power of attorney for personal care, patient requests to access their treatment records, identifying who has authority to exercise substitute consent on behalf of an incapable person, or determining how to obtain an informed consent.

Course Materials and Readings

A printed copy of the Coursebook (R. Solomon, *Health Care Law 3101: Fall Term 2021*) is available from Western's Book Store. The Coursebook will **not** be available in a digital format. You are strongly advised to obtain a copy of the current Coursebook as soon as you register in the course. There are no outside readings. The accompanying PowerPoints will be available on OWL in the first week of term and will be available until after the final exam. Students are advised to **print off** a copy of the PowerPoints. The reading schedule for each week is available online on the OWL course page and is set out later in this document.

Although the Coursebook is relatively short, it summarizes a broad range of legislation, common law principles, and leading cases that students will be expected to understand and apply. Students are strongly encouraged to carefully read the assigned materials and view the accompanying PowerPoints prior to the weekly classes. The Coursebook and PowerPoints are updated every year to include important new cases and legislative amendments. Relying on a previous edition of the Coursebook will put a student at a major disadvantage because it will not include all the information on which students will be examined.

Course Instructor

Professor Solomon is responsible for designing the course, preparing the materials, presenting the classes, creating the quizzes and setting the midterm and final examinations. Any questions related to the course content should be directed to Professor Solomon or the two teaching assistants (TAs).

Professor Solomon will usually be available in the North Campus Building to meet with students and answer questions before and after the Tuesday 2:30 pm – 4:30 pm class. Students can email or call Professor Solomon (519-661-3603) if they have a question that the TAs have not been able to answer. Students who email Professor Solomon need to include a **telephone number** at which they can be reached. Professor Solomon will **not** provide detailed email responses to questions. Please speak slowly and clearly when leaving a phone number and include the area code. Students can also book a phone or in-person meeting with Professor Solomon at a mutually agreeable time.

Course Co-ordinator

Professor Sherrin, the Course Co-ordinator, is responsible for the administration of the course and any related technical issues. Professor Sherrin is available by email (csherrin@uwo.ca) to answer any questions about **accommodation, enrolment, OWL, the administration of the quizzes and the midterm and final examination, and other technical matters**. If these questions are directed to Professor Solomon, he will refer them to Professor Sherrin. Similarly, Professor Sherrin will refer questions related to the course content to Professor Solomon. To avoid delays in getting a response, students need to direct their content questions to Professor Solomon and their administrative questions to Professor Sherrin.

Teaching Assistants

The two TAs are Madison Kondo (mkondo4@uwo.ca) and Amanda McAleer (amcaleer@uwo.ca). The TAs are available throughout the term to help with any problems or questions related to the course content

and will be monitoring the class discussion board on the OWL Discussion Forum. In addition, students may arrange an online or in-person meeting with one of the TAs at a mutually agreeable time.

Email

Email is the primary method used to communicate with students. Be sure to check your email regularly or you may miss important information. Email will be sent to your UWO email address via OWL. If you wish to forward your email to some other address, make sure you set your UWO account to do so properly. Also ensure that your UWO mailbox (and the one being forwarded to) does not get so full that emails are rejected. If you send an email to the Instructor, Course Coordinator or TAs, please include “Health Care Law” at the start of the subject line.

OWL

The course page for Health Care Law 3101A is available on OWL. You can log into the course website at <https://owl.uwo.ca/portal>.

Evaluation

The grades in the course are based on three components: (i) a 35% multiple-choice midterm examination in October; (ii) a 55% multiple-choice final examination in December; and (iii) a 10% component based on four online quizzes. The midterm and final examinations will be based exclusively on materials discussed in the **classes Coursebook and PowerPoints**. There are no other assignments or essays.

Component	Value	Date
Midterm Exam	35%	Sat. Oct. 16, 2021
Final Exam	55%	Dec. 2021 (date TBD)
Quizzes (4 x 2.5%)	10%	See schedule below
Total	100%	

(a) Midterm Examination

The multiple-choice midterm examination will be written in person on **Saturday, October 16**. The midterm examination will cover Chapters I to V inclusive of the Coursebook and is worth 35% of the final grade. Students will be allowed bring into the midterm examination, and refer to, their **printed** copy of the Coursebook and their **printed** copy of the PowerPoints and any **printed** summaries that they have prepared. Students will **not** be permitted to use or refer to any computer, phone or other electronic device during the midterm. Students who have prepared a digital summary of the course will have to print it out if they wish to use it in the midterm examination.

(b) Final Examination

The multiple-choice final examination will be written in person in December at a date and time to be set by the Registrar’s Office. The final examination is not cumulative (*i.e.*, it will only cover Chapters VI to XI inclusive of the Coursebook) and is worth 55% of the final grade. The rules outlined above regarding the materials that students may rely on during the midterm examination apply equally to the final examination.

(c) The Quizzes

The quizzes are intended to encourage students to do the readings and stay on top of the materials, reveal any misunderstandings and provide practice for the multiple-choice examinations in October and December.

The quizzes are short (12 questions) and each should take approximately 45 minutes to complete. Students should check their quiz answers against the Coursebook before submitting the quiz. Students can take as much time as they wish to complete the quiz, but they **must submit it** by the deadline or they **will not get credit** for it. **No academic credit** will be given for quizzes that are submitted **after the deadline**. See the Quiz Schedule below.

A new quiz will be available on OWL every two to three weeks and must be completed within the posted period in order to receive marks. Each quiz is weighted equally (2.5% each) for a total of 10% of your final grade. The quiz **must** be submitted by 11:30 am on the due date in order to get credit. Problems or questions regarding the administration of the quizzes should be directed to the Course Co-ordinator, Professor Sherrin, not the Course Instructor, Professor Solomon.

Quiz Schedule – Fall Term 2021

	Available (12:30pm)	Due Date (11:30am)
QUIZ ONE Chapter I: Preliminary Issues Chapter II: Consent and Capacity (Competency)	Fri. Sept. 24	Mon. Sept. 27
QUIZ TWO Chapter III: Substitute Consent Chapter IV: Factors Negating Consent, Treatment Without Consent and End-of-Life Decision Making	Fri. Oct. 8	Mon. Oct. 11
QUIZ THREE Chapter V: Mental Health, Criminal Law and Civil Commitment Chapter VI: Principles of Negligence Liability	Fri. Oct. 22	Mon. Oct. 25
QUIZ FOUR Chapter VII: Duties of Affirmative Action Chapter VIII: Documentation and Related Issues	Fri. Nov. 12	Mon. Nov. 15

Final Grades

If necessary, the final grades in the course **may be adjusted up or down** to comply with the grading norms in the Faculty of Health Sciences.

Class Schedule – Fall Term 2021**Week One. Chapter I: Overview of the Course**

Thursday, September 9: 2:30 - 3:30, Zoom

Week Two. Chapter I: Preliminary Issues

Tuesday, September 14: 2:30 - 4:30, Rm. 101, North Campus Building

Thursday, September 16: 2:30 - 3:30, Zoom

Week Three. Chapter II: Consent and Capacity (Competency)

Tuesday, September 21: 2:30 - 4:30, Rm. 101, North Campus Building

Thursday, September 23: 2:30 - 3:30, Zoom

Week Four. Chapter III: Substitute Consent

Tuesday, September 28: 2:30 - 4:30, Rm. 101, North Campus Building

Thursday, September 30: 2:30 - 3:30, Zoom

Week Five. Chapter IV: Factors Negating Consent, Treatment Without Consent and End-of-Life Decision Making

Tuesday, October 5: 2:30 - 4:30, Rm. 101, North Campus Building

Thursday October 7: 2:30 - 3:30, Zoom

Week Six. Chapter V: Mental Health, Criminal Law and Civil Commitment

Tuesday, October 12: 2:30 - 4:30, Rm. 101, North Campus Building

Thursday October 14: 2:30 - 3:30, Zoom

**MIDTERM EXAMINATION
(Scheduled for Saturday, October 16)**

Week Seven. Chapter VI: Principles of Negligence Liability

Tuesday, October 19: 2:30 - 4:30, Rm. 101, North Campus Building

Thursday, October 21: 2:30 - 3:30, Zoom

Week Eight. Chapter VII: Duties of Affirmative Action

Tuesday, October 26: 2:30 - 4:30, Rm. 101, North Campus Building

Thursday, October 28: 2:30 - 3:30, Zoom

FALL READING WEEK: NOVEMBER 1-5

Week Nine. Chapter VIII: Documentation and Related Issues

Tuesday, November 9: 2:30 - 4:30, Rm. 101, North Campus Building

Thursday, November 11: 2:30 - 3:30, Zoom

Week Ten. Chapter IX: Confidentiality and Privilege

Tuesday, November 16: 2:30 - 4:30, Rm. 101, North Campus Building

Thursday, November 18: 2:30 - 3:30, Zoom

Week Eleven. Chapter X: Disclosing Confidential Information and Related Issues

Tuesday, November 23: 2:30 - 4:30, Rm. 101, North Campus Building

Thursday, November 25: 2:30 - 3:30, Zoom

Week Twelve. Chapter XI: Mandatory Reporting and the Duty to Warn

Tuesday, November 30: 2:30 - 4:30, Rm. 101, North Campus Building

Thursday, December 2: 2:30 - 3:30, Zoom

Week Thirteen. Review Class

Tuesday, December 7: 2:30 - 4:30, Rm. 101, North Campus Building

**FINAL EXAMINATION
(Date and Time TBD)**

Academic Accommodation for Medical Illness or Non-Medical Absences

Students seeking academic accommodation must contact the Academic Counselling Office at his or her home faculty. In order to receive accommodation for any missed quiz, midterm or final examination, **medical documentation** will generally be required. This documentation should be obtained at the time of the initial consultation with the physician or walk-in clinic. A student medical certificate can be downloaded from the following website:

http://www.uwo.ca/univsec/pdf/academic_policies/appeals/medicalform.pdf.

Medical documentation must be submitted by the student to his or her Academic Counselling Office, and that office that will make the determination whether accommodation is warranted. The Academic Counselling Office of the student will, in turn, notify the Course Coordinator. Documentation is also generally required for non-medical absences. Students should contact their faculty's Academic Counselling Office to determine what documentation is needed.

Whenever possible, students who require academic accommodation should provide notification and documentation in advance of due dates, exams, *etc.* Students must follow-up with their professors and their Academic Counselling office in a timely manner. Documentation for any request for accommodation shall be submitted, as soon as possible, to the appropriate Academic Counselling Office of the student's faculty of registration. BHSc students may go to the School of Health Studies Office in HSB room 222.

Scholastic Offences

Scholastic offences are taken seriously. Computer-marked, multiple-choice exams may be subject to submission for similarity review by software that will check for unusual coincidences in answer patterns that may indicate cheating. Students are directed to carefully read the definition of what constitutes a scholastic offence, at:

http://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf.

Support Services

Students who are in emotional/mental distress should refer to Western's Health and Wellness website at <http://uwo.ca/uwocom/mentalhealth/> for a complete list of options about how to obtain help. The University offers a range of other support services, including:

1. Academic Support and Engagement – <http://www.sdc.uwo.ca/ssd/>
2. Student Health – <http://www.shs.uwo.ca/student/studenthealthservices.html>
3. Registrar's Office – <http://www.registrar.uwo.ca/>
4. Office of the Ombudsperson – <http://www.uwo.ca/ombuds/>