

MEHU 6345 – Bioethics and Case Law Syllabus 2016

Instructor:

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Law and ethics overlap and evolve to reflect societal values. Some of the most riveting cases in legal history have helped us to understand the human interests at stake in medical disputes. Court cases have brought to light several important ethical conflicts, and published legal opinions have given shape the way we view rights over the body, reproduction, life, death, and other health matters. This course explores the interactions between law and bioethics and how key cases have contributed to our understanding of the boundaries of medicine and biomedical research.

Objectives:

By the end of the course, student should be able to:

1. Follow basic legal reasoning associated with the case law presented in the course.
2. Discuss basic bioethics concepts.
3. Apply both the legal reasoning and the bioethics concepts to new situations.

Week 1: Bioethics and Law

Basic Legal Information and review of basic bioethics concepts:

Laws and the legal system (how the court system works, basic legal terminology, sources of legal information)

Understanding Federal and State Courts

[Http://www.uscourts.gov/EducationalResources/FederalCourtBasics/CourtStructure/UnderstandingFederalAndStateCourts.aspx](http://www.uscourts.gov/EducationalResources/FederalCourtBasics/CourtStructure/UnderstandingFederalAndStateCourts.aspx)

The Belmont Report <http://www.hhs.gov/ohrp/humansubjects/guidance/belmont.html>

Furrow, Barry R., Thomas L. Greaney, Sandra H. Johnson, Timothy S. Jost, and Robert L. Schwartz, *Bioethics: Health Care Law and Ethics*, Third Edition (St. Paul, MN: West Publishing, 1997), 1-34.

Week 2: The Intersection of Bioethics and Law

Rich, Ben *Strange Bedfellows: How Medical Jurisprudence Has Influenced Medical Ethics and Medical Practice* (n.p.: Kluwer, 2002). Available through eBooks at EBSCO through the Moody Medical Library.

Suggested reading:

Rothman, David J., *Strangers at the Bedside: A History of How Law and Bioethics Transformed Medical Decision Making* (n.p.: Basic Books, 1991). Available through eBooks at EBSCO at the Moody Medical Library

Week 3: Patient Autonomy and Self Determination

Schloendorff v. Society of New York Hospital , 211 N.Y. 125, 105 N.E. 92 (1914).

Salgo v. Leland Stanford Jr. University Board of Trustees. 154 Cal. App. 2d 560, 317 P.2d 170 (1957).

Tarasoff v. Regents of University of California . 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976).

In re A.C. 573 A.2d 1235 (D.C.App. 1990).

Board of Ed of Independent School Dist. No. 92 of Pottawatomie City v Earls . 536 U.S. 822, 242 F.3d 1264, (2002).

Week 4: Autonomy and Reproduction

Buck v. Bell 274 U.S. 200, 47 S. Ct. 584, 71 L. Ed. 1000 (1927).

[Roe v. Wade](#), No. 70-18, SUPREME COURT OF THE UNITED STATES, 410 U.S. 113; 93 S. Ct. 705; 35 L. Ed. 2d 147; 1973 U.S. LEXIS 159, December 13, 1971, Argued , January 22, 1973, Decided

[Griswold v. Connecticut](#), 381 U.S. 479

FERGUSON et al. v. CITY OF CHARLESTON et al. certiorari to the United States Court of Appeals for the Fourth Circuit, No. 99–936. Argued October 4, 2000—Decided March 21, 2001

[Planned Parenthood v. Casey](#), 505 U.S. 833, 112 S. Ct. 2791, 120 L. Ed. 2d 674, 1992 U.S. LEXIS 4751, 60 U.S.L.W. 4795, 6 Fla. L. Weekly Fed. S 663, 92 D.A.R. 8982 (1992)

[Stenberg v. Carhart](#), 530 U.S. 914

[Gonzales v. Carhart, 550 U.S. 124](#)

Week 5: New Concepts of Family and Assisted Reproduction

In the Matter of Baby M 109 N.J. 396, 537 A.2d 1227 (1988).

Johnson v. Calvert 5 Cal. 4th 84, 851 P.2d 776, 19 Cal. Rptr. 2d 494 (1993).

Davis v. Davis 842 S.W.2d 588 (Tenn. 1992), *cert. denied*, 113 S. Ct. 1259 (1993).

Week 6: Parenthood, Personhood, and Consent

Miller v. HCA, Inc., 118 S.W.3d 758, 2003 Tex. LEXIS 410, 47 Tex. Sup. Ct. J. 12 (Tex. 2003)

First paper due

Week 7: Surrogate Decision Making

Lecture

Meet individually with students about papers.

Week 8: Rights Over the Body

Moore v. Regents of the University of California. 51 Cal. 3d 120, 793 P.2d. 479, 271 Cal. Rptr. 146 (Cal. 1990), *cert. denied*, 499 U.S. 936 (1991).

Bearder v. State

See e.g., Amy Harmon, "Havasupai Case Highlights Risks in DNA Research," *The New York Times*, available at http://www.nytimes.com/2010/04/22/us/22dnaside.html?_r=1

Week 9: Right to Die

1. [Cruzan v. Dir., Mo. Dep't of Health, 497 U.S. 261](#)

Petitioners, parents suing on their behalf and on behalf of their daughter, appealed a decision of the Supreme Court of Missouri which denied their petition for a court order directing the withdrawal of their ...

2. 1997 [Vacco v. Quill, 521 U.S. 793](#)

At issue on appeal was whether New York's prohibition on assisting suicide violated the Equal Protection Clause of the Fourteenth Amendment. The Court held that New York's statute outlawing assisted suicide neither ...

In re Quinlan. 70 N.J. 10, 355 A.2d 647 (1976), *cert. denied*, 429 U.S. 92 (1976).

Bouvia v. Superior Court. 179 Cal. App. 3d 1127, 225 Cal. Rptr. 297 (1986).

In re Jobes. 108 N.J. 394, 529 A.2d. 434 (1987).

Week 10: Physician Assisted Suicide

Compassion in Dying v. State of Washington. 79 F.3d 790 (9th Cir. 1996), *cert. granted*, 117 S. Ct. 37 (1996).

1997 [Washington v. Glucksberg, 521 U.S. 702](#)

Respondents brought a suit seeking a declaration that Washington State's ban on physician-assisted suicide was unconstitutional on its face. On review, the United States Supreme Court held that history, legal ...

Lee v. Oregon , 107 F.3d 1382 (1997).

2006 [Gonzales v. Oregon, 546 U.S. 243](#)

Respondent State of Oregon and others challenged in federal court an interpretive rule issued by petitioner U.S. Attorney General which would have disrupted physician assisted suicide under the Oregon Death With ...

Discussion of Euthanasia

Second paper due

Week 11: Politics, Religion, and the Courts

The Terri Schiavo Saga

Conscience clauses

Week 12: Futility

Wanglie Case

Alexander Morgan Capron, "In Re Helga Wanglie," *The Hastings Center Report* (Sept.- Oct.), 26-28. Available at www.jstor.org/stable/356887.

Marci Angell, "The Case of Helga Wanglie: A New Kind of 'Right to Die' Case. Available at www.psy.vanderbilt.edu/courses/hon182/Angell--Wanglie.pdf.

D. John Doyle, "Medical Futility and the Tragic Case of Helga Wanglie," "Texas Futility Law" and The Sun Hudson case (April 2004), available at <http://medicalfutility.homestead.com/>

Week 13: Correctional Health Care

[Estelle v. Gamble, 429 U.S. 97, 104-05 \(1976\)](#)

[Farmer v. Brennan, 511 U.S. 825, 835-36 \(1994\)](#)

[Gregg v. Georgia, 428 U.S. 153 \(1976\).](#)

[West v. Atkins, 487 U.S. 42, 49-50 \(1988\).](#)

[Bowring v. Godwin, 551 F.2d. 44, 47 \(4th Cir. 1977\).](#)

Week 14:

Student Presentations, discussion, Q&A

Final paper due

Week 15:

Review and feedback on final papers and the course overall.

Components of Final Grade:

Seminar Participation	25%
First Paper	25%
Second Paper	25%
Third Paper	<u>25%</u>
	100%

Course Evaluations:

IMPORTANT! PLEASE READ

Absence Policy:

More than 2 absences may result in a lower grade, depending on the circumstances. More than 3 absences may result in being dropped from the course.

Late Papers

Unless students have requested an extension the prior to the deadline, late papers will not be accepted. A request for an extension must include a clear, thorough explanation of the need for the extension. Granting of an extension is a matter of the instructor's discretion and will be based on the extenuating circumstances included in the request. Grades on late papers for which extensions are granted may be lowered, depending on the circumstances of the particular situation, to be fair to students who completed papers on time.

Course Evaluations:

In 2007 the GSBS Executive Committee reaffirmed its policy to require end-of-course evaluations in accord with the Southern Association of Colleges and Schools (SACS) accreditation requirements for all GSBS courses graded A-F. Such evaluations must be completed for the student to receive a grade. Failure to complete an evaluation will result in reporting of a grade of Incomplete (I) to the Office of Enrollment Services. The Incomplete (I) will automatically convert to an F (failure in the course), if the evaluation is not completed within thirty (30) days. Evaluations are not available to the course director/instructor until after grades have been assigned. All course evaluations are anonymous.

Honor Pledge:

On my honor, as a member of the UTMB community, I pledge to act with integrity, compassion and respect in all my academic and professional endeavors.

Papers: Double-spaced, Courier New (or similar) 12-pt. font, 1-inch margins, Chicago style citations (not author-date), no bibliography, page numbers at bottom center, title page, submitted electronically.

Addendum

THERE ARE NO EXAMS IN THIS COURSE

GSBS POLICY STATEMENT

March 2016

GSBS Guidelines for Exam Grading and Student Appeals

In order to ensure that all students are treated equally and fairly, please follow these guidelines when grading exam questions and assessing student appeals:

Exam Grading:

1. Define a clear rubric to award points for each answer.

For example: What are gravitational waves and how are they detected? [10 points]

- *Ripples in the fabric of space-time (4 points)*
- *Produced by massive accelerating or colliding objects, like black holes (4 points)*
- *Can be detected by Michelson interferometers, such as LIGO (2 points)*

2. Clearly mark points awarded for each answer according to the rubric.
3. Apply rubric uniformly to all exams.
4. Grade in a blinded manner, if possible.
5. Use ink for grading (instead of pencil).
6. Clearly mark incorrect answers.
7. Clearly mark empty spaces or no answers.

Student Appeals:

1. Students must appeal within 5 business days after being notified to pick up their exams.
2. If there was a factual error in the way a question was graded, an appeal may be granted. The correct answer must be re-graded for all students.

For example: the instructor mistakenly marked as wrong the correct answer for a multiple choice question in one of the exams.

3. **Do not** modify points for an answer if the student verbally mentions the correct answer during the appeal (demonstrating that he or she knows the answer after the exam).
4. **Do not** discuss points related to other instructors' questions or the overall exam grade.

If you have any questions about re-grading answers and granting appeals, please contact the Course Director(s) and/or any of the GSBS Deans.