Law
LAWGENRL 432 : Healthcare Law (15 POINTS)
2021 Semester One

Course Prescription
An introduction to the legal and ethical issues related to health care delivery including: the purchase and provision of health services, the relationship between health providers and consumers, professional accountability, codes of rights, legal and ethical issues at the start and end of life, and biomedical research.

Course Overview
Health Care Law has grown into a discrete area of specialist study in approximately the last thirty years. Once dominated by medical negligence, it now encompasses the study of the principles of law that govern medical practice, the health professional-patient relationship, and the delivery of health care services. The course commences with an introduction to the groundbreaking “unfortunate experiment” at National Women’s Hospital which commenced in 1966 and the ensuing Cartwright Inquiry and Report, and to the Code of Health and Disability Services Consumers’ Rights and the Health and Disability Commissioner (HDC) complaints system in the health sector. This is followed by a consideration of a selection of the following topics: the accountability of health practitioners via professional discipline in the Health Practitioners Disciplinary Tribunal, civil proceedings before the Human Rights Review Tribunal, and manslaughter prosecutions in the criminal law. ACC coverage of ‘treatment injury’ in promoting patient safety is briefly considered. The key concepts of competence to consent to medical treatment, and a patient’s right to be informed, at common law and pursuant to the Code of Rights are analysed, followed by the legal principles related to the treatment of adults unable to provide informed consent to treatment, as well as of young persons and children. Legal issues relating to rationing of health services may be considered, depending on time.; an analysis of the new End of Life (Choice) Act 2019 and the legal and ethical principles arising from assisted dying and withdrawal of life sustaining treatment.

Course Requirements
Prerequisite: LAW 211, 231 Restriction: LAW 427

Capabilities Developed in this Course
Capability 1: Disciplinary Knowledge and Practice
Capability 2: Critical Thinking
Capability 3: Solution Seeking
Capability 4: Communication and Engagement
Capability 5: Independence and Integrity
Capability 6: Social and Environmental Responsibilities

Graduate Profile: Bachelor of Laws

Learning Outcomes

By the end of this course, students will be able to:

1. Understand explain and apply foundational legal principles of health care law from key legislation and case law to real circumstances encountered by patients in the health system to reach reasoned solutions and make reasoned recommendations. (Capability 1.1, 1.2, 1.3, 2.1, 2.3, 3.1, 3.2, 3.3 and 4.1) (Capability 1.1, 1.2, 1.3, 2.1, 2.3, 3.1, 3.2 and 4.1)
2. Develop a foundational knowledge of the legal principles and their underpinning ethical principles relating to the health professional-patient relationship and the provision of health services in New Zealand. (Capability 1.1 and 1.3)
3. Identify and analyse relevant legal materials and secondary literature to develop an understanding of core legal principles in health care law. (Capability 1.2, 1.3, 2.1 and 6.2) (Capability 1.2, 1.3, 2.1 and 6.2)
4. Evaluate competing ethical and legal approaches to legal issues relating to patients or arising in the health sector. (Capability 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.3, 4.1 and 5.1) (Capability 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.3, 4.1 and 5.1)
5. Demonstrate effective and analytical written communication skills. (Capability 4.2) (Capability 4.2 and 5.2)

Assessments

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**Workload Expectations**

This is a standard 15-point course. There will be around 36 hours of lectures in this course. As a general guide, you should expect a workload of three hours outside of the classroom for each hour spent in class. The guideline for the total workload for this course is 150 hours.

**Delivery Mode**

**Campus Experience**

Attendance is expected at scheduled classes.
Lectures will be available as recordings.
The course will not include live online events.
Attendance on campus is required for the exam.
The lectures for the course are scheduled as a standard weekly timetable.

**Learning Resources**

There is no prescribed text for this course, although students may find the leading New Zealand textbook, Skegg & Paterson, Health Law in New Zealand (2015, Thomson Reuters) helpful.

**Student Feedback**

At the end of every semester students will be invited to give feedback on the course and teaching through a tool called SET or Qualtrics. The lecturers and course co-ordinators will consider all feedback and respond with summaries and actions.

Your feedback helps teachers to improve the course and its delivery for future students.

Class Representatives in each class can take feedback to the department and faculty staff-student consultative committees.

**Digital Resources**

Course materials are made available in a learning and collaboration tool called Canvas which also includes reading lists and lecture recordings (where available).

Please remember that the recording of any class on a personal device requires the permission of the instructor.

**Academic Integrity**

The University of Auckland will not tolerate cheating, or assisting others to cheat, and views cheating in coursework as a serious academic offence. The work that a student submits for grading must be the student's own work, reflecting their learning. Where work from other sources is used, it must be properly acknowledged and referenced. This requirement also applies to sources on the internet. A student's assessed work may be reviewed against online source material using computerised detection mechanisms.
Inclusive Learning

All students are asked to discuss any impairment related requirements privately, face to face and/or in written form with the course director, lecturer or tutor.

Student Disability Services also provides support for students with a wide range of impairments, both visible and invisible, to succeed and excel at the University. For more information and contact details, please visit the Student Disability Services’ website http://disability.auckland.ac.nz

Enter additional content here if appropriate.

Special Circumstances

If your ability to complete assessed coursework is affected by illness or other personal circumstances outside of your control, contact a Student Academic and Support Adviser as soon as possible before the assessment is due.

If your personal circumstances significantly affect your performance, or preparation, for an exam or eligible written test, refer to the University’s aegrotat or compassionate consideration page https://www.auckland.ac.nz/en/students/academic-information/exams-and-final-results/during-exams/aegrotat-and-compassionate-consideration.html.

This should be done as soon as possible and no later than seven days after the affected test or exam date.

Learning Continuity

In the event of an unexpected disruption we undertake to maintain the continuity and standard of teaching and learning in all your courses throughout the year. If there are unexpected disruptions the University has contingency plans to ensure that access to your course continues and your assessment is fair, and not compromised. Some adjustments may need to be made in emergencies. You will be kept fully informed by your course co-ordinator, and if disruption occurs you should refer to the University Website for information about how to proceed.

Student Charter and Responsibilities

The Student Charter assumes and acknowledges that students are active participants in the learning process and that they have responsibilities to the institution and the international community of scholars. The University expects that students will act at all times in a way that demonstrates respect for the rights of other students and staff so that the learning environment is both safe and productive. For further information visit Student Charter https://www.auckland.ac.nz/en/students/forms-policies-and-guidelines/student-policies-and-guidelines/student-charter.html.

Enter additional content here if appropriate.

Disclaimer
Elements of this outline may be subject to change. The latest information about the course will be available for enrolled students in Canvas.

In this course you may be asked to submit your coursework assessments digitally. The University reserves the right to conduct scheduled tests and examinations for this course online or through the use of computers or other electronic devices. Where tests or examinations are conducted online remote invigilation arrangements may be used. The final decision on the completion mode for a test or examination, and remote invigilation arrangements where applicable, will be advised to students at least 10 days prior to the scheduled date of the assessment, or in the case of an examination when the examination timetable is published.

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