

LAWS40021 Health and Medical Law

Credit Points:	12.50
Level:	4 (Undergraduate)
Dates & Locations:	2011, Parkville This subject commences in the following study period/s: Semester 1, Parkville - Taught on campus. Lectures, class discussion.
Time Commitment:	Contact Hours: One 2-hour lecture per week. Total Time Commitment: 96 hours.
Prerequisites:	Legal Method and Reasoning; Principles of Public Law; Torts; Legal Theory or in each case their equivalents.
Corequisites:	None.
Recommended Background Knowledge:	None.
Non Allowed Subjects:	None.
Core Participation Requirements:	For the purposes of considering requests for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Students Experiencing Academic Disadvantage Policy, academic requirements for this subject are articulated in the Subject Description, Subject Objectives, Generic Skills, and Assessment Requirements of this entry. The University is dedicated to providing support to those with special requirements. Further details on the disability support scheme can be found at the Disability Liaison Unit website: http://www.services.unimelb.edu.au/disability/ .
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Subject Overview:	This subject considers the legal relationship between patients and health care providers. It explains the duty of health care providers to exercise reasonable care in diagnosis, information giving and treatment; and to involve patients in decision making and the extent of a health professional's obligation to respect patients' privacy, to keep information confidential and to allow patients access to their records. The law on surrogate decision making for patients who may not be able to make their own decisions will be discussed; these patients include children, adolescents, intellectually disabled and mentally ill patients and the terminally ill and dying. The law on abortion, child destruction, wrongful birth and wrongful life is examined.
Objectives:	On completion of this subject, students should be able to: <ul style="list-style-type: none"> # Provide legal advice to doctors and patients on their rights in relation to disputes about medical treatment, including litigation and other complaint mechanisms; # Outline the type and amount of information that doctors must give patients before they consent to particular medical procedures, giving examples from legal cases; # Explain when patients are entitled to gain access to their medical records and when doctors and hospitals may legally deny access; # Advise doctors and patients on the requirements of confidentiality and privacy in relation to medical records and information; and the limits on the duty of confidentiality; # Present arguments for the prosecution and the defence in cases where a doctor might be charged with a criminal offence arising from medical treatment (unlawful withholding or withdrawal of treatment; euthanasia; abortion; child destruction); # Critically evaluate the role of the medical profession in the community and the rights of people seeking access to medical services.
Assessment:	Final open book examination of three hours, 100%.

Prescribed Texts:	L Skene, Law and Medical Practice: Rights, Duties, Claims and Defences (3rd edn, Lexis-Nexis, 2008).
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Generic Skills:	<p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> # Attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage; # The capacity for close reading and analysis of a range of sources; # The capacity for critical and independent thought and reflection; # The capacity to solve problems, including through the collection and evaluation of information; # The capacity to communicate, both orally and in writing; # The capacity to plan and manage time; # Intercultural sensitivity and understanding. <p>In addition, on completion of the subject, students should have developed the following skills specific to the discipline of law:</p> <ul style="list-style-type: none"> # The ability to tailor legal advice to plaintiffs and defendants in the course of litigation; # An awareness of non-legal means of resolving disputes and their advantages and disadvantages; # Some understanding of the ethical values underlying professional decision making; # The ability to apply some critical perspectives in analysing legal issues and examining law in a broad social context.