

AMBI 612 – Winter 2012
End of Life Ethics, Policy, and Law
Robert N. Swidler, J.D. and Thaddeus M. Pope, J.D., Ph.D.



I. OVERVIEW

This course addresses ethical, legal, and policy issues related to end of life (EOL) care. The course is divided into two parts:

Part 1 - In weeks 1-6 (Nov. 26 – Jan. 20), Robert Swidler will cover legal and policy issues relating to brain death, end of life decisions by patients who have capacity; decisions for patients who lack capacity; advance directives; surrogate decision-making laws and policies; decisions for special populations of patients (e.g., minors, mentally retarded patients, mentally ill patients); do-not-resuscitate orders, conflict resolution and provider conscience issues in end of life decisions.

Part 2 - In weeks 7-10 (Jan. 21 – Feb. 17), Thaddeus Pope will cover ethical, legal, and policy issues relating to medical futility (non-beneficial treatment) disputes and policies; VSED/VRFF; palliative sedation to unconsciousness; and aid-in-dying. .

Instructors:

<p>Robert N. Swidler, J.D. V.P. Legal Services St. Peter’s Health Partners Editor, NYS Bar Assn Health Law Journal 2212 Burdett Ave., Troy, NY 12180 P: (518) 271-5027 F: (518) 271-5088 E: swidler@nehealth.com</p> 	<p>Thaddeus Mason Pope, J.D., Ph.D. Director, Health Law Institute Associate Professor of Law Hamline University School of Law MS-D2017, 1536 Hewitt Avenue Saint Paul, MN 55104-1237 P: (651) 523-2519 F: (901) 202-7549 E: tpope01@hamline.edu W: www.thaddeuspope.com</p> 
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II. DESCRIPTION

This course is an elective for those pursuing either the certificate or the M.S. in Bioethics degree. Generally this course will be part of the “second year” after a majority of preliminary bioethics courses have been completed.

The goals of the course are to enable you to:

- Understand the key legal and policy issues with respect to end of life decision-making, including: brain death, decisions by patients with decisional-capacity, advance directives, decisions for patients who lack decisional capacity, issues regarding special populations, do not resuscitate orders, provider conscience, futility, voluntarily stopping eating and drinking / voluntary refusal of food and fluids (VSED/VRFF), palliative sedation to unconsciousness, and aid-in-dying.
- Learn the key case law principles approaches to end of life issues in the various states.
- Understand the key federal and state policy initiatives relating to end of life care and decision-making, and the politics affecting such initiatives.

The course will encourage collaboration from the various disciplines represented by its students. You will learn much from each other as well as from the faculty.

The course is divided into two segments: a six week segment instructed by Robert Swidler, and a four week segment instructed by Thaddeus Pope. Since this course is three (3) credits and is shorter than traditional courses, the work-load will be slightly more than usual. The expectations are spelled out in more detail below, but generally students are expected to:

- **Read Materials.** Read a substantial amount of material. Most of the assigned materials will be made available to you on Sakai as PDF documents, without cost to you.
- **View Lectures.** View all the lectures that instructors make available on Sakai.
- **Actively Discuss.** Maintain a high level of participation in the online forum discussion; when participating, students should draw upon their reading and the lectures – as well as upon their own thoughts and experiences. At times it may be necessary to do supplemental reading and research to complete the thread.
- **Research and Write.** Students will have the option to prepare either:
 - Two short research papers (8-10 pages each) due at the end of each segment (on January 20 and on February 17), or
 - One long research paper (15-20 pages) due at the end of the course (on February 17).

A. Read Materials.

Most written course materials will be provided as PDF files. The specific reading assignments and sources will be posted on Sakai.

B. View Lectures.

Taped lectures will be available on Sakai. Students should view the lectures prior to or at the beginning of the week of the topic addressed in the tape.

C. Actively Discuss.

1. Overall Approach to Forum Participation

You should think of the forum as your classroom; it is an essential component of this course. You will be expected to log into the class discussion forums **frequently** during the week (more on this below) and engage **actively** into the discussions.

The forums in this course work best when conducted as a discussion among students – not as a dialogue between the instructor and the students. We (your instructors) will prompt the discussion by posing several questions. Discussion generally begins when someone takes the initiative to be the first to answer the posted questions. Subsequent participants should address either the questions or respond to previous comments. We will try to refrain from substantive participation during the early part of the each week, to let the discussion evolve without pre-empting your own contributions, comments, and efforts to examine all dimensions of the issues.

Most of you will find the forum to be both highly enjoyable and highly valuable. This course is more interactive and stimulating than you might expect. We look forward to interacting with each of you on the discussion board.

2. Quality of Forum Participation

Active participation means more than one or two brief remarks; it means thoughtful comments that reflect both critical thinking and familiarity with the reading and/or the lectures.

3. Frequency of Forum Participation

We expect you to participate actively in forum discussions **at least five times each week**. You do not need to offer a comment to every topic or subtopic, but you do need to participate actively at least five separate times each week. A forum will begin on Monday morning, and close the following Monday morning, so your active participation needs to be within that period of time.

We expect you to participate actively in forum discussions on **at least three different days** each week. For the forum discussion to be most productive and valuable, your participation must not be confined to the just last few days of weekly forum. Otherwise,

there is inadequate opportunity for at least a response and counter-response to the original comment.

4. Approach to Forum Grading

Within a week after each Forum discussion closes on Monday morning, we will review and grade your participation in the Forum and make that grade available to you confidentially on Sakai.

Your week's Forum grade will be based only on whether you have met the quantitative requirement for at least 5 separate instances of **substantive** participation not all on the last day or two of the forum. Accordingly, a student with 5 such instances will receive 100% for Forum participation for that week. A student with 4 such instances will receive 80%..

In addition, we may comment on the quality of your participation either privately in the Sakai grade folder (e.g., "Please try to refer to the reading or lectures more in your answers'), or by comments in the forum itself ("Excellent, well-reasoned point. Good work.")

When we determine your final grade for the course, 60% of your grade will be based on the degree to which you met the **quantitative** weekly requirement for 5 instances of substantive participation each week. Another 10% of your grade will be based on our judgment of the **quality** of that substantive participation – e.g., whether your comments were well-reasoned, reflected the reading and lecture material, exhibited a solid grasp of the issues, and whether you helped promote meaningful discussion by the class. The remaining 30% of your grade will be based on your research paper, as discussed below.

D. Research and Write

Students will have the option to prepare either:

- Two short research papers (8-10 pages each) due at the of each segment or
- One long (15-20 pages) research paper, due at the end of the course.

In either case, the student will choose the topic. However the topic must be within the scope of the course, and must be approved by one of the Instructors. The paper must be written following one of the styles from one of the common style manuals e.g. APA etc. This includes the footnotes and/or bibliography. Citations and writing should follow the AMC plagiarism and copyright guidelines. The end date is the last date of each section of the class. Late submissions may result in reduction of the grade.

To research their paper, Students may if they wish, access libraries through the AMC/Schaefer Libraries site. Sources relied upon should be reflected either in the footnotes or in a bibliography.

III. GRADING

Forum - Substantive Participation	60%
Forum - Quality of Participation	10%
Research Paper(s)	30%

The instructors reserve the right to make subjective decisions about the quality of the student's participation and research paper.

IV. COURSE SCHEDULE

- Course begins on: Monday, November 26, 2012
- Course ends on: Sunday, February 17, 2013
- Course length: 12 weeks (with 2 weeks holiday in the middle)

Segment One – Robert N. Swidler, J.D.

Week 1 (November 26 - December 2)

Brain Death

Week 2 (December 3 - 9)

Decisions by Patients Who Have Decisional Capacity

Week 3 (December 10 - 16)

Decisions for Patients Who Lack Capacity Part I

- Incapacity
- Prior Decisions by a Patient
- Advance Directives

Week 4 (December 17 – 23)

Decisions for Patients Who Lack Capacity Part II

- Surrogate decision-making: ethical issues; caselaw.

Winter Break (December 24 – January 6, 2012)

Week 5 (January 7 - 13)

Decisions for Patients Who Lack Capacity Part III

- Surrogate decision-making statutes
- NY's Family Health Care Decisions Act

Week 6 (January 14 - 20)

Special Populations

- Patient without family or friends
- Infants and children
- Mentally Retarded Patients
- Mentally Ill Patients

Segment Two – Thaddeus M. Pope, J.D., Ph.D.

Week 7 (January 21 - 27)

Medical Futility – Informal Dispute Resolution

- Quantitative, Qualitative, Physiological Definitions
- Clinician vs. Surrogate Driven Overtreatment
- Centrality of Good Communication
- Bioethics Mediation

Week 8 (January 28 – February 3)

Medical Futility – Formal Dispute Resolution

- Surrogate Selection
- Treat ‘til Transfer Requirements
- Safe Harbors and Unilateral Refusal
- Texas Advance Directives Act

Week 9 (February 4 - 10)

Aid-in-Dying (FKA physician-assisted suicide)

- Active vs. Passive Euthanasia
- Oregon & Washington approaches

Week 10 (February 11 - 17)

Other Mechanisms of Hastening Death

- VSED/VRFF
- Palliative Sedation to Unconsciousness
- High Dose Opioids

V. TECHNICAL REQUIREMENTS AND COMPUTER SKILLS

This course requires that the student possess moderate computer skills, and an up-to-date computer with iTunes software (which can be downloaded for free) and a high-speed internet connection. For more detail, contact the AMBI office.