Allocating Authority for Biomedical Decisions
Course Number: LO8.3528
New York University Law School
Room: F 318
Time: Wednesday 1:05-2:55

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Syllabus: Fall 2006

This seminar focuses on the ways in which doctors (health care professionals), patients, family members, the courts and society (political interests, social movements, legislative bodies, health funding sources) interact to affect how Americans either gain access to health care or are excluded from benefits. It will examine the doctor-patient relationship, decisions for children and incompetent persons, the changing face of genetic intervention, research with human subjects and issues of fairness and justice in the allocation of the medical goods of society. Finally it will consider the implications for American medicine and society in the event of pandemic infection which will demand that a public health ethic subsume the traditional ethic of patient-centered care.

The text for the class is:

Requirements for this class:

1. **Paper** — A 20 page paper is required in this seminar. The purpose of the paper is to identify a topic in contemporary bioethics on which there is divided opinion and conflicting analysis, review the data, choose a position and argue for its appropriateness. The paper is not only an exercise in footnoting; it is an opportunity to link existing case law, the reality of medical interventions—developing and contemplated—with notions of a liberal democratic society and a commitment to justice. Permission of the professor is required to exceed the required paper length. A conference should be scheduled to discuss a paper topic by the 4th meeting of the class.

2. **Presentation** – You may be asked to give an oral presentation of your paper during one of the last three classes of the semester. Presentations should be about 15 minutes, followed by about 15 minutes of questions and answers. You must meet with me at least one week before your presentation to discuss the content and organization of the presentation.
3. **Class participation** – In order for a seminar to be effective, it is essential that all students complete the assigned readings and participate actively in class discussion.

In determining your class participation grade, I will take into account both the *quantity* and the *quality* of your participation. High grades will go to students who participate consistently (i.e., in every class) *and* whose comments demonstrate critical thinking about the assigned readings. Class participation will count for 25% of your grade.

Attendance is required at all classes unless excused by the professor. Students must come prepared to discuss the readings. Each class will begin with a review of the last week’s news reports that addressed issues of health, health care, access and funding.

**Reading Assignments:** Unless indicated all readings are in the Furrow text: I will be sending you e-files of recent medical literature and reports to supplement the readings in the text.

**Week #1:**
August 30, 2006
Distribute Syllabus—Introduction to Bioethics
Current Issues in Bioethics—goals for the class

**Week #2: Bioethics: Ethical Theory and Practice Choice**
September 6, 2006
Pages 1-30: An Introduction to the Study of Ethics and Ethical Theory
Pages 273-281: Determining Decisional Capacity
Pages 281-308: Determining the Patient’s Choice

**Week #3: Defining Death -- Life and Death Choices**
September 13, 2006
Pages 209-219
Pages: 238-273

**Week #4: Problems with the Process of Dying**
September 20, 2006
Pages 365-407

**Week #5: Public Health and Bio-terrorism**
September 27, 2006
Pages: 473-501
See also: [http://www.mrsc.org/Subjects/HumanServices/pandemicplanning.aspx](http://www.mrsc.org/Subjects/HumanServices/pandemicplanning.aspx)
http://www.cdc.gov/flu/avian/

**Week #6: Human Reproduction and Birth**

Pages: 31-68
Pages: 85-91
Week # 7: Distributive Justice

Pages: 450-470
Materials to be distributed

Week #8: Human Genetics

Pages: 181-207

Week #9: Regulation of Research Involving Human Subjects

Pages: 408-449
To be distributed: Supplemental Materials from *The Ethics And Regulation of Research with Human Subjects*, Coleman, Menikoff, Goldner and Dubler, Publication Spring 2005, Anderson, Lexis/Nexis

Week #10: Research with Human Subjects—Children, Incompetent Adults and Prisoners

Materials to be distributed

Week #11: The Ethics of Mental Health Care and Treatment
Guest speaker: Robert Levy, United States Magistrate Judge

Materials to be supplied

Week #12: Presentation of Student Papers

Week #13: Continued

Week #14: Continued