

BIOETHICS & THE LAW
Law 598 §001, Spring Semester, 2024
Southern Illinois University School of Law
Wednesdays, 4:30 to 7:00 pm, Lesar Law Building Rm. 206
Marsha G. Ryan, M.D., J.D.

Course Materials:

➤ ***Casebook & Additional Reading***

Bioethics: Healthcare Law and Ethics, 8th Edition, Furrow, et al. (2018)
Health Law & Bioethics, Johnson, et al (2009)

➤ ***Other Required Materials***

Additional materials that students are responsible for will be posted on the course D2L page from time to time. Announcements as to materials required for the next class period will be made at the end of each class and/or by email.

Course Description and Objectives:

Students who successfully complete this course will:

- Understand the fundamental ethical/legal considerations in the health care environment, including those related to reproduction and birth, organ transplantation, the determination of death, life and death decisions, medically assisted dying, regulation of research, and population and public health law.
- Appreciate the policy issues underlying basic ethical questions that arise in the health care environment.
- Be able to identify and analyze ethical/legal problems arising in the health care environment.

Course Outline:

An outline of dates and assignments for the course can be found beginning on page 3 of this Syllabus. This outline, while generally accurate, is subject to change as circumstances may require.

Grading:

➤ ***Midterm Examination – 20% – Due March 20, 2024***

The midterm exam is a three (3) page, take-home written analysis of a hypothetical ethical problem / issue relevant to bioethical topics of the student's choice. Eighty percent (80%) of the mid-term grade will be based on subject-matter knowledge, the ability to analyze the problem, and apply the law to the problem presented. The remaining twenty percent (20%) will be based on grammar, punctuation, and other style elements. The mid-term assignment will constitute 20% of the final grade. The mid-term exam must be turned in electronically to Professor Ryan not later than 4:00 p.m. on March 20, 2024.

➤ ***Final Examination – 80% – Due by the regularly scheduled final exam period for this class, established by the Associate Dean and the Registrar.***

The final exam will be a 12-page scholarly paper which is an original work on a preapproved topic, carefully edited and properly referenced. The exam will be graded solely on

demonstrated knowledge, analysis, and application of the relevant legal principles and public policies underpinning ethical issues in health care. It will account for 80% of the class grade. Collaboration on either of the 2 writing assignments is prohibited, as is the use of regenerative alternative intelligence such as ChatGPT. The work must be solely your own. Violations of the ban on collaboration will be considered a violation of the Honor Code.

- **Class Participation** – An additional .1 or .2 may be added to the student's final grade based on the quality and regularity of class participation. Class participation presumes attendance, responses to direct questions from faculty, and overall engagement in class discussion.

Attendance

This course meets on Wednesdays from 4:30 to 7:00 p.m. Class starts *promptly* at 4:30 pm., so please be on time and ready to go. As specified in the *Rules of the Southern Illinois University School of Law*, "[r]egular attendance to class meetings in all courses is expected and required of all students.... Attendance will be taken in class and attendance records will be kept. Violation of this rule shall subject the student to penalties...." Roll will be taken at the beginning of each class.

- Students may have no more than a maximum of three (3) unexcused absences. Students with more than three (3) absences will be referred to the Associate Dean and will be given the lowest possible grade – a failing grade – for the course.
- In addition, students will be called on in class and are expected to be prepared. Being "prepared" means being ready and able to intelligently discuss all facets of the assigned materials. Students found to be unprepared by the Professor will be marked absent for the day. If for some good, verifiable reason (in the view of the instructor) you are unprepared for class, please let me know by 9:00 a.m. the day of class. You may still be counted as absent, depending on your excuse, but you will not be called on.

Faculty Availability Outside of Class

- **Professor Ryan:** Professor Ryan is available by email and telephone for questions or to make in-person appointments to discuss matters related to the class. You may email Dr. Ryan at marshagryan@siu.edu, or you may call her at 618.528.4897.

Class Assignments& Schedule

General Comments:

- The readings are assigned by week.
- News of the Day (NOTD) will be a requirement of each student at some point in the semester.
- NOTD is a brief oral presentation made by an individual student on an ethical issue relevant to the course. The presentation should summarize and analyze a current article, podcast or other presentation/publication from the news which touches on a topic relevant to class content.
- State and Federal surveys will be required for some topics. These surveys summarize activities taken by state or federal actors on a topic relevant to the class. For example, Oregon legislators have introduced bills which would substantially modify the state's 'right to die' statute. And, following *Dobbs*, the states have promulgated legislation re: abortion, and which differ widely from one another. Students will be asked to pick a handful of states to research on a given topic.
- Again, the basic texts are: Furrow, et al., *Bioethics: Health Law and Ethics* (8th ed, 2018), and Johnson, et al., *Health Law and Bioethics* (2009). Additional materials will be posted on D2L.
- In addition, all students can expect one (1) or two (2) evening sessions to hear a guest speaker, etc.

Week 1 (January 17): Furrow 1-37 (skim) and 105-178

Intro to the Course
Review of Syllabus
Intro of Faculty and Students
Expectations
Intro to Ethical Principles
Abortion
NOTD: Ryan

Week 2 (January 24): No class

Week 3 (January 31): Furrow 178-219

Abortion (cont.)
Always Sometimes Rarely Never (watch before class)
Contraception
Sterilization
Maternal-Fetal Conflict
NOTD: Ryan

Week 4 (February 7): Furrow 219-274 (skim UPA)/Johnson 79-123

Maternal-Fetal Conflict (cont.)
Assisted Reproductive Technologies
Cloning
Human Genetics
NOTD

Week 5 (February 14): Furrow 275-316/Johnson 143-163

Human Genetics (cont.)
Transplantation
Definition of Death
NOTD

Week 6 (February 21): Furrow 317-338/Johnson 123-143 and 53-79

Definition of Death (cont.)
Life and Death Decisions
NOTD

Week 7 (February 28): Furrow 338-419

Life and Death Decisions (cont.)
Healthcare Decision Making for Those With and Without Capacity
NOTD

Week 8 (March 6): Furrow 419-433/Johnson 9-25

Healthcare Decision Making (cont.)
Futility
Informed Consent
NOTD

Spring Break March 13

Week 9 (March 20): Posted Materials on TWEN /Johnson 9-25

Mid-Terms Due 4:00
Informed Consent (cont.)
The Farewell (watch before class)
NOTD

Week 10 (March 27): Furrow 433-483

Midterm Oral Presentations
Death With Assistance
NOTD

Week 11 (April 3): Furrow 483-536

Death With Assistance (cont.)
Human Subjects Research
3 Identical Strangers (watch before class)
NOTD

Week 12 (April 10): Furrow 536-562/Johnson 163-187

Human Subjects Research (cont.)
Public Health/Pandemic
NOTD

Week 13 (April 17):

Public Health/Pandemic (cont.)
Overflow

Week 14 (April 24):

FINAL EXAMS DUE at the regularly scheduled final exam time as published per registrar
Final Exam Oral Presentations

SYLLABUS ATTACHMENT
SIU SCHOOL OF LAW – Spring 2024

EMERGENCY PROCEDURES: We ask that you become familiar with **Emergency Preparedness @ SIU**. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness @ SIU website, and through text and email alerts. To register for alerts, visit <http://emergency.siu.edu/>.

DISABILITY POLICY. SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval, please contact DSS immediately at 618-453-5738 or disabilityservices.siu.edu. You may request accommodations at any time, but timely requests help to ensure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty. Please send approved accommodations to your faculty through the DSS online portal.

SALUKI CARES and COUNSELING & PSYCHOLOGICAL SERVICES (CAPS). The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students, and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-2461, or siucares@siu.edu, <https://salukicare.siu.edu/>. Associate Dean Angela Upchurch (aupchurch@siu.edu or (618) 536-8314) is available at the School of Law to help students access university resources. Additionally, counseling services are available through CAPS ([*Counseling and Psychological Services \(CAPS\) | Student Health Services | SIU*](#)). A counselor is at the law school every Wednesday from noon until 4:30pm in Room 268 for drop-in appointments.

SAFETY AWARENESS FACTS AND EDUCATION Title IX makes it clear that violence and harassment based on sex and gender is a Civil Rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, etc. If you or someone you know has been harassed or assaulted, you can find the appropriate resources here: <http://safe.siu.edu>

Syllabus Attachment

Spring 2024

MISSION STATEMENT FOR SOUTHERN ILLINOIS UNIVERSITY CARBONDALE

SIU embraces a unique tradition of access and opportunity, inclusive excellence, innovation in research and creativity, and outstanding teaching focused on nurturing student success. As a nationally ranked public research university and regional economic catalyst, we create and exchange knowledge to shape future leaders, improve our communities, and transform lives.

IMPORTANT DATES:

Semester Classes Begin:01/16/2024

Last day to add full-term course (without Dean's signature):01/21/2024

Last day to withdraw from the University with a full refund:01/26/2024

Last day to drop a full-term course for a credit/refund:01/28/2024

Last day to drop a full-term course (W grade, no refund):.....03/31/2024

Final examinations:05/06/2024–05/10/2024

Note: Please verify the above dates with the Registrar calendar and find more detailed information on deadlines at <http://registrar.siu.edu/calendars>. For add/drop dates that apply to shorter-than-full-term courses, please look at the Schedule of Classes search results at <http://registrar.siu.edu/schedclass/index.php>

SPRING SEMESTER HOLIDAYS:

Martin Luther King, Jr.'s Birthday 01/15/2024

Spring Break 03/09/24-03/17/24

Total Solar Eclipse (classes cancelled) 04/08/24

DIVERSITY: Southern Illinois University Carbondale's goal is to provide a welcoming campus where all of our students, faculty and staff can study and work in a respectful, positive environment free from racism and intimidation. For more information visit: <http://diversity.siu.edu>. Additional [informational flyer](#).

DISABILITY SUPPORT SERVICES: SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval please contact DSS immediately at (618) 453-5738 or <https://disabilityservices.siu.edu>. You may request accommodations at any time, but timely requests help to insure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty.

MILITARY COMMUNITY: There are complexities of being a member of the military community and also a student, and military and veteran related developments can complicate academic life. If you are a member of the military community and in need of accommodations please visit Veterans Services at <http://veterans.siu.edu/>.

STUDENT MULTICULTURAL RESOURCE CENTER: The Student Multicultural Resource Center serves as a catalyst for inclusion, diversity and innovation. As the Center continues its work, we are here to ensure that you think, grow and succeed. We encourage you to stop by the Center, located in the Student Services Building Room 140, to see the resources available and discover ways you can get involved on the campus. Visit us at <https://smrc.siu.edu/>.

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SIU COUNSELING AND PSYCHOLOGICAL SERVICES (CAPS): Mental health counseling services are available by calling [CAPS](tel:6184535371) at (618) 453-5371. CAPS offers confidential same-day services and ongoing counseling. For after hours crisis care, students are encouraged to call 988, 911, or present to their nearest emergency room.

WITHDRAWAL POLICY (Undergraduate Only): Students who officially register for a session must officially withdraw from that registration in a timely manner to avoid being charged as well as receiving a failing grade for those classes. An official withdrawal must be initiated by the student, or on behalf of the student through the academic unit, and be processed by the Registrar's office. For the proper procedures to follow when dropping courses and when withdrawing from SIUC visit: <http://registrar.siu.edu/students/withdrawal.php>.

SIUC'S EARLY WARNING INTERVENTION PROGRAM (EWIP): Students enrolled in courses participating in SIUC's Early Warning Intervention Program might be contacted by University staff during a semester. More information can be found at the University Core Curriculum's Overview webpage: <https://corecurriculum.siu.edu/for-faculty/>.

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CATALOGS:

catalog.siu.edu

gradcatalog.siu.edu - Graduate policies often vary from Undergraduate policies. To view the applicable policies for graduate students, please refer to the graduate catalog.

CENTER FOR LEARNING AND SUPPORT SERVICES:

Tutoring: <https://clss.siu.edu/>

Math Labs: <http://math.siu.edu/courses/course-help.php>

WRITING CENTER: <http://write.siu.edu/>

PLAGIARISM: See the Student Conduct Code: <http://srr.siu.edu/student-conduct-code/>

INCOMPLETE POLICY (Undergraduate Only): <http://registrar.siu.edu/grades/incomplete.php>

REPEAT POLICY: <http://registrar.siu.edu/students/repeatclasses.php>

MORRIS LIBRARY HOURS: <https://libcal.lib.siu.edu/hours/>

ADVISEMENT: <http://advisement.siu.edu/>

SIU ONLINE: <https://online.siu.edu/>