



University of the  
West of England

## MODULE SPECIFICATION

**Code:** UJUTNB-30-3

**Title:** Medicine and the Law

**Version:** 6

**Level:** 3

**UWE credit rating:** 30

**ECTS credit rating:** 15

**Module type:** Standard

**Owning Faculty:** FBL

**Field:** Law Undergraduate

**Faculty Committee approval:** QMAC

**Date:** July 11

**Valid from:** September 2010

**Discontinued from:**

*(Revised September 2011)*

**Contributes towards:** LL.B., Law Joint Awards, Law with Criminology, Criminology with Law.

**Pre-requisites:** Law of Torts UJUTN4-30-3

**Co-requisites:** None

**Excluded combinations:** None

### Aim of module

- This module intends to teach students about the interaction of law and medicine and to evaluate and sustain arguments relating to particular ethical issues of current societal importance. Students will learn to challenge their own pre-set ideas and moral reactions by rationalising ethical perspectives.
- This module fits into the law programme by furthering knowledge of tort and criminal law into the specific field of medicine and will hone research skills and presentation skills. The method of assessment fits in with current business models of report writing. Oral presentation and executive summary and thus enhances employability skills.

### **Learning outcomes:**

By the end of the module the student should have:

1. Developed a fuller understanding of the application of Civil and Criminal law in the context of the practice of medicine and of the relationship between patients and health care providers
2. Developed an appreciation of the social, economic, ethical and political contexts in which the law relating to medicine has developed and continues to develop
3. Developed an ability to analyse critically proposals for reform in the law relating to medicine
4. Developed an ability to deal with conceptual problems
5. Acquired an ability to research the law and its background without supervision
6. Acquired the ability to apply legal knowledge and analysis to factual situations
7. Acquired the ability to communicate knowledge and understanding effectively in a clearly

structured way both orally and in written form

8. Developed the skill of synthesising & analysing primary & other source materials such as Green & White papers, statutes, cases, Reports & articles

9. Demonstrated problem-solving skills, for example in practical scenario analysis requiring client advice

10. Demonstrated the ability to undertake effective research using traditional library materials & information technology resources, such as finding & analysing Bills, Government papers & other primary sources (as above) via the internet

All learning outcomes will be assessed by Components A and B.

### **Syllabus outline:**

**The following is indicative content, not all topics will necessarily be covered and the content may vary over time as current medico-legal issues develop**

Two encapsulating perspectives are

What may and may not be done with a patient, who decides and how

Medical practice set in the context of pre-birth, life and death

The course comprises a mix of straight law, ethics, issues & thoughts for reform. Current topic coverage includes

Rationing health-care, such as should a cancer patient receive a new drug free on the NHS? May a life-support machine be switched off because of cost?

Consent to medical treatment, for instance may a Jehovah's Witness refuse a life-saving blood transfusion for her 3-month old baby?

Confidentiality, for instance may (or must) a parent be told that his 13-year-old daughter is seeking contraception or an abortion? May the police or social services be told of abuse? Can the fact that a doctor has AIDS be kept from patients?

Abortion, the law of this country & others, practice, ethics and rights

Assisted reproduction including ethics of saviour siblings, surrogacy outsourcing, use of pre-implantation genetic diagnosis

Euthanasia, withholding and withdrawing life-sustaining treatment: should a terminal ill baby suffering chronic disability and extreme pain be kept alive? Should conjoined twins be separated where the death of one is the certain outcome? Should the law be changed to allow a loved one to help their partner die?

### **Teaching and learning methods:**

The emphasis throughout will be on providing the student the opportunity and facilities to question, understand, analyse and evaluate the law in its historical, practical, academic and social context. The learning context is student-centred and utilizes a variety of techniques to encourage independent thought and constructive criticism. Dialogue is promoted between student and lecturer in an inter-active relationship that emphasizes the two-way flow of information and criticism.

Subject to the requirements of the Professional Bodies, it is not necessarily envisaged that every topic in the syllabus will be covered in any one academic year. Areas which have topical significance could, therefore, be developed at greater length and less important areas delineated in outline only. Reform is always considered, as is the historical perspective.

Students will be expected to conduct research with both traditional and electronic sources and will be instructed how to do this both during the Programme as a whole and, where necessary, within the module.

### **Reading Strategy**

All 'essential reading' is set from a choice of two staple texts so provided the student buys one of these, there is no issue of access

Additional reading may be drawn from a variety of sources and is enable the student to strengthen understanding by depth, detail and variety of perspectives.

A range of Articles is used, available on-line or otherwise via the library. Guidance will be given concerning accessing and using articles.

Key web sites are provided and used or referred to regularly in Lectures.

### ***Indicative Reading List***

Jackson Medical Law, Texts, Cases and Materials, Oxford, 2010

Herring, Medical Law and Ethics, Oxford, 2009

Pattinson Medical Law and Ethics, Sweet and Maxwell, 2006

McHale & Fox, Health Care Law, Sweet and Maxwell, 2007

Mason and McCall, Law and Medical Ethics, Oxford, 2008

### **Assessment Strategy**

**Component A, (25% of the module)** Oral Presentation and question and answer recorded session in summer term based upon the research project detailed in Component B. This is the 'controlled conditions' element.

**Component B, Element 1 (95% plus 5%) for 25% of the module** Written coursework summative assessment worth 95% of the 25%. 2,000 words. Submission in Autumn term. Prior to submission students to submit a written Research Plan max 1,000 words to obtain formative feedback before the final piece to be handed in. Submission of Reflective log 500 words on how the tutor feedback has been incorporated into the essay – worth 5%-to be marked as 95% and 5% and then weighted accordingly to 25% of the module. Student cannot gain the 5% if Research Plan not submitted.

**Component B Element 2 (50% of the module)** A written Research Project 3000 words worth 50% of the module submitted in coursework form. 500 words of this to be an Executive Summary. There will be written guidance as to the form and content of the Project and the Executive Summary. This forms the basis of the Oral presentation in Component A

**Weighting between components A and B (standard modules only) A: 1 B: 3**

**Component A is the final assessment**

**ATTEMPT 1**

**First Assessment Opportunity**

**Component A**

**Description of each element**

1 Oral Presentation and question and answer recorded session

**Element weighting**

1

**Component B**

**Description of each element**

1 Research plan and written coursework (1000 + 2000 words)

2 Research Project (3000 words)

**Element weighting**

1

2

**Second Assessment Opportunity (further attendance at taught classes is not required)**

**Component A**

**Description of each element**

1 Oral Presentation and question and answer recorded session

**Element weighting**

1

**Component B**

**Description of each element**

1 Research plan and written coursework (1000 + 2000 words)

2 Research Project (3000 words)

**Element weighting**

1

2

**Specification confirmed by .....Date .....**  
**(Associate Dean/Programme Director)**