

2.10 Module 15 Medical Law

2.10.1 Headline information about the module

Module title	Medical Law
Module NFQ level (only if an NFQ level can be demonstrated)	N/A
Module number/reference	Module 15
Parent programme(s) the plural arises if there are embedded programmes to be validated.	LLB (Hons)
Stage of parent programme	2
Semester (semester1/semester2 if applicable)	Semester 1 or Semester 2
Module credit units (FET/HET/ECTS)	ECTS
Module credit number of units	5
List the teaching and learning modes	Full Time, Part Time,
Entry requirements (statement of knowledge, skill and competence)	Learners to have successfully completed Stage 1 of the programme
Pre-requisite module titles	None
Co-requisite module titles	None
Is this a capstone module? (Yes or No)	No
Specification of the qualifications (academic, pedagogical and professional/occupational) and experience required of staff (staff includes workplace personnel who are responsible for learners such as apprentices, trainees and learners in clinical placements)	Lecturers expected to hold at least a level 8 legal qualification, preferably with a professional legal qualification. It is an advantage to have completed the Certificate in Training and Education provided by Griffith College.
Maximum number of learners per centre (or instance of the module)	60
Duration of the module	One Semester, 12 weeks
Average (over the duration of the module) of the contact hours per week (see * below)	2
Module-specific physical resources and support required per centre (or instance of the module)	Lecture room with internet access and digital projector.

Analysis of required learning effort										
Effort while in contact with staff										
Classroom demonstration and		Mentoring and small-group tutoring		Other (specify)		Directed e-learning (hours)	Independent learning (hours)	Other hours (specify)	Work-based learning hours of learning effort	Total effort (hours)
Hours	Minimum ratio teacher/learner	Hours	Minimum ratio teacher/learner	Hours	Minimum ratio teacher/learner					
24	1:60						101			125
Allocation of marks (within the module)										
				Continuous assessment	Supervised project	Proctored examination practical	Proctored examination written	Total		
Percentage contribution				40			60	100%		

2.10.2 Module aims and objectives

This Module introduces learners to key ethical and legal concepts underpinning a specialised examination of Medical Law. Learners analyse and reflect upon the impact of legislation and case law, including the effectiveness of informed consent in the role of medical decision-making. Learners are also enabled to analyse a range of issues within their legal, ethical and constitutional law context, including human reproduction, termination of pregnancy and end of life decisions. The Module also seeks to develop within the learner an appreciation of the ethical dimension to healthcare decision making, including the role of the State and professional bodies as well as an awareness of the dissonance between theory and practice. Finally, learners develop key technical skills relating to research and communication and are enabled to discuss and apply their knowledge to hypothetical, factual scenarios.

2.10.3 Minimum intended module learning outcomes

On successful completion of this module, learners will be able to:

- (i) Analyse core legal and ethical principles employed in healthcare decision-making;
- (ii) Interpret statutory provisions and apply case law to issues relating to healthcare decision-making;
- (iii) Investigate and integrate key areas of debate, from a legal perspective, in respect of the areas of law studied;
- (iv) Critique the relevance and adequacy of law in advancing these debates;
- (v) Analyse policies underlying the development of the law;
- (vi) Relate Medical Law issues to a broader ethical and social context.
- (vii) Conduct efficient and effective research on issues of Medical Law.

2.10.4 Rationale for inclusion of the module in the programme and its contribution to the overall MIPLOs

Medical Law is traditionally recognised by the legal profession as a distinct and specialised practice of law in its own right where a track record of specialisation is a distinct advantage for those wishing to enter and work in this field. This module recognises this fact and offers learners the opportunity to undertake more specialised learning in this area.

The learner is familiarised with a number of key topics, with a particular emphasis on decision-making in a medical context. The Module also affords learners the opportunity to explore and analyse relevant ethical and legal principles, including the potential for reform.

This module serves to directly underpin programme learning outcomes 3, 4, 5, 6, 10.

2.10.5 Information provided to learners about the module

Learners will receive the following resources and materials in advance of commencement including:

- Learner Handbook;
- Module descriptor;
- Module learning outcomes;
- Assessment strategy;
- Reading materials;
- Class Notes (on a weekly basis).

Additionally, this material will be made available through Moodle, the College Virtual Learning Environment, along with other relevant resources and activities.

2.10.6 Module content, organisation and structure

Medical Law is a 5 ECTS credit module taught and assessed over one academic semester. The module is delivered over 12 lecture sessions of 2 hours duration. They have been articulated using the *Quality and Qualifications Ireland (QQI) Awards Standards for Honours Bachelor of Laws and Master of Laws (July 2014)* and for *Generic Higher Education and Training (July 2014)*.

The topics covered in this Module are:

- Introduction to the Ethical Underpinnings of Medical Law
- The Legal Requirement for Consent to Medical Treatment
- Informed Consent and the Legal Duty to Disclose Information
- Medical Treatment of Children and Young People
- Healthcare Decisions and the Role of Capacity
- Assisted Human Reproduction
- Termination of Pregnancy
- End of Life Decisions
- Medical Research

2.10.7 Module teaching and learning (including formative assessment) strategy

The module uses participative lectures, which consist of tutorial-style discussions, group work sessions and exercises. The lectures are supplemented by structured on-line resources and directed reading. Formative assessment is provided in the form of interactive exercises such as directed class discussion topics which reference current affairs pertaining to Medical Law at the time of instruction. Formative assessment is also provided through tutorial-style discussions, group work and exercises. These focus on specific case law and problem-based learning requiring learners to analyse the law and apply it to practical medical law disputes or issues.

Learners also engage in collaborative work in pairs or small groups to brainstorm what learning has been achieved at the end of lectures. In order to support learners through the examination process, they engage in the answering of sample examination questions and correction of their own or peer's papers, thereby familiarising themselves with the marking criteria. Learners also engage in activities where they draft their own exam questions in order to recap and consolidate a particular topic.

Learners undertaking the course via blended learning benefit from varied and additional options for engagement to compensate their reduced attendance of campus. These include webinars, screencasts (recorded lectures), discussion fora, and increased use of the College's VLE (Virtual Learning Environment), Moodle.

In addition to what has been stated, classroom assessment and benchmarking techniques are deployed to encourage learners to develop more agency in terms of their own learning including in-class presentations, group work, peer-review exercises and reflective practice. The variety of teaching, learning and assessment techniques reflect an enhanced emphasis on skills acquisition to deepen practical knowledge. Finally, the attention of learners is drawn to current industry practice and technology used in the specific area of law to add a further dimension to learning, tracking the actual practice of legal professionals.

2.10.8 Work-based learning and practice-placement

The Medical Law module is a class based 5 ECTS credit module and does not require work-based learning and practice placement.

2.10.9 E-learning

Moodle, the College Virtual Learning Environment, is used to disseminate notes, advice, and online resources to support the learners. Moodle can be accessed in the learner's home, various open labs on campus and in the library. The learners are also given access to Lynda.com as a resource for reference.

2.10.10 Module physical resource requirements

Requirements are for a fully equipped classroom. The classroom is equipped with a PC and Microsoft Office; no other software is required for this module.

The College library has a dedicated law section and online legal research tools (Justice One, Westlaw, Hein Online).

2.10.11 Reading lists and other information resources

Primary Reading:

Madden, D. (2016) Medicine, Ethics and the Law in Ireland. Dublin: Bloomsbury

Herring, J. (2018) Medical Law and Ethics. Oxford: OUP

Laurie, G., Harmon S.H.E., Porter G., (2016) Mason and McCall Smith's Law and Medical Ethics. Oxford: OUP

Secondary Reading:

Jackson, E. (2016) Medical Law: Texts, Cases and Materials. Oxford: OUP

Donnelly, M. (2010) Healthcare Decision-Making and the Law: Autonomy, Capacity and the Limits of Liberalism. Cambridge: Cambridge University Press

Health Services Executive (2017) National Consent Policy. Dublin: HSE

Law Reform Commission (2011) Report on Children and the Law: Medical Treatment. Dublin: Law Reform Commission

Sally G., (2018) Scoping Inquiry Into The Cervical Check Screening Programme.

Houses of the Oireachtas, (2017) Report of the Joint Committee on the 8th Amendment of the Constitution.

Commission on Assisted Human Reproduction (2005) Report of the Commission on Assisted Human Reproduction. Dublin: Department of Health

2.10.12 Specifications for module staffing requirements

Lecturers are expected to hold at least a level 8 legal qualification, preferably with a professional legal qualification. It is an advantage to have completed the Certificate in Training and Education provided by Griffith College.

Learners also benefit from the support of the Programme Director, Programme Administrator, Lecturers, Learner Representative, Students' Union and Counselling Service.

2.10.13 Module summative assessment strategy

Theoretical knowledge will be assessed by continuous assessment (100%). The continuous assessment shall consist of the analysis of a designated article (25%), analysis of a designated case (25%) and an assignment (50%).

The assessed work breakdown can be seen in the table below.

No	Description	MIMLOs	Weighting
1	Analysis of a designated article. (1,000 words)	i, ii, iii, iv	25%
2	Analysis of a designated legal judgement. (1,000 words)	v, vi, vii	25%
3	Learners will be required to complete an assignment of 3,000 words chosen from the topics within the module.	i, ii, iii, iv, v, vi, vii	50%

2.10.14 Sample assessment materials

SAMPLE ASSIGNMENT

“There is a very strong presumption in favour of taking all steps which will prolong life. But in exercising its jurisdiction the court is not precluded in principle from finding that in the circumstances of a particular case it is in the ward’s best interests that the court should refuse to give consent to a particular course of medical treatment, even treatment which might become necessary or desirable in order to prolong or to attempt to prolong the ward’s life. There is no absolute duty imposed on the court to consent to medical treatment on behalf of a ward of court in order to attempt to prolong life at all costs and without regard to any other consideration or circumstance of the ward’s best interests.”

Health Service Executive -v- J.M. (A Ward of Court) & Ors [2017] IEHC 399 per Kelly P. at paragraph 90.

In light of the above and citing case law and other relevant sources in your answer, critically evaluate the scope of the protection afforded to wards of court in Ireland and the manner in which this protection has been developed by the courts in recent decades.

Relevant learning outcomes

- (i) Interpret statutory provisions and apply case law to issues relating to healthcare decision-making.
- (ii) Conduct efficient and effective research on issues of medical law.

Submission Information and Presentation Guidelines

The submitted assignment should be 2,500-3,000 words in length. This does not include reasonable footnotes. Referencing must be in accordance with the OSCOLA referencing system. Assignments should be typed in Size 12, Times New Roman Font, 1.5 spacing. Please submit via the link on the Administrative Law Moodle page. Completed assignments must be uploaded as one document with the first page being the Assignment Cover Page (which will be available on Moodle prior to submission date). Completed assignments must be submitted prior to due date. Failure to submit prior to this time and date will result in late penalties being incurred.

Sample

Analysis of a Designated Article

You are required to critically review the following paper:

Regulation of Conscientious Objection to Abortion: An International Comparative Multiple-Case Study.

Wendy Chavkin, Laurel Swerdlow, and Jocelyn Fifield

JUNE 2017, VOLUME 19, NUMBER 1, Health and Human Rights Journal, page 55

In your review you should consider the following:

- Identify the major ethical/legal points of this article.
- Has the totality of evidence regarding ethical/legal issues been considered?
- Are there any potential biases in the interpretation or discussion of the research?
- Does this article contribute to the ethical/legal debate?
- Do you agree or disagree with the position taken in this article – give your reasons.

Word limit: 1,000 words

Analysis of a Designated Legal Judgement

You are required to critically review the following legal judgement:

- P.P -v- Health Service Executive
- <http://www.bailii.org/ie/cases/IEHC/2014/H622.html>

In your analysis you should consider the following:

- Has the case been named?
- Has the court of jurisdiction been identified?
- Has whether this is trial hearing or an appeal been identified?
- Who are the parties involved in the case?
- What is the case about?
- What are the facts of the case?
- Why has the case been taken?
- What was the decision of the court?
- Were any rules or tests applied in the case?
- Did the case create any new tests or precedents?
- Has the case been appealed?
- What is the impact of the judgement?
- Was there any social or legal impact arising out of the decision of the court?
- Do you agree or disagree with the judgement – give your reasons.

Word limit: 1,000 words

Sample Assignment

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