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SOURCEBOOK ON

MEDICAL JURISPRUDENCE

Professor B.M. Dickens

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FACULTY OF LAW

UNIVERSITY OF TORONTO
# TABLE OF CONTENTS

| PART 1 | COURSE OUTLINE | 1.1 |
| PART 2 | REFERENCES | 2.1 |
| Articles | 2.2 |
| Cases | 2.214 |
| PART 3 | TEXTS | |
| Canadian Medical Protective Association: Revenue Statement and Statistical Summary | 3.1 |
| Patients' Interests and Clients' Wishes: Physicians and Lawyers in Discord | 3.3 |
| The Modern Law of Informed Consent | 3.11 |
| The Doctrine of "Informed Consent": Informed Choice in Medical Care | 3.16 |
| Informed Consent and Novel Treatment | 3.27 |
| Medical Treatment of Minors | 3.31 |
| Adolescents and Medical Care Decisions | 3.43 |
| The Modern Function and Limits of Parental Rights | 3.47 |
| What is a Medical Experiment? | 3.59 |
| Human Rights in Medical Experimentation | 3.64 |
| Report of the Commission of Inquiry into the Confidentiality of Health Information: Recommendations - Horace Krever | 3.82 |
| Legal Protection of Psychiatric Confidentiality | 3.111 |
| The Right to Natural Death | 3.138 |
| Decision-Making in Terminal Care: The Days of One's Life and the Life of One's Days | 3.155 |
| Refusal of Life-Sustaining Medical Care | 3.167 |
| Legal Approaches to Genetic Counselling | 3.172 |
| New Laws for New Knowledge? | 3.176 |
| Abortion, Amniocentesis and the Law | 3.178 |
Maternal-Fetal Conflict 3.189
Prenatal Diagnosis and Female Abortion: A Case Study in Medical Law and Ethics 3.194
Legal Evolution of the Concept of Brain Death 3.196
Legal Issues Pertaining to the Role of the Family in Organ Retrieval 3.200
Legal and Ethical Issues in Buying and Selling Organs 3.204
The Anencephalic Organ Donor and the Law 3.209
In Vitro Fertilization - Legal and Ethical Issues 3.213
Child Abuse and Criminal Process: Dilemmas in Punishment and Protection 3.219
Withholding Paediatric Medical Care: Re Superintendent of Family & Child Service & Dawson et al. 3.228
No Contraceptive Sterilization of the Mentally Retarded: The Dawn of "Eve" 3.236
Case Comment - Eve v. E. 3.239
Comparative Law and Legislation on Eugenic Sterilization and Selective Abortion 3.247
Report of the Committee of Inquiry into Human Fertilization and Embryology: Recommendations - Dame Mary Warnock 3.257
Reproduction Law and Medical Consent 3.267
Sperm, Ovum and Embryo Transplantation and Surrogate Motherhood 3.283
Enforcement of Surrogate Motherhood Agreements 3.288
Legal Rights and Duties in the AIDS Epidemic 3.293
Managing AIDS Patients 3.300
Legal Limits of AIDS Confidentiality 3.305
The Medical Malpractice Problem in the United States and Canada 3.308
Wrongful Birth and Life, Wrongful Death Before Birth, and Wrongful Law 3.313
The Anencephalic Organ Donor and the Law 3.330
Legal Developments in Terminal Care 3.334
Legal and Medical Professional Orientations 3.354
Abortion and Distortion of Justice in the Law 3.360
Morals and Markets in Transplantatable Organs 3.372
Control of Excised Tissues Pending Implantation 3.377
Confidentiality and the Duty to Warn 3.382
Modern Issues in In Vitro Fertilization 3.391
The Prichard Report-Liability and Compensation in Health Care 3.397
The Effects of Legal Liability on Physicians' Services 3.433
Doctors and Conflicts of Interest 3.461
Some Legal and Ethical Implications of Genetic Predictability 3.468
From Letting Die to Inducing Death-The Legal Transition 3.474
Comparative Judicial Embryology: Judges' Approaches to Unborn Human Life 3.481
Reproductive Technology and the 'New' Family 3.488
Ethical Issues in Epidemiological Studies 3.499

PART 4 LEGISLATION

Child & Family Services Act, 1984 S.O. 1984, c. 55, as amended (excerpts) 4.1
Human Tissue Gift Act, R.S.O. 1980, c. 210, as amended 4.12
Mental Health Act, R.S.O. 1980, c. 262, as amended (December 1987) 4.15
Mental Incompetency Act, R.S.O. 1980, c. 264, as amended (August 1988) (excerpts) 4.38

Regulation 448, R.R.O. 1980 (General) under the Health Disciplines Act (excerpt, as amended) 4.40

Health Disciplines Act, R.S.O. 1980, c. 196 (excerpt) 4.42

Regulation 518/88, (Hospital Management) under the Public Hospitals Act, R.S.O. 1980 c. 410 (excerpts, as amended) 4.43


Regulation 161/84 (Designation of Communicable Diseases) under the Health Protection & Promotion Act, 1983 4.55

Regulation 162/84 (Designation of Reportable Diseases) under the Health Protection & Promotion Act, 1983 4.56

Regulation 292/84 (Communicable Diseases - General) under the Health Protection & Promotion Act, 1983 4.57

Powers of Attorney Act, R.S.O. 1980, c. 386, as amended 4.59

Equality Rights Statute Law, S.O. 1986, c. 64 (excerpts) 4.61

Criminal Code of Canada (excerpts) 4.62

Ontario Bill 108 (1991) 4.78

Ontario Bill 109 (1991) 4.117

Ontario Bill 110 (1991) 4.142
PART I

COURSE OUTLINE

Medical Jurisprudence is offered as a lecture course, but its structure is kept loose in order to accommodate class discussion and/or seminar presentations from interested students. Students are encouraged, but not required, to give seminars; those writing term papers may find it useful to present their work in progress to the rest of the class for comment, perspective and provisional assessment. Evaluation in the course will be based on the term paper (which satisfies the law school's writing requirement), on a final examination or on a take-home assignment, at the student's option. In exceptional circumstances a longer term paper, for three hours' credit, can be arranged.

Students are advised to pay careful initial attention to the lists of recent articles that follow (Part II, infra.). They indicate significant topics addressed in the literature and the thematic dimensions of medical jurisprudence itself, disclosing well-trodden paths still worthy of pursuit, new matters coming to attention and points of interest available for further exploration. The whole list should be read soon after acquisition. It is divided into subject areas, but they are only general and provisional. Most articles affect a number of issues and may be of use in a number of differently directed studies.

A firm sequence of topics to be addressed in class cannot be predetermined; much will depend on the interests of class members and on the subjects chosen for any seminar presentations. The sequence below may, however, serve as a loose model.

- medical negligence and malpractice -- background issues
- malpractice litigation and the law
- informed patient decision-making
- medical treatment of minors
- confidentiality
- the right to die: natural death, non-treatment decisions (defective newborns, severely injured patients, etc.)
- legally protected life, wrongful birth and wrongful life
- criteria for the determination of death: brain death
- medical experimentation
- transplantation law and the control of body materials
- reproduction control, including contraception, sterilization and abortion
- reproduction promotion, including artificial insemination, "test tube" fertilization, surrogate motherhood and embryo transplantation
- acquired immunodeficiency syndrome (AIDS) and HIV infection.
- genetic knowledge: developments, applications and implications