MEDICAL ETHICS and JURISPRUDENCE  
1984-1985

Overall Objectives

1. To give the student an understanding of what a Profession is and of the function of a Profession in our society.

2. To give the student the reasons why medicine is regarded as one of the senior professions, accorded a status just below Divinity in major universities.

3. To give the student an understanding of the requirements this professional status places upon him.

4. To give the student an understanding of the role and functioning of the various Colleges of Physicians & Surgeons, how these Colleges view his professional requirements and how infractions of professional etiquette may lead to disciplinary action by the various Colleges.

5. To give the student an understanding of the legal process, how this process may affect his practice, and how the courts currently view the professional requirements of a physician.

6. To give the student an understanding of the various statute laws that influence the practice of medicine.

7. To give the student a series of clear and practical guidelines for situations which are fraught with medical-legal overtones.

This course is offered in three parts to students in Phase I, Phase II and Phase III of the Medical School.

The selection of topics for each individual Phase will cover subjects appropriate to that stage of the medical school learning.
PHASE I

Objects

1. To introduce the student to the concept of a profession.
2. To introduce the student to the role and responsibilities of medicine as a profession.
3. To introduce the student to the ethical basis of his professional behavior.
4. To demonstrate to the student how the profession polices its individual members and their responsibilities to the community.
5. Overall, to highlight that this responsibility is much older, much broader and more encompassing than the current legal regulatory standards.

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<tr>
<th>DATE</th>
<th>TOPIC</th>
<th>PRESENTER</th>
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<tbody>
<tr>
<td>8 October</td>
<td>Medicine, and its development as a profession.</td>
<td>DR. J.A.L.</td>
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<td></td>
<td>Topics include the history of its organisation, outlining:</td>
<td>GILBERT</td>
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<td>1400-1500</td>
<td>a) early Greek traditions</td>
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<td>HOURS</td>
<td>b) other European influences</td>
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<td>c) the British tradition</td>
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<td>d) development in North America</td>
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<td>Emphasising the development as a continuum, and its alterations in relation to social changes.</td>
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<td>5 October</td>
<td>The medical profession in modern society.</td>
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<td>1500-1600</td>
<td>Suggested topics include the development of Medicare, the development of medical health as a &quot;right&quot;, the development of the uneasy relationships between governments and medicine, and finally, projections for the future.</td>
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How a self-governing profession controls itself, and the requirements that medicine places upon its members.

What is a self-governing profession?
How are they organised?
What are their responsibilities?
What are their limitations?

Current organisation of the medical profession:
- In Alberta
- In other provinces (Ontario Health Disciplines Board),
- U.S.A.
- Britain and other Commonwealth countries.

Legal status of:
- MCC
- RCPS(C)
- CFPC

American Boards, Board Certified vs Board Certifiable.

Restraint of trade.

Other "professional" groups:
(a) nurses
(b) pharmascists
(c) chiropractors
(d) optometrists
(e) physiotherapists
(f) psychologists, social workers
(g) podiatrists
(h) dentists

How are these organised, what are our responsibilities and relationships to them as a profession and to their members individually to be.

Disciplinary proceedings:
(A) Types of unprofessional conduct
   - alcohol/drug problems
   - sexual indiscretions
   - criminal convictions
   - financial-AHCIP regulations
   - others

(B) Types of disciplinary proceedings
(C) Double jeopardy.
PHASE II

Objects

1. Overall, the object of this Phase is to provide the student with detailed information about his responsibility to the individual patient. Considerably emphasis will be put on discussing practical situations in which the physician may find himself, in an effort to provide the student with a clear understanding of the appropriate legal and ethical approaches to resolving the dilemmas.

2. To examine the Canadian legal system, with particular emphasis on the development of the concept and practice of tortuous liability.

3. To examine in detail the factors inherent in a good doctor-patient relationship, as well as the factors that a court may look at when such a relationship breaks down.

4. To try and provide some understanding of why the doctor-patient relationship can break down, culminating in a lawsuit against the physician.

5. To examine in detail the concept of professional negligence.

6. To give the student clear guidelines as to how to get an adequately informed consent, and how to record it.

7. To provide the student with clear guidelines how to avoid an allegation of negligence, and what to do if a lawsuit should be instituted against him.

8. To discuss and develop an approach to some of the situations involving ethical and legal dilemmas, providing the student with guidelines of what to do in such circumstances.
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<tr>
<th>Date</th>
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<th>Presenter</th>
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<tr>
<td>Tuesday 23 October 1984</td>
<td>Canadian legal system, its structure and functioning. Identification (with examples) of the ways physicians may be involved in both the criminal and civil legal system.</td>
<td>PROF. ELLEN PICARD</td>
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<td>Tuesday 30 October 1984</td>
<td>Consent. A review of the Canadian law relating to consent, including Lepp v. Hopp, Reibl v. Hughes and subsequent developments. Some case examples will be given.</td>
<td>PROF. ELLEN MILLIKEN/ PICARD</td>
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<td>Tuesday 6 November 1984</td>
<td>Consent (Continued). Further examples, discussed in detail to show the approaches that should be taken.</td>
<td>PROF. ELLEN MILLIKEN/ PICARD</td>
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<td>Tuesday 13 November 1984</td>
<td>Negligence. Outline the features of negligence v. battery. Outline the standards required. Outline the various factors involved in proving negligence against a physician.</td>
<td>PROF. ELLEN MILLIKEN/ PICARD</td>
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<td>Tuesday 20 November 1984</td>
<td>Patients' Rights.</td>
<td>PROF. JANET STORCH</td>
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<td>Tuesday 27 November 1984</td>
<td>How to avoid malpractice suits. Canadian Medical Protective Association. Confidentiality.</td>
<td>PROF. ELLEN MILLIKEN/ PICARD</td>
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<td>Tuesday 4 December 1984</td>
<td>Euthanasia/&quot;No-Code&quot; Orders</td>
<td>DR. GERALD HIGGINS</td>
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<td>Tuesday 11 December 1984</td>
<td>Drug problems and the physician.</td>
<td>?BUREAU OF DANGEROUS DR HEATH &amp; WEL CANADA</td>
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Revised 11.84
PHASE III

1. To provide the student with detailed information as to the various statute laws that will affect the practice of medicine.

2. Because of its importance, judicial findings on consent, negligence and malpractice will be reviewed, in this, the Clinical Year.

3. To give the student a clear understanding of the situations in which a third party consent may be given for the patient.

4. To provide the student with a clear understanding of those exceptional circumstances when the patient's consent is not necessary for treatment.

5. To discuss the physician's relationships with other professions, and responsibilities for work done by other professionals under his supervision.

6. To discuss the physician's responsibilities for work performed by his office staff.

7. To discuss the relationships between physicians and hospitals.

8. To continue the discussion of difficult ethical and legal dilemmas, with guidelines as to how these should be approached.

DATE       TOPIC                                      PRESENTER

Wednesday  Review of consent, negligence, and malpractice.  PROF. ELLI
1 May 1985       PICARD/MILLIKEN

Wednesday  Mental Health Act
8 May 1985 Dependent Adults Act
            Third Party Consent

Wednesday  Examination of the rape victim.
15 May 1985

Wednesday  Relationships with & responsibility for hospitals, hospital employees and office employees.
22 May 1985

Wednesday  Pot-pourri of developing ethical and legal dilemmas: euthanasia, new biology, and reproduction law.
29 May 1985
            ?Medical Examiner's Act.