Course Title: The Law, Ethics & Policy of Pain Management

Credit Hours: 2

Grading System: A-F

Course Instructor: Daniel S. Goldberg, J.D., Ph.D Student in Ethics & Medical Humanities, University of Texas Medical Branch.

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Office Hours: By Appointment Only (# 201N, Multi-Purpose Suite)

Course Description: The purpose of this course is to engage the dilemma posed by two premises (both of which will be evaluated): first, that people ought to receive adequate pain management, and second, that people generally do not receive adequate pain management. The first premise is obviously a normative, ethical claim. The second seems best demonstrated from an empirical perspective, which includes both quantitative and qualitative evidence. If these premises are sound, then certain questions of ethics, law, and policy regarding the social phenomena of pain and pain management practices are evident. Engaging these questions is the primary objective of this course.

The course meets for one month, from May 29-June 26. Class meets for two nights a week. The following units will be covered:

I. Introduction & Assessing the Problem
II. Regulatory Structure (State & Federal) & Pain Litigation
III. Pain Policy I
IV. Interdisciplinary Studies of Pain I
V. Interdisciplinary Studies of Pain II
VI. Pain Policy II
VII. Capital Punishment
VIII. Assisted Suicide/Palliative Sedation
IX. Hospital Ethics Consultation

Course Objectives:

- Students should come away with a sound conceptual grasp of the ethical, legal, and social issues that influence pain management practices;
- Students should develop the skills to evaluate a policy perspective on allocation of pain management resources;
• Students should understand the influence of attitudes towards pain as influencing pain management practices.

Evaluation Criteria:

Students will be graded according to their written work and class participation. There will be one writing assignment for this course, worth 55% of the final grade. Class preparedness and participation will be worth 25% of the overall grade, and in-class participation in the hospital ethics committee assignment constitutes the final 20% of the overall grade:

Writing Assignment: 55%
Class Preparedness/Participation: 25%
Hospital Ethics Committee Assignment: 20%

The writing assignment will offer students a choice. They may either write a 15-20 page paper on the subject of their choosing, so long as it relates to the class material. Topics can be provided by the instructor if desired.

Alternatively, students may elect to complete a written take-home exam. The exam will be open-book, and will consist of directed responses to several provided questions. The length of the completed exam should be 15-20 pages.

Citation must conform to *The Bluebook* (18th edition). Wikipedia may not be used as a source.

Class preparedness and participation consists of familiarity with the readings and engagement in discourse on the class material. Several fora will be provided for the latter, including class discussion and the class TWEN Board.

The hospital ethics committee assignment will take place on the last day of class. More details will be provided later in the semester, but the preparatory work will require little other than familiarity with a provided case and the applicable laws.

**TWEN Board**

One of our primary modes of interaction will hopefully be via the TWEN Board. All students shall sign up on the TWEN Board. Please contact your Westlaw representative quickly if you cannot access the board.

Copies of this syllabus, all assignments, and perhaps most importantly, all readings will be posted on the TWEN Board. There is no required textbook for this class. All the readings necessary shall thus be posted on the TWEN Board.

Finally, the TWEN Board will also have a space for discussion. Students are expected to contribute at least two comments to the board over the course of the term, and will earn 10% of the class participation grade by doing so. More extensive student participation in the TWEN board discussion will be further reflected in the class participation grade. At least twice during the term I will also hold a live discussion session on the TWEN Board. I have not decided
whether to make these sessions mandatory, but they will be an opportunity to ask questions, follow-up on class discussions, and seek clarification in a different format.

Schedule of Topics, Readings, & Assignments

Class One: Introduction & Assessing the Problem (May 29)


*Recommended Reading*: Voices of Chronic Pain: A National Study.

Class Two: Regulatory Structure (State & Federal) & Pain Litigation (June 4)


Class Three: Pain Policy I (June 5)


- Federation of State Medical Boards Model Policy for the Use of Controlled Substances For the Treatment of Pain.
• National Pain Care Policy Act of 2005.

Class Four: Interdisciplinary Studies of Pain I (June 12)


Class Five: Interdisciplinary Studies of Pain II (June 13)


Class Six: Pain Policy II (June 18)


• Ethics Charter of American Academy of Pain Medicine.

Classes Seven-Eight: Capital Punishment/Assisted Suicide/Palliative Sedation (June 19, June 25)

  **Class Seven Readings:**


• AMA CODE OF ETHICS E-206 (2005).


**Class Eight Readings:**


• The Oregon Death with Dignity Act, ORE. REV. STAT. § 127.800 et seq. (Supp. 2006).


**Class Nine:** Hospital Ethics Committee Assignment (June 26)

*Writing Assignment due June 26.*