

Randall Baldwin Clark
Visiting Assistant Professor
Room 306

Phone: 703-993-8131
Fax: 703-993-8124
rbclark@gmu.edu

Introduction

This introductory course will attempt to survey the law governing a large and heavily regulated market: the provision of health care. Our discussion will cover the three basic relationships: (1) between provider and patient; (2) among patient, provider, and state; and (3) among providers, the state, and institutions such as third-party payers and guilds. Particular attention will be paid to those exceptional features of medical care claimed as justifying the law's intrusion into—or absence from—these relations: Do the presence of disease, pain, and possible death call for greater, lesser, or different regulation than governs the markets for other goods and services?

Readings

The primary text for this course is Mark A. Hall et al., *Health Care Law and Ethics* (Aspen 2003). Reading assignments from this book are listed in a separate document, titled "Readings," posted on TWEN. I expect to modify (likely shorten) these assignments as the semester progresses. Please pay careful attention to the revision date noted at the bottom of the "Readings." Additional recommended readings might be posted to TWEN. For the first class, please come prepared to discuss *Moore v. Regents of the Univ. of Cal.*, 793 P.2d 479 (Cal. 1990), a copy of which I have posted to TWEN.

Office Hours

Tuesdays and Thursdays, from 2 to 3, or by appointment. These times are subject to change.

Grading

A student's grade will be based on the quality of his class participation (25%) and term paper (75%). The paper's topic and length are to be determined in consultation with me, with a formal proposal due on Monday, September 18 at noon. An introduction and outline will be due on Monday, November 6 at noon. A complete draft of the paper is due on Monday, November 20 at noon. (Citations, formatting, proofreading, etc. need not be perfect.) The paper's final draft is due on Friday, December 1 at noon. I will provide responsive comments to the September 18, November 6, and December 1 submissions, but none regarding the November 20 draft. All submissions should be made electronically, via TWEN, with a paper copy placed in my faculty mailbox no later than 24 hours after the deadline.

Credit

A passing grade in this class will result in the award of three credit hours and satisfaction of one writing requirement.

Attendance

Because this is a small, discussion-centered course, your thoughtful participation at each class is critical to its success. To ensure such, each student will be expected to make a punctual and prepared appearance at 22 of the 28 class sessions. But because I do not wish to discourage attendance in the event that a student finds himself unable to prepare, he may inform me, before class begins, that he is not prepared. I will not expect an explanation for this lack of preparation. Each such "pass" will, however, be accounted as one half of a failure to attend.