İZMİR UNIVERSITY OF ECONOMICS

Faculty of Law
Law
LAW 364 - Health Law

COURSE INTRODUCTION AND APPLICATION INFORMATION

Course Name	Health Law

Code	Semester	Theory (hour/week)	Application/Laboratory (hour/week)	Local Credits	ECTS
LAW 364	Fall/Spring	3	0	3	6

Prerequisites	None
Course Language	English
Course Type	Elective
Course Level	First Cycle
Mode of Delivery	-
Teaching Methods and Techniques	-
Course Coordinator	* Prof. Dr. Zeynep ŞİŞLİ
Course Lecturer(s)	* Prof. Dr. Zeynep ŞİŞLİ
Course Assistants	* Araş. Gör. Serenay KARA

Course Objectives	The aim of this course is to examine the duties and responsibilities of State and the health professionals and special cases in practice within the scope of right to health as a basic social right.
Course Learning Outcomes	The students who succeeded in this course; * Define the right to health within the scope of the right to live, and duties of social state to provide it, * Describe the regulations about health within the international and national sources besides Constitution comparatively, * Examine patients' rights as a part of the right to health in relation with ethics(deontology) of medical professionals,

	* Explain the rights and obligations of the patient and the physician arising from contract of healthcare(treatment), * Discuss about the importance of the informed consent and confidentiality obligation.
Course Description	The subject matter of this course is to examine the right to health within the scope of the duties of the social state, and the rights of patients and responsibilities of the healthcare professional and institutions about medical intervention in relation with the healthcare contract.

Course Category	Core Courses	
	Major Area Courses	X
	Supportive Courses	
	Media and Managment Skills Courses	
	Transferable Skill Courses	

WEEKLY SUBJECTS AND RELATED PREPARATION STUDIES

Week16	Subjects	Related Materials
1	Social State and "Right to Health"	Nobile, M. (2014) The WHO Definition of Health: A Critical Reading. Medicine and Law, 33(2): 33-40. https://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/mlv33&id=124&men_tab=srchresults# Moran, M. 2000. Understanding the Welfare State: The Case of Health Care. The British Journal of Politics and International Relations, 2(2): 135-160. https://journals.sagepub.com/doi/pdf/10.1111/1467-856X.00031 Friedmann, Sarah. 2004. The Right to Health. Human Rights & Human Welfare, 4(1): https://www.du.edu/korbel/hrhw/research

		digest/health/right.pdf Arenas Catalán, E. 2021. The right to health as a social right. The Human Right to Health. Cheltenham: Edward Elgar Publishing, pp. 60- 100. https://www.elgaronline.com/view/9781788979641.00011.xml Office of the United Nations High Commissioner for Human Rights & World Health Organization. 2008. The Right to Health, Fact Sheet No. 31. https://www.ohchr.org/documents/publications/factsheet31.pdf
2	Historical background of Healthcare, Law and Ethics	EIDE,A. (2000), "Economic and Social Rights"pp.109-1174.https://www.corteidh.or.cr/tablas/r28245.pdf, ÇAMUR GÖZLER, E.(2017)Civil and Political Rights vs. Social and Economic Rights: A Brief Overview,Journal of Bitlis Eren University, v:6, No.1, pp.205-214. Civil and Political Rights vs. Social and Economic Rights: A Brief Overview Elif GÖZLER ÇAMUR GOSTIN, L.O.(2014) "Health and Human Rights"(Chapter 8), Global Health Law, Harvard University Press, London. , pp.243-270 Majumdar, S.K. 2003.

		History of Evolution of the Concept of Medical Ethics. Bulletin of the Indian Institute of History of Medicine, 33(1): 17-31. http://www.ccras.nic.in/sites/default/files/viewpdf/jimh/BIIHM_2003/17%20to%2031.pdf Govind, A. 2013. A Short History of the Current Approach to Ethical Health Care. https://synapse.ucsf.edu/articles/2013/11/07/short-history-current-approach-ethical-health-care Verma, D. 2020. A Brief History of Healthcare. https://www.linkedin.com/pulse/brief-history-healthcare-divya-verma
3	Healthcare Ethics	Convention for the protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/164. Additional Protocol to the Convention on Human Rights and Biomedicine concerning biomedical research (https://www.resmigazete.gov.tr/eskiler/2011/06/20110611M1-4-1.pdf)(https://www.titck.gov.tr/faaliyetalanlari/ilac/klinik-arastirmalar) Nuket Ornek Buken; Erhan

		Buken, "The Legal and Ethical Aspects of Medical Malpractice in Turkey", 10 Eur. J.Health L. 201 (2003), pp.201-213 (heinonline) Seedhouse, D. 2008. Ethics is the Key. Ethics: The Heart of Healthcare. New York: John Wiley & Sons, pp. 16-27. https://ebookcentral.proquest.com/lib/izmir/reader.action?docID=406494&ppg=78 Chuan, V.T., Huxtable, R., & Peart, N. (Eds.). 2018. Healthcare Ethics, Law and Professionalism: Essays on the Works of Alastair V. Campbell. London: Routledge. https://www.taylorfrancis.com/books/edit/10.4324/9781315162874/healthcare-ethics-law-professionalism-voo-teck-chuan-richard-huxtable-nicola-peart
4	Legal Responsibilities of Healthcare Professionals/Medial Doctors(1)	Medical Ethics Manual, World Medical Association. https://www.wma.net/what-we-do/education/medical-ethics-manual/.Riis, P. 1996. Medical Negligence. World Health Forum, 17(3): 215-218. http://apps.who.int/iris/bitstream/handle/10665/53943/WHF_1996_17%283%29_p215-239.pdf?sequence=1&isAllowed=y Tort Law: The Rules of Medical Malpractice https://lawshelf.com/shortvideoscontentview/tort-law-the-rules-of-medical-malpract

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5	Legal Responsibilities of Healthcare Professionals/Medial Doctors(2)	Şenel Eraslan B, Karadayı B, Çakı İE, Aslan N, Varlık Tokgözoğlu E, Kılıç Ç, et al. Legal and ethical responsibilities of physicians in coercive situations, such as natural disasters. Ulus Travma Acil Cerrahi Derg 2018;24:440-444. https://eds.a.ebscohost.com/eds/pdfviewer/pdfviewer?vid=2&sid=b168e0d9-b973-4560-ab7a-55f96602c042%40sessionmgr4006 J. D. Finc, Legal Obligations and Responsibilities of The Medical Practitioner, Br. J. Anaesth. (1987), 59,

		870-876 Aimakhu, C.O. 2015. An Insight into Medical Malpractice and Litigation. Tropical Journal of Obstetrics and Gynaecology, 32(1): 150-154. https://www.ajol.info/index.php/tjog/article/view/118196
6	Medical Malpractice in Turkish Civil Law and Criminal Law	Durmuş, V. "A Broad Overview Of Medical Malpractice Liability Policy In Turkey". http://dergipark.ulakbim.gov.tr/ijhmt/ Int Journal Of Health Manag. And Tourism 2017, 2(2), 1-18 Karakus Yilmaz, B., Topcu, H. & Acar, Y.A. 2017. Assessment of Legal Obligations of Physicians from Emergency Physician Perspective. The Medical Bulletin of Sisli Etfal Hospital, 51(2): 142-148.

https://jag.journalagent.com/sislietfaltip/pdfs/SETB_51_2_142_148%5bA%5d.pdf

7	Legal Practice (1)	YILMAZ, H. (2016)«Realizing Social and Economic Rights; The Example of Judicial Attidutes Towards the Rationing of Healthcare in Turkey», HFD, 6(1), 2016;47-62. http://www.hukukdergi.hacettepe.edu.tr/dergi/C6S1makale2.pdf
8	Midterm	

9	Legal Practice(2)	Gecekusu v. Turkey. European Court of Human Rights(ECHR) Decision. https://hudoc.echr.coe.int/tur#{%22fulltext%22:[%22gecekusu%20v.turkey%22],%22itemid%22:[%22001-99335%22]}. Case of Vo V. France. ECHR, https://hudoc.echr.coe.int/tur#{%22fulltext%22:[%22Vo.V%20France%22],%22itemid%22:[%22001-61887%22]}.
10	Patients' Rights and Responsibilities	World Health Organization, Patients' Rights, http://www.who.int/genomics/public/patientrights/en/. E.Aydın, "Rights of patients in developing countries: the case of Turkey", Journal of Medical Ethics, V.30,Issue.6, 2004 http://dx.doi.org/10.1136/jme.2003.005819, https://jme.bmj.com/content/medethics/30/6/555.full.pdf Scowen, P. 2006. Patients' rights and responsibilities. The Bulletin of the Royal College of Surgeons of England, 88(5): 152-154. Access link: https://publishing.rcseng.ac.uk/doi/pdf/10.1308/147363506X107953
11	Informed consent, confidentiality	Bryan, D.S., Sade, R.M. 2018. Delegation of Informed Consent: Law and Ethics. Annals of Thoracic Surgery, 106(3): 651-653. https://www.clinicalkey.com/service/content/pdf/watermarked/1-s2.0-S000349751830746X.pdf?locale=en_US&searchIndex= Cocanour, C.S. 2017. Informed consent - It's more than a signature on a

		piece of paper. The American Journal of Surgery, 214(6): 993-997. https://reader.elsevier.com/reader/sd/pii/S0002961017307201?token=B3E1010D91EBFDD7375AA415278C4D7876F4E0CAB11E44FFB37FC419A6007022A0346B04A333D71631C2E3C555DD0B18&originRegion=eu-west-1&originCreation=20211110101835 Mikhedenko, A. 2017. The Council of Europe's perspective: Principle of free and informed consent in the Oviedo Convention. Free and informed consent as a core principle of the protection of human rights in the field of biomedicine, pp. 6-10. Access link: https://rm.coe.int/proceedings-minsk-8-dec-2017-e/16807b4e41 Kottow, M.H. 1986. Medical confidentiality: an intransigent and absolute obligation. Journal of Medical Ethics, 12: 117-122. https://jme.bmj.com/content/medethics/12/3/117.full.pdf Bramley, S. 2000. Medical records and the law. BJU International, 86(3): 286-290. https://bjui-journals.onlinelibrary.wiley.com/doi/epdf/10.1046/j.1464-410x.2000.00294.x Cases and precedents from Turkish legal practice.(Lexpera and Kazanci Court Decision Banks).
12	The conditions for medical intervention and right to integrity of the person	Koru, O. 2021. The Legality of Medical Intervention: Indication Requirement. Inonu University Law Review, 12(2): 491-500. See "Extended Summary". https://dergipark.org.tr/tr/download/article

		-file/1646470 Rodley, N.S. Integrity of the Person. International Human Rights Law. Oxford: Oxford University Press, see 174-182. https://books.google.com.tr/books?hl=tr&lr=&id=YkcXAgAAQBAJ&oi=fnd&pg=PA174&dq=%22right+to+integrity+of+the+person&ots=s8pxCcXFko&sig=P_bOvLycpcXd3kXECkR4mNpRhc4&redir_esc=y#v=onepage&q=%22right%20to%20integrity%20of%20the%20person&f=false Cases and precedents from Turkish legal practice.(Lexpera and Kazanci Court Decision Banks)
13	Medical research	Guraya SY, London N, Guraya SS. Ethics in medical research. J Microsc Ultrastruct [serial online] 2014 [cited 2021 Nov 10];2:121-6. Available from:

https://www.jmau.org/text.asp?2014/2/3/121/224876,

14	Transplantation of organ and tissues	Bollen, J.A.M. vd. 2019. Euthanasia through living organ donation: Ethical, legal, and medical challenges. The Journal of Heart and Lung Transplantation, 38(2): 111-113. https://www.clinicalkey.com/service/content/pdf/watermarked/1-s2.0-S1053249818315663.pdf?locale=en_US&searchIndex=
15	Abortion and sterilization	Sevinj Jabrayilova-Sh."Cross-Cutting Issues on The Right To Life in The Context of Law". Hacettepe HFD, 5(2) 2015, 117-138. http://www.hukukdergi.hacettepe.edu.tr/dergi/C5S2makale5.pdf Mitra, A. 2017. We're Always Going to Argue about Abortion: International Law's Changing Attitudes towards Abortion. New Zealand Women's Law Journal, 1: 142-181. https://heinonline.org/HOL/Page?handle=hein.journals/nzwomlj1&id=148&collection=peggy&index=
16	Final Exam	

SOURCES

Course Notes / Textbooks	
Suggested Readings/Materials	

EVALUATION SYSTEM

Semester Activities	Number	Percentage of Grade
Participation	-	-
Laboratory / Application	-	-
Field Work	-	-
Quiz/Studio Critic	-	-
Portfoilo	-	-
Homework Assignment	-	-
Presentation/Jury	-	-
Project	-	-
Seminar/Workshop	-	-
Oral Exam	-	-
Midterm	1	40
Final	1	60
Total	2	100

WEIGHTING OF SEMESTER ACTIVITIES ON THE FINAL GRADE	**1**	**40**
WEIGHTING OF END-OF-SEMESTER ACTIVITIES ON THE FINAL GRADE	**1**	**60**
Total	2	100

ECTS / WORKLOAD TABLE

Semester Activities	Number	Duration (Hours)	Total Workload
Course Hours (Including Exam Week: 16 x Total Hours)	16	3	48
Laboratory / Application Hours	16	-	-
Study Hours Out of Class	16	3	48
Field Work	-	-	-
Quiz / Studio Critique	-	-	-
Portfolio	-	-	-
Homework / Assignment	-	-	-
Presentation / Jury	-	-	-
Project	-	-	-
Seminar / Workshop	-	-	-
Oral Exam	-	-	-
Midterm	1	37	37
Final	1	47	47
		Total Workload	**180**

THE RELATIONSHIP BETWEEN COURSE LEARNING OUTCOMES AND PROGRAM QUALIFICATIONS

#	Program Qualifications / Outcomes	* Level of Contribution				
		1	2	3	4	5
1	To be able to possess the knowledge in legal terminology, concepts and principles.					X
2	Solves the legal problems with an analytic and integral point of view.					X
3	Evaluates the legal knowledge and abilities obtained with a critical approach.				X	
4	Evaluates the developments in legal theory and practice by monitoring local, international and interdisciplinary dimensions.					X
5	Is conscious of social, professional and scientific principles of ethic behaviour.	X				
6	Takes responsibility in solving problems by creative and innovative thinking.			X		
7	Interprets the sources of law by ways of legal methodology.			X		
8	To be able to interpret the legal norms with a sense of justice respectful to human rights and in the light of principles of democratic, secular and social state of law.					X
9	To be able to use the daily scientific sources and court judgments in the framework of life time learning approach.			X		
10	Informs the related persons and institutions about legal matters both verbally and in written.	X				
11	Monitors the daily legal information/court decisions and interacts with the colleagues in a foreign language ("European Language Portfolio Global Scale" Level B1).					X
12	Uses the information and communication technology together with the computer programs in a level required by the area of law ("European Computer Driving Licence, Advanced Level").	X				

*1 Lowest, 2 Low, 3 Average, 4 High, 5 Highest