



## Teaching Guide

Identifying Data				2016/17
Subject (*)	Law and Biomedicine	Code	612G01040	
Study programme	Grao en Dereito			
Descriptors				
Cycle	Period	Year	Type	Credits
Graduate	2nd four-month period	Fourth	Optativa	4.5
Language	GalicianEnglish			
Teaching method	Face-to-face			
Prerequisites				
Department	Dereito Público Especial			
Coordinador	Seoane Rodriguez, Jose Antonio	E-mail	jose.antonio.seoane@udc.es	
Lecturers	Seoane Rodriguez, Jose Antonio	E-mail	jose.antonio.seoane@udc.es	
Web				
General description	<p>Law and biomedicine (Health Law) is concerned with the legal answers to human life and health, two highly appreciated social and individual values.</p> <p>By means of the analysis of legal sources, case-study, lectures and special workshops the students learn into depth the classical and current legal answers to life and health issues, stressing the human rights approach. Special attention is paid to classical and contemporary cases, mainly the judgments of the national Constitutional and Supreme Courts as well as the European Court of Human Rights and the European Court of Justice.</p>			

## Study programme competences

Code	Study programme competences
A2	Coñecer a función do Dereito como sistema regulador das relacións sociais.
A3	Percepción do carácter sistemático do ordenamento xurídico.
A4	Percepción do carácter interdisciplinar dos problemas xurídicos.
A5	Coñecemento dos principios e valores constitucionais.
A8	Coñecementos básicos de argumentación xurídica.
A9	Capacidade para o manexo de fontes xurídicas (legais, xurisprudenciais e doutriniais).
A10	Capacidade de interpretar e analizar criticamente o ordenamento xurídico.
A15	Capacidade de negociación e mediación.
B2	Que os estudantes saiban aplicar os seus coñecementos ao seu traballo ou vocación dunha forma profesional e posúan as competencias que adoitan demostrarse por medio da elaboración e defensa de argumentos e a resolución de problemas dentro da súa área de estudo
B3	Que os estudantes teñan a capacidade de reunir e interpretar datos relevantes (normalmente dentro da súa área de estudo) para emitir xuízos que inclúan unha reflexión sobre temas relevantes de índole social, científica ou ética
B5	Que os estudantes desenvolvesen aquelas habilidades de aprendizaxe necesarias para emprender estudos posteriores cun alto grao de autonomía
B7	Resolver problemas de forma efectiva, valorando a importancia que ten a investigación, a innovación e o desenvolvemento tecnolóxico no avance socioeconómico e cultural da sociedade.
B8	Aplicar un pensamento crítico, lóxico e creativo, entendendo, tamén, a importancia da cultura emprendedora.
B10	Traballar de forma colaborativa.
B11	Comportarse con ética e responsabilidade social como cidadán e como profesional.
C1	Expresarse correctamente, tanto de forma oral coma escrita, nas linguas oficiais da comunidade autónoma.
C4	Desenvolverse para o exercicio dunha cidadanía aberta, culta, crítica, comprometida, democrática e solidaria, capaz de analizar a realidade, diagnosticar problemas, formular e implantar solucións baseadas no coñecemento e orientadas ao ben común.
C6	Valorar criticamente o coñecemento, a tecnoloxía e a información dispoñible para resolver os problemas cos que deben enfrontarse.
C7	Asumir como profesional e cidadán a importancia da aprendizaxe ao longo da vida.
C8	Valorar a importancia que ten a investigación, a innovación e o desenvolvemento tecnolóxico no avance socioeconómico e cultural da sociedade.



Learning outcomes			
Learning outcomes	Study programme competences		
Achieve the abilities to identify and assess the legal dimensions of life and health issues	A3	B8	C1
	A4	B11	C4
	A5	B3	C6
	A8	B5	C7
	A9		C8
Understand the meaning of the basic legal concepts, principles and norms regarding human life and health	A2	B7	C1
	A3	B8	C4
	A4	B11	C6
	A5	B2	C7
	A8	B3	C8
	A9	B5	
	A10		
Achieve the argumentative abilities to take part in biomedical decision-making and to advise healthcare professionals	A4	B7	C1
	A5	B8	C4
	A8	B10	C6
	A9	B11	C8
	A10	B2	
A15	B3		
		B5	

Contents	
Topic	Sub-topic
PART I	.
Lesson 1. Norms	<ol style="list-style-type: none"> <li>1. The regulation of biomedicine. Bioethics. Professional norms and guidelines. Public Policy. Health economics. Biolaw and health law.</li> <li>2. The legal regulation of biomedicine. Human rights. Constitution. Globalization. International and national regulations</li> <li>3. Health and justice. The legal meaning of health. The access to health care.</li> </ol>
Lesson 2. Reasons	<ol style="list-style-type: none"> <li>1. Facts. Values. Duties. Rights.</li> <li>2. Deliberation in bioethics. Ethical commissions.</li> <li>3. Legal argumentation. Legal reasoning and basic rights.</li> </ol>
Lesson 3. Individuals	<ol style="list-style-type: none"> <li>1. Clinical and research relationships. From paternalism to autonomy and rights</li> <li>2. Patient and research subject: rights, duties and responsibilities</li> <li>3. Healthcare professional and biomedical researcher: rights, duties and responsibilities</li> <li>4. Government and public administration. Companies. Society.</li> </ol>
Lesson 4. Biomedical professions	<ol style="list-style-type: none"> <li>1. Clinical acts. Research activities</li> <li>2. Clinical practice and 'lex artis'</li> <li>3. Accountability and liability in biomedical professions</li> <li>4. Conscientious objection</li> </ol>
Lesson 5. Patient autonomies	<ol style="list-style-type: none"> <li>1. Decisional autonomy. Informed consent. Advance directives. Substitute decision-making</li> <li>2. Informational autonomy. Privacy and confidentiality. Biomedical and health data. Clinical records.</li> <li>3. Executive autonomy. Disability, dependence and autonomy</li> <li>4. The limits of patient autonomy. Autonomy and public health</li> </ol>



PART II	.
Lesson 6. The beginning of life	<ol style="list-style-type: none"> <li>1. Human embryo</li> <li>2. Sexuality and reproduction. Is there a right to reproduction?</li> <li>3. Assisted human reproduction. Is there a right to mother-/fatherhood?</li> <li>4. Genetic interventions</li> <li>5. Eugenics and human enhancement</li> <li>6. Contraception</li> <li>7. Abortion. Might be abortion a right?</li> <li>8. Cloning</li> <li>9. What's wrong with disability? Models and meaning of disability</li> <li>10. Is there a right not to be born?</li> </ol>
Lesson 7. The end of life	<ol style="list-style-type: none"> <li>1. The legal meaning of death</li> <li>2. End of life settings</li> <li>3. Euthanasia</li> <li>4. Is there a right to die?</li> <li>5. Organ and tissues transplantation</li> <li>6. Are human body and its parts a "res extra commercium"?</li> </ol>
Lesson 8. Biomedical research	<ol style="list-style-type: none"> <li>1. Is there a duty to research?</li> <li>2. The research imperative</li> <li>3. The freedom of research</li> <li>4. Principles and guarantees of biomedical research</li> <li>5. Legal regulation of biomedical research</li> <li>6. Research involving human subjects</li> <li>7. Animal research</li> <li>8. Biotechnological research</li> </ol>

Planning				
Methodologies / tests	Competencies	Ordinary class hours	Student's personal work hours	Total hours
Case study	A2 A3 A4 A5 A8 A9 A10 A15 B8 B10 B11 B2 B3 B5 C1 C4 C6	6	12	18
Objective test	A2 A3 A4 A5 A8 A9 A10 B7 B8 B3 C1	1.5	6	7.5
Guest lecture / keynote speech	A2 A3 A4 A5 A8 A9 A10 B8 C6 C8	12	24	36
Workshop	A3 A4 A5 A8 A9 A10 A15 B7 B8 B10 B11 B2 B3 B5 C1 C4 C6 C7 C8	4	12	16
Document analysis	A3 A4 A5 A8 A9 A10 B7 B8 B10 B3 B5 C1 C6 C8	10	20	30
Personalized attention		5	0	5

(\*The information in the planning table is for guidance only and does not take into account the heterogeneity of the students.

Methodologies	
Methodologies	Description



Case study	<p>The knowledge of life and health issues requires the analysis both of national and international statutes and case law. Students learn into depth classical and contemporary cases, specially the rulings of the Constitutional and Supreme Courts as well as the European Court of Human Rights and the European Court of Justice</p> <p>Case study trains the students to identify the legal issues at stake, deliberate about them and find a solution using legal arguments</p> <p>Case study includes other methodologies: analysis of bibliographical and normative sources, as well as research papers.</p>
Objective test	Assessment of the knowledge and understanding of bibliographical and legal sources.
Guest lecture / keynote speech	Lectures ease the understanding of the special features, language, and concepts of health law, following a human rights-based approach. Furthermore, lectures are intended to clarify the meaning of the bibliographical and normative sources and the main topics
Workshop	<p>Specific topics are studied thoroughly combining different methodologies (legal sources analysis, case study). It is expected the student takes part more actively and individually, implementing his/her knowledge and argumentative skills.</p> <p>Some of the workshops are given by guest and visiting professors.</p>
Document analysis	The main legal answers to life and health issues come from international and national statutes and case law. Identifying, understanding and assessing these legal sources is an important feature to grasp the meaning of relations between biomedicine and law.

### Personalized attention

Methodologies	Description
Document analysis	Advise on selection and assessment of bibliographical and normative sources.
Workshop	Advise on selection of workshop issues and on deliberation on document analysis and clinical and legal cases.

### Assessment

Methodologies	Competencies	Description	Qualification
Document analysis	A3 A4 A5 A8 A9 A10 B7 B8 B10 B3 B5 C1 C6 C8	Assessment of the ability to select, understand and communicate the meaning and main features of the bibliographical and, specially, normative sources, both in a written and oral form.	30
Objective test	A2 A3 A4 A5 A8 A9 A10 B7 B8 B3 C1	Assessment of the knowledge and understanding of bibliographical and legal sources. The test consists of several short questions to be responded orally.	40
Workshop	A3 A4 A5 A8 A9 A10 A15 B7 B8 B10 B11 B2 B3 B5 C1 C4 C6 C7 C8	<p>Assessment of the ability to select, understand, analyse and communicate the different issues dealt with using the bibliographical and normative (legislation and case-law) sources.</p> <p>Assessment of the argumentative abilities, mainly the oral ones, as well as participation in deliberations.</p>	30

### Assessment comments

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### Sources of information

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<p><b>Basic</b></p>	<ul style="list-style-type: none"> <li>- Roberto Andorno (2013). Principles of international biolaw. Bruxelles: Bruylant</li> <li>- André den Exter (ed.) (2010). Human rights and biomedicine. Antwerpen: Maklu</li> <li>- Jonathan Herring (2010). Medical law and ethics. Oxford: OUP</li> <li>- Carlos María Romeo Casabona (dir.) (2011). Enciclopedia de Bioderecho y Bioética. Granada: Comares; Deusto: Cátedra Interuniversitaria Fundación BBVA-Diputación Foral de Bizkaia de D</li> <li>- Andrés Ollero (2006). Bioderecho: entre la vida y la muerte. Cizur Menor (Navarra): Thomson-Aranzadi</li> <li>- Javier Sánchez-Caro, Fernando Abellán (2003). Derechos y deberes de los pacientes (Ley 41/2002, de 14 de noviembre). Granada: Comares</li> <li>- Javier Sánchez-Caro y Fernando Abellán (2006). Derecho del médico en la relación clínica. Granada: Comares</li> </ul> <p>Normativa xurídica básica Constitución española Constitución europea Convención dos dereitos das persoas con discapacidade Código civil Lei de axuizamento civil Código penal Lei Orgánica 15/1999, do 13 de decembro, de protección de datos de carácter persoal Real Decreto 1720/2007, do 21 de decembro, polo que se aproba o Regulamento de desenvolvemento da Lei Orgánica 15/1999, do 13 de decembro, de protección de datos de carácter persoal. Convenio para a protección dos dereitos humanos e a dignidade do ser humano con respecto ás aplicacións da Bioloxía e a Medicina (Convenio relativo aos dereitos humanos e á Biomedicina) (Consello de Europa, 1997) Lei 14/1986, do 25 de abril, xeral de sanidade Lei 41/2002, de 14 de novembro, básica reguladora da autonomía do paciente e de dereitos e obrigas en materia de información e documentación clínica Lei galega 3/2001, do 28 de maio, reguladora do consentimento informado e a historia clínica dos pacientes Lei 16/2003, do 28 de maio, de cohesión e calidade do Sistema Nacional de Saúde Real Decreto-lei 16/2012, do 20 de abril, de medidas urxentes para garantir a sostenibilidade do Sistema Nacional de Saúde e mellorar a calidade e seguridade das súas prestacións Lei 8/2008, do 10 de xullo, de saúde de Galiza Lei 39/2006, de promoción da autonomía persoal e de atención ás persoas en situación de dependencia. Lei Orgánica 2/2010, do 3 de marzo, de saúde sexual e reprodutiva e da interrupción voluntaria do embarazo Lei 14/2006, do 26 de maio, sobre técnicas de reprodución humana asistida Lei 30/1979, do 27 de outubro, sobre extracción e transplante de órganos Real Decreto 2070/1999, do 30 de decembro, polo que se regulan as actividades de obtención e utilización clínica de órganos humanos e a coordinación territorial en materia de órganos e tecidos humanos Lei 29/2006, do 26 de xullo, de garantías e uso racional dos medicamentos e produtos sanitarios Lei 14/2007, do 3 de xullo, de investigación biomédica Real Decreto 223/2004, do 6 de febreiro, polo que se regulan os ensaios clínicos con medicamentos Real Decreto 1201/2005, do 10 de outubro, sobre protección dos animais utilizados para experimentación e outros fins científicos Xurisprudencia do Tribunal Constitucional (STC 53/1985, STC 120/1990, STC 116/1999, STC 154/2002, STC 37/2011) Xurisprudencia do Tribunal Europeo de Dereitos humanos, Tribunal Supremo, Tribunal de Xustiza da Unión Europea e outros órganos xurisdicionais nacionais e internacionais (Reino Unido, EE.UU., Canadá)</p>
<p><b>Complementary</b></p>	

**Recommendations**

**Subjects that it is recommended to have taken before**

**Subjects that are recommended to be taken simultaneously**

Legal Interpretation and Legal Reasoning: Theoretical and practical issues/612G01041

**Subjects that continue the syllabus**

**Other comments**

(\*)The teaching guide is the document in which the URV publishes the information about all its courses. It is a public document and cannot be modified. Only in exceptional cases can it be revised by the competent agent or duly revised so that it is in line with current legislation.