



## Teaching Guide

Teaching Guide				
Identifying Data				2019/20
Subject (*)	Law and Biomedicine		Code	612G01040
Study programme	Grao en Dereito			
Descriptors				
Cycle	Period	Year	Type	Credits
Graduate	2nd four-month period	Fourth	Optional	4.5
Language	GalicianEnglish			
Teaching method	Face-to-face			
Prerequisites				
Department	Dereito PrivadoDereito Público			
Coordinador	Pereira Saez, Maria Carolina	E-mail	c.pereira.saez@udc.es	
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General description	Law and biomedicine (Health Law) is concerned with the legal answers to human life and health, which are considered two highly appreciated social and individual values. By means of the analysis of legal sources, case study, lectures and special workshops students learn into depth both 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 national Constitutional and Supreme Courts, as well as the European Court of Human Rights and the European Court of Justice.			

## Study programme competences

Code	Study programme competences
A2	Knowledge of the role of law as a regulatory system of social relations
A3	Grasping the systematic nature of the legal system
A4	Appreciating the interdisciplinary nature of legal problems
A5	Knowing the constitutional principles and values.
A8	Basic knowledge of legal argumentation.
A9	Ability to handle legal sources (legal, jurisprudential and doctrinal).
A10	Ability to interpret and critically assess the legal system.
A15	Ability to negotiate and mediate.
B2	Ability to know how to apply their knowledge to their work or vocation in a professional way and possess the skills that are usually demonstrated through the elaboration and defense of arguments and the resolution of problems within their area of study.
B3	Ability to gather and interpret relevant data (usually within their area of study) to make judgments that include a reflection on social, scientific or ethical relevant issues.
B5	Acquisition and assessment of those learning skills necessary to undertake further studies with a high degree of autonomy
B7	Effective problem solving.
B8	Critical, logical, and creative thinking.
B10	Teamwork and collaboration.
B11	Ethical and social responsibility.
C1	Adequate oral and written expression in the official languages.
C4	Exercising an open, educated, critical, committed, democratic and supportive citizenship for the sake of the common good.
C6	Critically assess the knowledge, technology and information available to solve the problems they face.
C7	Assume as a professional and citizen the importance of lifelong learning.
C8	Valuing the importance of research, innovation and technological development for the socioeconomic and cultural progress of society.

## Learning outcomes

Learning outcomes	Study programme competences
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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 parte in biomedical decision-making and to advise healthcare professionals	A15		
	A4	B7	C1
	A5	B8	C4
	A8	B10	C6
	A9	B11	C8
	A10	B2	
	A15	B3	
		B5	

Contents	
Topic	Sub-topic
Section I. Health care and justice	1. Health care systems 2. The concept of health 3. The right to health and the right to health care 4. Health justice
Section II. Biomedical decision-making and patient autonomy	1. Clinical relationship and biomedical decision-making 2. Patient autonomies. Concept and limits 3. Decisional autonomy. Requirements. Settings. Informed consent. Advance directives. Substitute decision-making 4. Informational autonomy. Privacy and health data 5. Executive autonomy. Disability, dependence and autonomy
Section III. Beginning of life	1. The status of the human embryo 2. Abortion and termination of pregnancy 3. Medically assisted reproduction 4. Surrogate motherhood 5. Wrongful life, wrongful birth and wrongful conception
Section IV. End of life	1. End of life. Concepts and settings 2. Euthanasia and physician-assisted suicide 3. The legal meaning of death. Is there a right to die? 4. Organ and tissues transplantation
Section V. Biomedical research	1. Research with human subjects, biological samples and personal data 2. Animal experimentation 3. Research with biological agents and genetically modified organisms (GMO)

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	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 Case study trains the students to identify the legal issues at stake, deliberate about them and find a solution using legal arguments Case study includes other methodologies: analysis of bibliographical and normative sources, as well as research papers.
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	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. Some of the workshops are given by guest and visiting professors.
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.	40
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	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.  Assessment of the argumentative abilities, mainly the oral ones, as well as participation in deliberations.	20
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## Assessment comments

## Sources of information

Basic	<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 Carta dos dereitos humanos da Unión Europea Convención dos dereitos das persoas con discapacidade Regulamento xeral de protección de datos Lei Orgánica 3/2018, do 5 de decembro, de protección de datos persoais 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 Regulamento (UE) 536/2014 do Parlamento Europeo e do Consello, de 16 de abril de 2014, sobre os ensaios clínicos de medicamentos de uso humano, e polo que se deroga a Directiva 2001/20/CE Xurisprudencia do Tribunal Constitucional (STC 53/1985, STC 120/1990, STC 116/1999, STC 154/2002, STC 37/2011) Xurisprudencia do Tribunal Europeo dos Dereitos Humanos, Tribunal Supremo, Tribunal de Xustiza da Unión Europea e outros órganos xurisdiccionais nacionais e internacionais (Reino Unido, EE.UU., Canadá)</p>
Complementary	

## Recommendations

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

### Subjects that are recommended to be taken simultaneously

Legal Reasoning Theory and Practice/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.