



LUND
UNIVERSITY

Faculty of Law

JUCN32, Health Law, 15 credits

Health Law, 15 högskolepoäng

Second Cycle / Avancerad nivå

Details of approval

The syllabus is an old version, approved by Faculty of Law Board of education at undergraduate and postgraduate levels on 2019-03-27 and was valid from 2019-03-27, spring semester 2019.

General Information

Health Law is a specialisation course within the law degree programme. The language of instruction is Swedish and English. The required reading and other study resources are in Swedish or English. Reading matter in other languages may be included.

Learning outcomes

The course enables students to develop their skills of legal argumentation and problem-solving in speech and writing. Case law from Swedish courts as well as the European Court of Justice and the European Court of Human Rights is key, and the course also enables students to independently search for information in a Swedish, EU law and European context, partly from a comparative perspective.

Knowledge and understanding

For a pass in the assessment of the course, the student must be able to demonstrate

- good knowledge of legal structures and institutions in the field, including key Swedish and EU/European law as well as insights into the societal significance of the rules
- good knowledge of key legal sources in the field and familiarity with certain theories, methods and concepts within law and the social sciences of relevance to the field
- some awareness of current research issues in the field

Competence and skills

For a pass in the assessment of the course, the student must demonstrate the ability to

- seek, identify and use information sources and adopt an independent and critical approach to assess and judge the relevance of the information
- referring to relevant sources within Swedish and EU/European law, analyse and provide arguments concerning legal issues and reflect on their links to certain theories, methods and concepts within law and the social sciences of relevance to the field
- provide factually and legally well-supported as well as technically well-executed oral presentations
- use good analytical skills to provide arguments on legal issues in written presentations
- independently complete assignments within predetermined time frames

Judgement and approach

Many of the areas covered by the course include legal provisions that are naturally linked to ethical considerations and gender and equal opportunities issues. For a pass in the assessment of the course, the student must demonstrate the ability to reflect on ethics, gender and equal opportunities issues.

For a pass in the assessment of the course, the student must demonstrate the ability to interrogate and analyse the legal provisions and their application from a Swedish and EU/European law perspective, thereby demonstrating the ability to independently, analytically and critically review the legal provisions and their functions.

Course content

The Health Law course deals with basic issues associated with Swedish healthcare. The course content encompasses several areas of law, such as public law, social law, medical law, intellectual property law, EU law and human rights law. The course can be considered to provide specialisation within public law, civil law and the social dimension.

Medical staff are often faced with difficult decisions of a medical, ethical and legal nature. The issues may be concerned with self-determination versus coercion, termination of life-sustaining treatment or medical interventions involving people partly or wholly unable to make decisions for themselves. Legal issues associated with healthcare may become relevant for lawyers working with public administration law or in general courts, as well as for lawyers working for public authorities or legal firms.

Furthermore, the healthcare system is facing significant challenges. A changing demographic as well as an aging population are expected to have a considerable impact on society. There are also challenges concerning the introduction of new and expensive treatment methods in a context of limited public finances, a sharp increase in privatisation and computerisation, a steady growth of available patient data and a globalisation that affects and delimits national decisions. Mental ill-health among children and the elderly, increasing sick leave and inadequate medical services are often highlighted as growing societal problems in Sweden. The need for quick advances in medical research runs the risk of leading to research misconduct or other unethical behaviour.

The structure and content of the regulations affect interventions within healthcare in different ways. In this context, EU law is often intended to interact with national

legislation in sometimes complicated ways. The increasing use of e-services within the sector contributes to an international market of medical services, featuring a mix of public and private actors. The legal conditions for e-services within healthcare also need to interact with technological developments and the need for protection of privacy

Course design

The student acquires the knowledge, competence and skills listed above through independent study of legislation, case law, required reading and other study resources, as well as through active participation in the teaching.

The teaching consists of lectures, seminars and components of skills training focusing on the retrieval and use of information in a Swedish, international, EU law, European and, partly comparative, context.

Assessment

The seminars, which make up the majority of the teaching, are entirely based on the students' active participation and individual preparations in the form of written reflections on the seminar material. In this way, students are trained in oral and written presentation, as well as in argumentation techniques and analytical and critical thought. The examination is continuous and based on a weighted assessment of the results of the active participation in the seminars, the short written reflections in preparation for the seminars and a written memo assignment of approximately 10 pages. Attendance at the seminars is compulsory

The examiner, in consultation with Disability Support Services, may deviate from the regular form of examination in order to provide a permanently disabled student with a form of examination equivalent to that of a student without a disability.

Subcourses that are part of this course can be found in an appendix at the end of this document.

Grades

Marking scale: Fail, Pass, Pass with credit, Pass with distinction.

The final grade for the course is based on a weighted assessment of the results of the oral and written assignments.

B – Pass

The student must demonstrate

- good knowledge of legal structures and institutions in the field, including key Swedish and EU/European law as well as insights into the societal significance of the rules

- good knowledge of key legal sources in the field and familiarity with certain theories, methods and concepts within law and the social sciences relevant to the field
- some awareness of current research issues in the field
- ability to seek, identify and use information sources and adopt an independent and critical approach to assess and judge the relevance of the information
- ability, referring to relevant sources within Swedish and EU/European law, to analyse and provide arguments concerning legal issues and reflect on their links to certain theories, methods and concepts within law and the social sciences relevant to the field
- ability to provide factually and legally well-supported as well as technically well-executed oral presentations
- ability to use good analytical skills to provide arguments on legal issues in written presentations
- ability to independently complete assignments within predetermined time frames
- ability to interrogate and analyse the legal provisions and their application from a Swedish and EU/European law perspective, thereby demonstrating the ability to independently, analytically and critically review the legal provisions and their functions.

BA – Pass with Credit

The student must demonstrate

- very good knowledge of legal structures and institutions in the field, including key Swedish and EU/European law as well as insights into the societal significance of the rules
- very good knowledge of key legal sources in the field and familiarity with certain theories, methods and concepts within law and the social sciences relevant to the field
- good awareness of current research issues in the field
- very good ability to seek, identify and use information sources and adopt an independent and critical approach to assess and judge the relevance of the information
- very good ability, referring to relevant sources within Swedish and EU/European law, to analyse and provide arguments concerning legal issues and reflect on their links to certain theories, methods and concepts within law and the social sciences relevant to the field
- very good ability to provide factually and legally well-supported as well as technically well-executed oral presentations
- very good ability to use good analytical skills to provide arguments on legal issues in written presentations
- very good ability to independently complete assignments within predetermined time frames
- good ability to interrogate and analyse the legal provisions and their application from a Swedish and EU/European law perspective and internationally, thereby demonstrating the ability to independently, analytically and critically review the legal provisions and their functions.

AB – Pass with Distinction

The student must demonstrate

- advanced knowledge of legal structures and institutions in the field, including key Swedish and EU/European law as well as insights into the social and economic significance of the rules
- advanced knowledge of key legal sources in the field and familiarity with certain theories, methods and concepts within law and the social sciences relevant to the

field

- very good awareness of current research issues in the field
- advanced ability to seek, identify and use information sources and adopt an independent and critical approach to assess and judge the relevance of the information
- advanced ability, referring to relevant sources within Swedish and EU/European law, to analyse and provide arguments concerning legal issues and reflect on their links to certain theories, methods and concepts within law and the social sciences relevant to the field
- advanced ability to provide factually and legally well-supported as well as technically well-executed oral presentations
- advanced ability to use good analytical skills to provide arguments on legal issues in written presentations
- advanced ability to independently complete assignments within predetermined time frames
- very good ability to interrogate and analyse the legal provisions and their application from a Swedish, EU/European law and international perspective, thereby demonstrating the ability to independently, analytically and critically review the legal provisions and their functions.

Entry requirements

In accordance with the current syllabus of the Bachelor/Master of Laws programme:

- For admission to specialised courses in semester 7, students must have attended and completed the compulsory components of previous courses and passed the previous semesters totalling 150 credits.
- For admission to specialised courses in semester 8, students must have passed first-cycle courses totalling 165 credits.

Subcourses in JUCN32, Health Law

Applies from H20

2001 Health Law, 15,0 hp
Grading scale: Fail, Pass, Pass with credit, Pass with distinction

Applies from H19

1901 Health Law, 15,0 hp
Grading scale: Fail, Pass, Pass with credit, Pass with distinction