



# Faculté de droit

## DRT

DROI2395 **Medical Law**

[30h] 4.5 credits

This course is taught in the 2nd semester

**Teacher(s):** Geneviève Schamps  
**Language:** french  
**Level:** 2nd cycle course

### Aims

The objectives of the course are to help students develop a detailed, global approach to medical law that enables them to manage the legal problems created by the daily practice of medicine, while also paying attention to the social implications of medical law.

### Main themes

The course is composed of two parts: the first (20 hours) covers the fundamentals rules of medical law, from the perspective of both doctor-patient and doctor-society relationships. The second (10 hours) emphasises different topics each year.

Introduction: the limits and autonomy of medical law.

I. Medical law in its personal and societal dimension: Doctor and patient; Doctor and society

II. Choice of a theme. The second part of the course emphasises a particular subject (e.g. systematic screening of diseases, medical experiments, law and psychiatry) in an effort to achieve a rigorous understanding of the individual and societal stakes and to lead students to a critical reflection on solutions de lege lata and perspectives in a law that is no longer necessarily national and is open to modes of regulation other than statutes.

## Content and teaching methods

The classes are based on continuous interaction between all participants. During the first session, the tutor will make a general presentation about the course and its objectives. During the other classes issues of biomedical law raised by current events are examined. The topics are chosen by the tutor and students together. Any initiative is welcome.

In small groups, students analyse their chosen subject carry out research by consulting relevant documents and meeting experts. Both Belgian and comparative law are examined. Students put the texts that they have collected on the campus website and provide a paper version of any documents which are not downloadable. The tutor and the students who have prepared the subject of the session lead discussions with participants and possible guests. The tutor assists students in preparatory meetings. A passive knowledge of English and Dutch is required. Students are invited to use PowerPoint software or other multimedia during the course.

Students may suggest subjects for classes. For example, current events surrounding any of the subjects below could be examined. Some are under discussion for future statutes in Belgium or other countries.

- health professionals' methods of working;
- patients' rights (statute of August 22nd, 2002) and doctors' rights;
- euthanasia and the end of life (statutes of May 28th, 2002 and June 14th, 2002);
- bioethics statutes;- organ transplantation;
- research on embryos;
- donation of embryos;
- therapeutic or reproductive cloning;
- surrogate mothers;
- information about donation of gametes;
- artificial insemination;
- procreation after partner's death;
- antenatal and pre-implantation diagnoses;
- contraceptive and therapeutic sterilisation;
- genetic tests;
- clinical trials;
- telemedicine;
- advertising of drugs on the internet;
- the regulation of hospitals;
- medical expertise;
- liability and no-fault projects;
- wrongful life, wrongful birth and wrongful conception;
- treatment and control of pain, unconventional medical practices;
- committees of ethics;
- medical insurance.

## Other information (prerequisite, evaluation (assessment methods), course materials recommended readings, ...)

Considering the general objective of the course, an interdisciplinary approach is imperative. The classes try to synthesise their contents to provide intellectual and pedagogic unity. The teaching of this discipline by lawyers must be based on practice. Great importance is placed on medical experience via case studies, the analysis of case law, and lectures by experts, doctors or others.