

Legal Medicine & Medical Ethics

Education in Medical Schools & Health Sciences Centers

Proposed Model Curriculum

The American Board of Legal Medicine

September 2009



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Education of Medical Students & Residents at Medical Schools and Training Programs at Health Sciences Centers

Purpose of Presentation

- Provide an overview of the **LEGAL MEDICINE & MEDICAL ETHICS Model Curriculum**, an initiative of the American Board of Legal Medicine (ABLM); and
- Respectfully recommend for your kind consideration the incorporation of suitable portions of the proposed Model Curriculum of the **LEGAL MEDICINE & MEDICAL ETHICS** topics in the Medical Students Core Curriculum, and the Residency training programs, as deemed appropriate by the leadership of the College of Medicine.

Order of Presentation

Model Curriculum on LEGAL MEDICINE & MEDICAL ETHICS:

1. **Historical Development** of Model Curriculum by the ABLM and the American College of Legal Medicine (ACLM) during the past 25 years;
2. **Necessity** for LEGAL MEDICINE & MEDICAL ETHICS Education in Medical Schools;
3. **Purpose and Elements** of the Model Curriculum in Medical Education;
4. **Requisite Basic Skills** of Medical Students and Physicians;
5. **Proposed Curriculum Hours** for Teaching Medical Students;
6. **Professors and Instructors** who will teach the Model Curriculum.

Appendix A: Model Curriculum

Appendix B: Sample Curriculum

Historical Development of the Model Curriculum

The American Board of Legal Medicine, Inc. (ABLM) is a nonprofit organization incorporated in 1951 in the state of Delaware. In 1980, the American Board of law in medicine, Inc. also was incorporated in the state of Delaware. To facilitate the recognition of Legal Medicine as a specialty, the two entities merged in 1987 with the surviving entity being the American Board of Legal Medicine, Inc. In addition to examining and certifying those holding degrees in both medicine and law who meet all other requirements, the Trustees established the criteria for certification of educational programs in Legal Medicine. The Purpose of the ABLM is to examine and certify dual-degreed candidates, with MD/JD or DO/JD degrees, as Diplomats in Legal Medicine; and to provide Board Review courses in Legal Medicine and Medical Ethics, with Syllabus, Study Guide and Examination Questions and Answers.

The American College of Legal Medicine (ACLM) was founded in 1960, with organizational roots dating back to 1955. It is the most prominent professional society in the United States concerned with addressing issues that arise at the interface of law and medicine. Fellows of the American College of Legal Medicine, which make up a majority of its membership, have been trained and schooled in medicine and law and hold both the MD and JD degrees. College members also include physicians (MD, DO), attorneys (JD, LLB), dentists, registered nurses, podiatrists, scientists, and other health professionals.

Through its medical legal resources, the ACLM educates and assists health care and legal professionals, advances the administration of justice, influences health policy, improves health care, promotes

research and scholarship, and facilitates peer group interaction. In addition, the American College of Legal Medicine represents the specialty of legal medicine in the American Medical Association's Specialty and Service Society.

The mission of the American College of Legal Medicine of the CME program of the American College of Legal Medicine is to "promote the continued professional advancement of its members, as well as non-member physicians, and other interested professionals, through education, research, publications, and interdisciplinary and collaborative exchanges of information. The educational meetings are designed to improve the professional performance of the participants and focus primarily on research, methodologies, techniques, and issues and advances in the field of legal medicine. The education activities encourage interdisciplinary exchanges of ideas and information and thereby facilitate enhanced service to society in the healing arts and legal professions."

Publications by ACLM & ABLM

- a. During the past 25 years, the ACLM and the ABLM Diplomats have published the textbook, **LEGAL MEDICINE**, now in its 7th edition, 2007, Mosby-Elsevier publisher.
- b. In 2007, two other books were published by the ACLM and the ABLM - namely, the **MEDICAL MALPRACTICE SURVIVAL HANDBOOK**, 1st Edition 2007, published by Mosby-Elsevier, and
- c. The **ABLM Board Review Exam & Study Guide**. The ACLM and ABLM books are used as Syllabi for teaching Medical-Legal Seminars both nationally and internationally.

The ACLM & ABLM educational books, edited by Dr. S. S. Sanbar, have been approved for CME as enduring materials by the American College of Legal Medicine for use in Medical-

Legal Seminars and for ABLM Board Exam & Study Materials.

In early 2010, the **LEGAL MEDICINE & MEDICAL ETHICS**, 8th Edition, will be published and will contain substantially updated and reorganized materials from all three above publications. The Table of Contents, with numerous topics in Legal Medicine & Medical Ethics for Curriculum Professors to select from, is in Appendix A.

Necessity for LEGAL MEDICINE & MEDICAL ETHICS Education

- **LEGAL MEDICINE & MEDICAL ETHICS** education is critical to the practice of medicine. Medical Ethics and Legal Medicine, or Medical Jurisprudence, are two overlapping subjects which are intimately intertwined.
- The two disciplines must be taught together beginning with the first year in medical schools so that the student can learn about the cross-fertilization of the two disciplines.
- Medical students and physicians should understand the similarities and differences in the ways medicine and law frame questions, address problems, and approach moral quandaries, as well as the various resources available to analyze these problems.
- They should learn that it is as problematic to never follow the law as it is to always mechanically follow what they consider to be the letter of the law.
- Failure to understand how the law works often results in inappropriate defensive medicine.
- The lack of a minimal understanding of the law can lead to inappropriate and misguided treatment of patients.

Purpose & Elements of the Model Curriculum

The Model Curriculum on **LEGAL MEDICINE & MEDICAL ETHICS** provides educational study materials for a comprehensive course, designed in printed and electronic formats, with Questions and Answers, Power Point Slides, and some MP# Audio or Video presentations, which are specifically aimed at:

- a. Students in medical schools, dental schools, nursing and pharmacy schools, other medical professions, and law schools;
- b. Residents and Practicing physicians, dentists, paramedical professionals and attorneys who wish to expand their knowledge about legal medicine and medical ethics, and
- c. Medical and legal professionals who plan to prepare for Board Certification Examination in Legal Medicine, Health Law, Forensic Sciences, and Medical Malpractice.

The elements of the **LEGAL MEDICINE & MEDICAL ETHICS** Curriculum include the following:

1. They must be prominent within the curriculum, substantiating their importance.
2. The topics should be relevant, rigorously taught, and horizontally and longitudinally integrated into the curriculum from the classroom through the clinical clerkships, to post-graduate training and medical practice.
3. They must be seen as part of and integral to the practice of medicine.
4. They must be taught over time, space, departments, and courses. As such, interdisciplinary teaching is almost an imperative.

5. There must be specific learning objectives. Those objectives must be content and method focused, the purpose being:
 - a. To sensitize medical students and physicians to the value and nature of medical practice;
 - b. To supply medical students and physicians with methods to identify and describe legal and ethical dilemmas; and
 - c. To give them formal, procedural, and substantive methodologies for resolving such dilemmas.
 6. They should increase the students' legal knowledge and provide skills in ethical analysis, as well as to educate students about tolerance and diversity of ethical opinions. Case-based analysis should draw on the student's experience.
 7. The ultimate goal should be is to graduate medical students and physician residents who are committed to being physicians with high moral character and an understanding of the law and to practicing ethical and legal medicine.
- e. The ability to decide when it is morally and legally justified to withhold information from a patient;
 - f. The ability to decide when it is morally justified to breach confidentiality; and
 - g. The knowledge of the moral and legal aspects of care of patients with a poor prognosis, including patients who are terminally ill.

Suggested Curriculum Hours for Teaching Medical Students

- a. Integrate Medical Ethics & Legal Medicine in the core curriculum of the medical students curriculum as **required** educational materials as follows:
 1. Up to 20 clock hours in PPS-1 for first-year medical students;
 2. Up to 20 clock hours in PPS-2 for second-year medical students;
 3. Up to 20 clock hours in each of the third and fourth years of medical school education.
- b. Incorporate Medical Ethics & Legal Medicine in the **optional Enrichment Program**, as a part of, or as an alternative separate fourth track from:
 1. Medical Humanities;
 2. Clinical Medicine;
 3. Medical Research.
- c. Offer several **elective courses** in Medical Ethics & Legal Medicine, which could be developed and made available to medical students.
- d. Providing a Faculty Development Course in Medical Ethics & Legal Medicine;
- e. Present "Small" **Group discussions**, Medical-Legal **Conferences** and occasional **Grand Rounds**;
- f. Present an Annual "**Mock Trial**" and/or a Medical-Legal Seminar for

Requisite Basic Skills of Medical Students and Physicians

- a. The ability to identify the moral and legal aspects of medical practice;
- b. The ability to obtain a valid informed consent or a valid refusal of treatment;
- c. The knowledge of how to proceed if a patient is only partially competent or incompetent to consent to or refuse treatment;
- d. The knowledge of how to proceed if a patient refuses treatment;

Residents, Faculty and Health care providers.

- g. Develop an **MD-JD Program or DO-JD**, if not already in place, at The School of Medicine and The School of Law. Currently, there are 23 accredited American medical schools have MD-JD programs, and a few DO-JD programs.

Professors and Instructors who will teach the Model Curriculum

The LEGAL MEDICINE & MEDICAL ETHICS Model Curriculum is multi-disciplinary.

- Health Sciences Centers generally have dual-degreed physicians with MD-JDs or DO-JDs, and superb Schools of Public Health, Medical Humanities, Office of the Medical Examiner, Physicians Risk Management Training, Center on Child Abuse and Neglect, Center for Public Health Preparedness, among others, and excellent Schools of Law.
- The Dean of the College of Medicine may consider appointing a dual-degreed MD-JD as an OU “Professor of Medical Jurisprudence and Ethics” whose task will be:
 1. To develop and coordinate the involvement of the appropriate disciplines in teaching LEGAL MEDICINE & MEDICAL ETHICS to medical students and Residents;
 2. Guided by the Deans at the Schools of Medicine and Law; and
 3. To work in concert with the Schools of Public Health, Medical Humanities and other disciplines and Colleges of Nursing, Dentistry and others.

Summary of Suggestions

1. Teach a Legal Medicine & Medical Ethics Curriculum to Medical Students, Residents & Faculty, and Organize Group Discussions & Conferences;
2. Put on Seminars on Legal Medicine & Bioethics for Health Care Professionals; and
3. Develop a Dual-Degree Physician-Attorney Program.

Respectfully submitted,

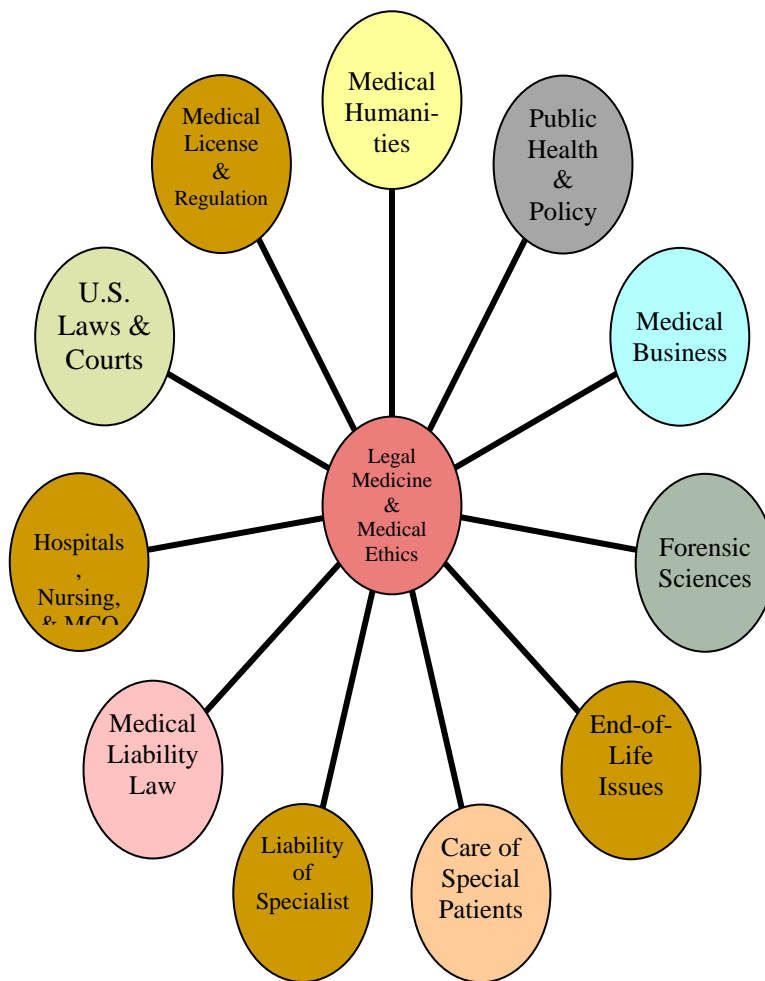
S. Sandy Sanbar, MD, PhD, JD, FCLM

- Chairman, American Board of Legal Medicine
- President, American Board of Medical Malpractice
- Past President, American College of Legal Medicine
- Ex Officio Member, Board of Governors, ACLM
- Adjunct Professor Medical Jurisprudence, TUN;
- Editor, ACLM Textbook, LEGAL MEDICINE, 7th Ed. 2007;
- Editor, ACLM MEDICAL MALPRACTICE SURVIVAL HANDBOOK, 2007
- Editor, ABLM Board Review Exam & Study Guide, 2007.

APPENDIX A

Legal Medicine & Medical Ethics

Model Curriculum Sections



Medical Humanities

1. History of Legal Medicine
2. Ethics, Bioethics and Humanism
3. Communication, Competency and Professionalism
4. Human Rights, Research & Experimentation
5. Human Genome Project & Developments
6. Human Fetus Interests
7. Stem Cell Research
8. Organ Donation and Transplantation

Licensing, Credentialing, Privileging, Profiling and Impairment

1. Medical Education
2. Medical Boards and Licensure
3. Medical Staff Peer Review, Credentialing and Privileging
4. Physician Profile Databases
5. Health Care Provider Impairment

American Law & Judicial Process

1. Contracts by Health Care Providers
2. Agency
3. Antitrust
4. Patents, Intellectual Property, and Licenses
5. American Court System
6. Pretrial Proceedings, Trial and Appeals
7. Alternate Dispute Resolution
8. Tort Reform

Hospitals, Nursing & MCO

1. Liability of Health Care Entities
2. Liability of Managed Care Organizations
3. Nursing and the Law
4. Pharmacist Malpractice and Liability
5. Medical Product Liability
6. Liability for Clinical Trials Research

Medical Liability & Malpractice (Section A)

1. Patient Safety
2. Medical Errors
3. Disclosure and Apology to Injured Patient
4. Malpractice Causes, Defenses and Damages
5. Medical Malpractice Stress Syndrome
6. Risk Management and Quality Assurance
7. Telemedicine and Email Communication
8. Physician-Patient Relationship

9. Medical Records (Protected Health Information)
10. Spoliation of Medical Records
11. Competency and Capacity Determination
12. Informed Consent and Refusal
13. Negligence
14. Miscellaneous Torts
15. What to do if Sued
16. How to Prepare a Medical Report
17. Role of Liability Insurance Company
18. Role of Defense Counsel
19. Role of Personal Counsel
20. Expert Medical Testimony
21. Criminalization of Malpractice
22. Countersuits by Health Care Providers

Liability of Specialties (Section A)

1. Family and Internal Medicine
2. Clinical Pathology
3. Radiology
4. Geneticist
5. Obstetrics and Gynecology
6. Neonatology
7. Pediatrics
8. Emergency Medicine
9. Cardiology
10. Oncology
11. Neurology and Neurosurgery
12. Anesthesiology
13. General Surgery
14. Ophthalmology
15. Otolaryngology
16. Dentistry
17. Nursing
18. Urology
19. Plastic Surgery
20. Sport Medicine

Care of Special Patients

1. Children as Patients
2. Child Abuse
3. Domestic Violence
4. Abuse of Elderly Patients
5. Brain-Injured Patients

End-of-Life & Process of Dying

1. Pain Management: Law and Relief
2. Life Care Planning
3. The Process of Dying
4. Palliative Sedation
5. Assisted Suicide

Forensic Sciences & Medical Examiner

1. Forensic Psychiatry and Mental Illness
2. Forensic Pathology
3. Forensic Engineering
4. Forensic Toxicology
5. Forensic Criminalistics
6. Forensic Entomology
7. Forensic Odontology
8. Forensic Medical Information as Evidence
9. U.S. Medical Examiner & Coroner Systems
10. Crime Scene Reconstruction

Business Aspect of Medical Practice

1. Practice Organizations & Joint Ventures
2. Co-providers and Institutional Ventures
3. Physician as Employer
4. Health Insurance
5. Medical Liability Insurance
6. Complementary and Alternative Medicine

Public Health & Public Policy

1. Immunization
2. Reportable Illnesses
3. HIV-AIDS: Ethical and Legal Aspects
4. Occupational Health Law
5. Public Health Law
6. Legal Aspects of Bioterrorism

- To become sensitive to and to review some central moral, philosophical, and social issues in medicine and health policy.
- To reflect on physicians' traditions and responsibilities in developing and implementing health care delivery.
- To develop critical skills for evaluating the moral and philosophical claims, arguments, and goals frequently found in medicine.
- To formulate, present, and defend a particular position on a moral issue in health care.
- To reflect on the relationships between moral, professional, and legal obligations of physicians.

The first year course has 20 contact hours; the second year course has 24 contact hours. Topics that have been covered in these courses include professionalism, ethics codes and oaths, paternalism, informed consent, competency, truthfulness, confidentiality, abortion, maternal-fetal issues, treatment for incompetent patients, end-of-life decisions, death and dying, physician-assisted suicide, research on human subjects, objectivity and bias in medical research, animal research, genetic testing, managed care, health care reform, social justice and health care, organ donation and procurement, health care regulation, ethics committees, and medical futility. Grading in these courses is based on exams, class participation, and short papers.

APPENDIX B: SAMPLE

Legal Medicine & Medical Ethics Curriculum

**East Carolina University
The Brody School Of Medicine
Department Of Medical Humanities**

Director: Kenneth DeVille, Ph.D., J.D.

The First Two Years

The courses for the first two years--the preclinical period of the students' education--are classified under the general heading "medical humanities" and have the following goals:

The Last Two Years

The topics introduced in the first two years are further discussed in small groups for one or two sessions of two hours each, as part of the regular pediatrics, internal medicine, obstetrics/gynecology, surgery, and family medicine clerkships.

The third-year courses provide 8-10 contact hours. Although the formats and times differ somewhat among instructors and departments, we team-teach with clinicians and the students usually identify the issue for discussion. Typically, they are concerned about issues of death and dying, uncooperative patients, unfair aspects of "the system," pain control, and "hot" topics. With our two courses behind them, they are comfortable discussing moral and social issues, they know how to address such problems, and we can make

progress because we share a common language. It is an exciting time for us as faculty to see how much they have developed. The sharp contrast between our students and those who have no such program is obvious when residents participate in these and other discussions. For example, in the face of difficult problems, our students know how to structure the issues and do not retreat into dogmatism, situation ethics, extreme relativism, defensive postures, or other untenable approaches.

The fourth-year medical students have the opportunity to take a variety of month-long courses in the medical humanities including History of Medicine, Literature and Medicine, Law and Medicine, War and Medicine, Death and Dying, Electives in Medical Ethics and Humanities (Independent Projects), and Osler, The Man and His Writings. Enrollment has ranged from 38% to 66% of graduating students. Some students take more than one humanities selective. In addition to the month-long selectives, there is also a three-hour required portion of the fourth-year curriculum for medical humanities that is taught in the classroom during the Dean's Month.

Ethics and Research: Humanities and Basic Medical Sciences

We offered an ethics course for the students receiving Ph.D.s in medical science for the first time in the spring of 1993. It has 14 sessions and is team-taught with members of the basic science faculty. The objectives of the course are to:

- To become sensitive to and to review some central moral, philosophical, and social issues in medicine and health policy.
- To reflect on physicians' traditions and responsibilities in developing and implementing health care delivery.
- To develop critical skills for evaluating the moral and philosophical claims, arguments, and goals frequently found in medicine.
- To formulate, present, and defend a particular position on a moral issue in health care.
- To reflect on the relationships between moral, professional, and legal obligations of physicians.

Postgraduate Curricula

Ongoing scheduled meetings with the residents and fellows in pediatrics, family medicine, emergency medicine, and internal medicine have resulted in the drafting of medical humanities curricula for some of these specialties. We also participate in rounds, grand rounds, and conferences, and serve on several hospital ethics committees.

M1 & M2 MEDICAL ETHICS COURSE

Objectives:

In the M-1 and M-2 course sequence, "Ethical & Social Issues in Medicine," students will:

- Review central moral, philosophical, and social problems in medicine and health policy;
- reflect on the physician's responsibilities in helping to develop and implement social policies regarding health care delivery;
- develop critical skills for evaluating and articulating moral and philosophical claims, arguments, and goals frequently found in practice and medical literature;
- formulate, present, and defend a particular position on a moral or policy issue in health care and to be able to communicate these ideas and conclusions effectively, both orally and in writing, to patients, patients' families, colleagues and other decision makers in society, and
- reflect on the relationships among moral, professional, and legal obligations of physicians, including those involving honesty, and respect for patient well-being, autonomy, dignity and confidentiality.

(Drawn from: Medical School Objectives Project. Learning Objectives for Medical Student Education: Guidelines for Medical Schools. Washington, DC: American Association of Medical Colleges, 1998.)