

UNIVERSITY OF WYOMING
PHCY 5240
PHARMACEUTICAL HOMICIDE PREVENTION, 2 Credit Hours

Online Delivery, Primarily Asynchronous Through WyoCourses
Fall, 2020

This Course Meets Daily on the Discussion Board

The First Day of Class is September 13 and the Last Day of Class is December 6 (11 Weeks)

Instructor contact information: Professor David Brushwood, R.Ph., J.D., Phone: 307 766-6120 E-mail: dbrushwo@uwyo.edu, Office(s): HS 292, although your professor does not maintain an office in Laramie and electronic contact through some alternate means is required.

Office Hours: Sunday afternoons online, or at other times by appointment either through telephone or online (Zoom meeting). Please post general questions about course materials to the course discussion board. Personal matters should be addressed directly to the instructor through email or by telephone.

Course prerequisites, co-requisites, enrollment restrictions: Professional or graduate standing, or by permission of the School of Pharmacy.

Course Description:

Legal pharmaceutical products are sometimes used criminally by healthcare professionals and others as murder weapons to kill people. This course focuses on identifying the zone of risk for people who could be harmed by deadly pharmaceuticals used in the commission of a homicide, and the development of best practices to protect patients and others from harm that may occur to them from the homicidal use of medications sourced from a licensed pharmacist.

General Course Information:

This course is delivered in an asynchronous fashion. Pre-recorded lectures are posted to WyoCourses, along with reading assignments. Student-student and student-faculty interaction occurs on the course discussion board around the clock, 24/7. Students are expected to actively participate in online discussions, starting two original threads during each unit and posting three responses within other students' original threads during each unit. There is an online exam during each unit. There is a final exam.

Objectives/Outcomes/Standards:

1. Describe the background of the United States criminal justice system.
2. List the sources of law in the US system.
3. Discuss the seven basic legal principles that underlie the commission of a crime.
4. Describe the process for location of criminal laws in federal and state statutes.
5. Distinguish between criminal, administrative, and civil legal proceedings.
7. List the most common and powerful defense arguments in a criminal proceeding.
8. Describe the role of the local police department, and the relationship of the local police department with federal law enforcement agencies.
9. List the steps undertaken in the prosecution and defense of a criminal case.
10. List and discuss different types of evidence that are used in a criminal case.

11. Describe the types of crimes that have been committed by health professionals within a health care setting.
12. Describe the crimes that have been committed by those who prepare and distribute unapproved new drugs.
13. Discuss the avenues through which drugs can be diverted from a health care setting and then used as weapons to commit crimes outside a health care setting.
14. List the drugs that can be used as poisons in commission of the crime of murder.
15. Describe the balance that must be reached in the provision of necessary opioids for the treatment of chronic pain and the prevention of unintended deaths due to prescription drug abuse.
16. Discuss the circumstances under which the commission of an error in health care can be viewed as a criminal act.
17. Explain burden of proof in a criminal case.
18. Design a risk reduction system that will detect criminal activity of healthcare personnel who intentionally use pharmaceutical products to harm patients.
19. Describe a program that will reduce the zone of risk so that pharmaceutical products under the control of the pharmacy department are not removed from the healthcare setting and used to harm persons known to healthcare personnel.
20. Present a seminar to health care providers on reducing the risk that pharmaceutical products will be used to intentionally harm a person as the instrumentality of a criminal act.
21. Develop a system for detecting deadly drugs within the drug distribution system and the use of strategies that will reduce the risk of harm from these deadly drugs.
22. Describe the emerging field of forensic pharmacy.
23. Supervise a crime scene in which pharmaceutical homicide is suspected.

Readings (written monographs):

- The Basics of Criminal Law
- Rule Out Homicide
- Unapproved Drugs
- Zone of Danger
- Family and Friends
- Opioid Overdoses
- Is Death A Legitimate Medical Purpose?
- Managing the Risk of Criminal Liability

Pre-Recorded Online Lectures:

- Criminal Actions By Healthcare Professionals
- Murder By Medication
- Deadly Pharmaceuticals
- Professional Hazard
- Homicide By Poisoning
- Finding Balance in Pain Medicine
- Hastening Death or Relief of Suffering?
- Criminalizing Medical Error

Videos:

- Harold Shipman (Doctor Death) Documentary
- Serial Killer Charles Cullen Interview

- Lethal Medicine Linked to Compounding Center
- Political Thriller
- Von Bulow: A Wealth of Evidence
- The OxyContin Express
- Frontline: The Suicide Plan
- Chasing Zero: Winning the War on Healthcare Harm

Legal Case Studies:

- Avery v. McCall-Tanner
- Barr v. Beck
- Hannah v State of Texas
- James v Nocona State Hospital
- United States v Hiland
- Herndon v Shands Teaching Hospital
- People v Savoy
- Savoy v Washington
- United States v Volkman
- State of Kansas v Naramore
- Nurse Julie Thao Discipline, Wisconsin Department of Regulation & Licensing
- Julie Thao Bail Memorandum

Assigned Articles:

- United States Department of Justice, Managing Death Investigation (1997)
- National Institute of Justice, Death Investigation: A Guide for the Scene Investigator (2011)
- Wecht, The History of Legal Medicine
- Anderson, The Broad Field of Forensic Pharmacy
- Wick, Forensic Pharmacy: Can You Prove it?
- Sewal, Saini, Medhi, Forensic Pharmacovigilance: Newer Dimension of Pharmacovigilance
- Paul, Narang, Expert Witness Participation in Civil and Criminal Proceedings
- Hall, Negligent Behavior Should Be Excluded From Penal Liability
- Yorker, Serial Murder By Health Professionals
- Nasr, Unapproved Drugs in the United States
- Thunder, Quiet Killings in Medical Facilities
- Finnberg et al., Homicide By Poisoning
- Reidenberg, Prosecution of Physicians for Prescribing Opioids for Patients
- Sprung, Relieving Suffering or Intentionally Hastening Death?
- Smith, Criminal or Merely Harm: The prosecution of Negligent Doctors

Course Requirements/Assignments:

Each unit in this course requires that students complete the following activities:

- Carefully review the Unit Guide for familiarity with unit learning objectives and responsibilities.
- Download and print the lecture handouts and view the pre-recorded online lectures.
- Download and read the assigned written monographs.
- Participate actively in discussion board (2 original threads and 3 responsive posts minimum).
- Take the unit exam online.
- There is a final exam.

Grading Standards:

The final grade in this course will be comprised of:

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|---------------------|-----|
| Ten Unit Exams | 50% |
| Final Exam | 25% |
| Class Participation | 25% |

Grading:

| | |
|----|--------|
| A: | 90-100 |
| B: | 80-89 |
| C: | 70-79 |
| D: | 60-69 |
| F: | <60 |

Students who miss exams or class participation may request an excused absence, which will be granted by the course instructor if warranted. Students who develop conflicts that prohibit their completion of 25% or more of course material should withdraw from the course. Students who satisfactorily complete 75% or more of the course material, and who cannot complete the balance within the confines of the course schedule, may be granted an incomplete, and missing coursework must be completed by the end of the following term.

Course Outline:

Unit 0: Background Readings and Reflections on Homicide Investigations

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|-------------------|---|
| Assigned Readings | United States Department of Justice, Managing Death Investigation (1997) National Institute of Justice, Death Investigation: A Guide for the Scene Investigator (2011) Wecht, The History of Legal Medicine |
| Case Study | Avery v. McCall-Tanner |

Unit 00: Background Readings and Reflections on Forensic Pharmacy

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|-------------------|---|
| Assigned Readings | Anderson, The Broad Field of Forensic Pharmacy Wick, Forensic Pharmacy: Can You Prove it? Sewal, Saini, Medhi, Forensic Pharmacovigilance: Newer Dimension of Pharmacovigilance Paul, Narang, Expert Witness Participation in Civil and Criminal Proceedings |
| Case Study | Barr v. Beck |

Unit I: "The Criminal Act"

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|--------------------|--|
| Background Article | Hall, Negligent Behavior Should Be Excluded From Penal Liability |
| Online Lecture | Criminal Actions By Healthcare Professionals |
| Online Monograph | The Basics of Criminal Law |
| Assigned Video | Harold Shipman (Doctor Death) Documentary |
| Case Study | Hannah v State of Texas |

Unit II: Crimes in Health Care Settings

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|--------------------|---|
| Background Article | Yorker, Serial Murder by Health Professionals |
| Online Lecture | Murder By Medication |
| Online Monograph | Rule Out Homicide |
| Assigned Video | Serial Killer Charles Cullen Interview |
| Case Study | James v Nocona State Hospital |

Unit III: Deliberately Hidden Pharmaceutical Dangers

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|--------------------|--|
| Background Article | Nasr, Unapproved Drugs in the United States |
| Online Lecture | Deadly Pharmaceuticals |
| Online Monograph | Unapproved Drugs |
| Assigned Video | Lethal Medicine Linked to Compounding Center |
| Case Study | United States v Hiland |

Unit IV: Chain of Custody

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|--------------------|---|
| Background Article | Thunder, Quiet Killings in Medical Facilities |
| Online Lecture | Professional Hazard |
| Online Monograph | Zone of Danger |
| Assigned Video | Political Thriller |
| Case Study | Herndon v Shands Teaching Hospital |

Unit V: The Perfect Weapon

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|--------------------|--|
| Background Article | Finnberg et al., Homicide By Poisoning |
| Online Lecture | Poisoning As The Cause Of Death |
| Online Monograph | Family and Friends |
| Assigned Video | Von Bulow: A Wealth Of Evidence |
| Case Study | People v Savoy; Savoy v Washington |

Unit VI: Crime or Care?

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|--------------------|--|
| Background Article | Reidenberg, Prosecution of Physicians for Prescribing Opioids for Patients |
| Online Lecture | Opioid Overdoses |
| Online Monograph | Finding Balance in Pain Medicine |
| Assigned Video | The OxyContin Express |
| Case Study | United States v Volkman |

Unit VII: End of Life Care

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|--------------------|---|
| Background Article | Sprung, Relieving Suffering or Intentionally Hastening Death? |
| Online Lecture | Is Death A Legitimate Medical Purpose? |
| Online Monograph | Suicide or Death With Dignity? |
| Assigned Video | Frontline: The Suicide Plan |
| Case Study | State of Kansas v Naramore |

Unit VIII: Are All (or Any) Errors Crimes?

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|--------------------|---|
| Background Article | Smith, Criminal or Merely Human-The Prosecution of Negligent Doctors |
| Online Lecture | Criminalizing Medical Error |
| Online Monograph | Managing The Risk Of Criminal Liability |
| Assigned Video | Chasing Zero: Winning the War on Healthcare Harm |
| Case Study | Nurse Julie Thao Discipline, Wisconsin Department of Regulation & Licensing; Julie Thao Bail Memorandum |

Final Exam (Essay, Short Answer)

Attendance/Participation Policy:

University sponsored absences are cleared through the Office of Student Life. Class attendance in this course is mandatory and is fulfilled through active participation on the course discussion board, as well as completion of assigned examinations. Graduate and professional students are subject to an elevated expectation for participation in class discussion board. Graduate and professional students should post original threads early during each unit, respond with encouraging and helpful remarks to posts of other students, and provide explanations of healthcare matters or research issues that may not yet be fully appreciated by undergraduate students enrolled in the cross-listed version of this course.

Classroom Behavior Policy:

At all times, I expect you to treat your presence in the classroom and your enrollment in this course as you would a job. You will be respectful towards your classmates and instructor. Spirited debate and disagreement are to be expected in any classroom and all views will be heard fully, but at all times we will behave civilly and with respect towards one another. Personal attacks, offensive language, name-calling, and dismissive gestures are not warranted in a learning atmosphere. As the instructor, I have the right to dismiss you from the electronic forums and other areas where disruptive behavior occurs.

Classroom Statement on Diversity:

The University of Wyoming values an educational environment that is diverse, equitable, and inclusive. The diversity that students and faculty bring to class, including age, country of origin, culture, disability, economic class, ethnicity, gender identity, immigration status, linguistic, political affiliation, race, religion, sexual orientation, veteran status, worldview, and other social and cultural diversity is valued, respected, and considered a resource for learning.

Disability Support:

The University of Wyoming is committed to providing equitable access to learning opportunities for all students. If you have a disability, including but not limited to physical, learning, sensory or psychological disabilities, and would like to request accommodations in this course due to your disability, please register with and provide documentation of your disability as soon as possible to Disability Support Services (DSS), Room 128 Knight Hall. You may also contact DSS at (307) 766-3073 or udss@uwyo.edu. It is in the student's best interest to request accommodations within the first week of classes, understanding that accommodations are not retroactive. Visit the DSS website for more information at: www.uwyo.edu/udss

Academic Dishonesty Policies:

Academic dishonesty will not be tolerated in this class. Cases of academic dishonesty will be treated in accordance with UW Regulation 2-114. The penalties for academic dishonesty can include, at my discretion, an "F" on an exam, an "F" on the class component exercise, and/or an "F" in the entire

course. Academic dishonesty means anything that represents someone else's ideas as your own without attribution. It is intellectual theft – stealing - and includes (but is not limited to) unapproved assistance on examinations, plagiarism (use of any amount of another person's writings, blog posts, publications, and other materials without attributing that material to that person with citations), or fabrication of referenced information. Facilitation of another person's academic dishonesty is also considered academic dishonesty and will be treated identically.

Duty to Report:

UW faculty are committed to supporting students and upholding the University's non-discrimination policy. Under Title IX, discrimination based upon sex and gender is prohibited. If you experience an incident of sex- or gender-based discrimination, we encourage you to report it. While you may talk to a faculty member, understand that as a "Responsible Employee" of the University, the faculty member MUST report information you share about the incident to the university's Title IX Coordinator (you may choose whether you or anyone involved is identified by name). If you would like to speak with someone who may be able to afford you privacy or confidentiality, there are people who can meet with you. Faculty can help direct you or you may find info about UW policy and resources at <http://www.uwyo.edu/reportit>

You do not have to go through the experience alone. Assistance and resources are available, and you are not required to make a formal complaint or participate in an investigation to access them.

Substantive changes to syllabus:

All deadlines, requirements, and course structure is subject to change if deemed necessary by the instructor. Students will be notified verbally in class, on our WyoCourses page announcement, and via email of these changes.

Student Resources:

DISABILITY SUPPORT SERVICES: udss@uwyo.edu, 766-3073, 128 Knight Hall, www.uwyo.edu/udss

COUNSELING CENTER: uccstaff@uwyo.edu, 766-2187, 766-8989 (After hours), 341 Knight Hall, www.uwyo.edu/ucc

ACADEMIC AFFAIRS: 766-4286, 312 Old Main, www.uwyo.edu/acadaffairs

DEAN OF STUDENTS OFFICE: dos@uwyo.edu, 766-3296, 128 Knight Hall, www.uwyo.edu/dos

UW POLICE DEPARTMENT: uwpd@uwyo.edu, 766-5179, 1426 E Flint St, www.uwyo.edu/uwpd

STUDENT CODE OF CONDUCT WEBSITE: www.uwyo.edu/dos/conduct

COVID-19 Policies – during this pandemic, you must abide by all UW policies and public health rules put forward by the City of Laramie (or by Natrona County if at UW-Casper), the University of Wyoming and the State of Wyoming to promote the health and well-being of fellow students and your own personal self-care. The current policy is provided for review at: <https://www.uwyo.edu/alerts/campus-return/index.html>

As with other disruptive behaviors, we have the right to dismiss you from the classroom (Zoom and physical), or other class activities if you fail to abide by these COVID-19 policies. These behaviors will be referred to the Dean of Students Office using the UWYO Cares Reporting Form for Student Code of Conduct processes (https://cm.maxient.com/reportingform.php?UnivofWyoming&layout_id=5).

Syllabus Changes: I will alert you to any possible course format changes in response to UW decisions about community safety during the semester.

HyFlex, Zoom, and WyoCourses expectations:

As with all UW coursework, this course will be educational and useful to you. I will respond to questions, concerns, and feedback in a timely manner.

Your responsibilities:

- Give and receive feedback from me and your classmates respectfully and constructively in all interactions. This includes in Zoom chats, on WyoCourses boards, and within physical classroom spaces.
- Actively engage in civil discourse in a respectful manner. Use professional language in all course related forums.
- Communicate professionally. Whenever you send class-related email or messages, please include a clear, specific subject line and use the body of the email or message to explain the purpose for the email and any attached materials. Conduct yourself professionally.
- Meet assignment deadlines. We expect that you're interacting with course material multiple times during the week.
- Ask for help when you need it. For academic assistance for this course please contact me for available resources. For Dean of Students assistance please see: <https://www.uwyo.edu/dos/student-resources/covid-19-student-resources.html>
- Please let us know if you notice another student who needs help in our (anonymous) WyoCares referral option (<https://www.uwyo.edu/dos/students-concern/index.html>).

Information Technology (IT): If you have any IT related challenges, please contact the UWIT Service Center: <https://uwyo.teamdynamix.com/TDClient/1940/Portal/Requests/ServiceDet?ID=8890>

Discussion Board (Class) Preparation/Participation

Grading Rubric

(25% of Grade)

| | Excellent (A) | Good (B) | Inadequate (C) |
|---------------------------------|--|---|--|
| Contributions | Consistently initiates useful and relevant ideas when participating in the discussion board. A definite leader who contributes major effort and who makes class discussions better. | Usually provides useful ideas when participating in classroom discussion board. A strong student who tries hard but is more of a follower than a leader in discussions. | Inconsistent in providing relevant comments on discussion board. Fails to initiate new threads that stimulate participation by other students. |
| Attitude | Always respectful of others; has a positive attitude, and does not rudely criticize anyone else's ideas or work. Other students feel safe responding to this student's posts. | Occasionally becomes impatient with ideas or work of others. Usually has a positive attitude toward discussions. Usually treats others and self with respect. | On more than one occasion becomes disrespectful of ideas expressed by others, using insults rather than evidence to express contrary views. |
| Preparedness & Focus | Consistently stays focused on subject matter assigned for discussion board and achieves identified outcomes. Self-directed and highly motivated. Postings help with understanding of assigned materials. | Usually posts comments that are related to course materials, but occasionally rambles about subjects that are not relevant to the course. | Postings to discussion board are based on general knowledge and common sense, rather than on materials assigned for course. |
| Quality of Work | Provides work of the highest insight that motivates other students to achieve at a high level. | Provides quality work that is interesting but not consistently insightful. | Does work that reflects little understanding of the course material. |