The University of Florida
College of Pharmacy
Department of Pharmaceutical Outcomes and Policy
PHA 6935 Selected Topics in Pharmacy
Pharmaceutical Crimes Practice and Procedure

Faculty:

Professor:
Kenneth R. Baker, R.Ph., J.D.

Course Description:

Cognitive Objectives
Upon successful completion of this course, the student will be able to:
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. Discuss the concept of “conspiracy” and “attempt” to commit a crime.
6. Distinguish between criminal and civil legal proceedings.
7. List the most common and powerful defense arguments in a criminal proceeding.
8. List and describe two categories of affirmative defenses.
9. Explain the implications of a mistake of law.
10. Discuss the advantages and disadvantages of the defense speaking on its own behalf.
11. Describe the meaning of the Bill of Rights.
12. Discuss the theoretical basis of the US legal system.
13. Describe the concept of “probable cause.”
14. Discuss the role of a warrant in a criminal case.
15. List the elements of a Miranda warning.
16. Distinguish between “privileged” and “confidential” information.
17. Describe the meaning of “speedy trial,” “voir dire,” and “habeous corpus.”
18. List and contrast five federal agencies that have law enforcement authority over drugs.
19. Describe the role of the local police department, and the relationship of the local police department with federal law enforcement agencies.
20. List the steps undertaken in the prosecution and defense of a criminal case.
21. Describe the hearsay rule.
22. List and discuss different types of evidence that are used in a criminal case.
23. Explain burden of proof.

Skill Objectives
Upon successful completion of this course, the student will be able to:
1. Locate legal resources relevant to the evaluation of a claim of criminal conduct related to the use of pharmaceutical products.
2. Draft a memorandum describing the strengths and weaknesses of a criminal case.
against a defendant who has been accused of harming another person using pharmaceutical products.

3. 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.

Text:


Online Resources:

Videotapes:
It’s The Law
Order In The Court
Hoxsey: When Healing Becomes a Crime
Bad Medicine
A Questionable Doctor
Harold Shipman
Oliver O’Quinn
Chaz Higgs
How To Commit The Perfect Murder
Spring Dawn
Lethal Injection: The Hospital Murders
Trial By Jury

Video Lectures:
Basic Legal Principles
Malpractice Versus Criminal Practice
Betrayal of Trust by Health Care Providers
Lethal Use of Safe Drugs
Developing the Evidence for Trial
The Expert Witness at Trial

Evaluation Techniques:
Class Assignments 35%
Class participation 30%
Quizzes 35%

Grading:
A: 93.0 - 100
A- 90.0 – 92.9
B+: 86.6 – 89.9
B:  83.3 – 86.5
B-: 80.0 – 83.2
C+: 76.6 – 79.9
C:  73.3 – 76.5
C-: 70.0 – 73.2
D+: 66.6 – 69.9
D:  63.3 – 66.5
D-: 60.0 – 63.2
E:  <60
<table>
<thead>
<tr>
<th>Activity</th>
<th>Dates</th>
<th>Reading Assignments</th>
<th>Video Assignments</th>
<th>Learning Responsibilities</th>
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<tr>
<td>Week I The Law: Fundamentals</td>
<td>May 2-8</td>
<td>Text PP 5-15 &amp; 17-45.</td>
<td>Video-It's The Law</td>
<td>Elluminate Class-May 2 &amp; 5, 8:30 to 10:00PM</td>
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<td>&amp; Resources</td>
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<td>Case Study-United States v. Carter-Glogau</td>
<td>Video-Order in the Court</td>
<td>Quiz-May 6, 10:00PM</td>
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<td>Video Lecture- Basic Legal Principles</td>
<td>Assignment Due-May 8 @ 10:00PM</td>
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<td>Week II It is a Crime, or</td>
<td>May 9-15</td>
<td>Text PP 70-80 &amp; 81-100.</td>
<td>Video-Hoxsey: When Healing</td>
<td>Elluminate Class-May 9 &amp; 12, 8:30 to 10:00</td>
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<td>Substandard Medical Practice?</td>
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<td>Case Study-People v. Stuart</td>
<td>Becomes a Crime</td>
<td>Quiz-May 20, 10:00PM</td>
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<td>Video-Bad Medicine</td>
<td>Assignment Due-May 15 @ 10:00PM</td>
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<td>Video Lecture-Malpractice</td>
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<td>Week III Criminal Acts by</td>
<td>May 16-22</td>
<td>Text PP 103-134.</td>
<td>Video-A Questionable Doctor</td>
<td>Elluminate Class-May 16 &amp; 19, 8:30 to 10:00</td>
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<td>Healers</td>
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<td>Case Study-Naramore v. State</td>
<td>Video-Harold Shipman</td>
<td>Quiz-May 20, 10:00PM</td>
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<td>Video Lecture-Betrayal of Trust by Health Care Providers</td>
<td>Assignment Due-May 22@ 10:00PM</td>
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<td>Week IV Pharmaceuticals</td>
<td>May 23-19</td>
<td>Blum, Poisoner’s handbook.</td>
<td>Video-Oliver O’Quinn</td>
<td>Elluminate Class-May 23 &amp; 26, 8:30 to 10:00</td>
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<td>As Weapons</td>
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<td>Case Study-James v. Nocona State Hospital</td>
<td>Video-Chaz Higgs</td>
<td>Quiz-May 27, 10:00PM</td>
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<td>Case Study-State v. Dendel</td>
<td>Video Lecture-Lethal Use of Safe Drugs</td>
<td>Assignment Due-May 29 @ 10:00PM</td>
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<td>Week V Investigating the</td>
<td>May 30 –</td>
<td>Text PP 135-199.</td>
<td>Video-How to Commit the Perfect Murder</td>
<td>Elluminate Class- May 30 &amp; June 2, 8:30 to 10:00</td>
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<td>Crime</td>
<td>June 5</td>
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<td>Video- Spring Dawn</td>
<td>Quiz-June 3, 10:00PM</td>
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<td>Video Lecture-Developing The Evidence for Trial</td>
<td>Assignment Due-June 5 @ 10:00PM</td>
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<td>Week VI The Trial</td>
<td>June 6-12</td>
<td>Text PP 247-308.</td>
<td>Video-Lethal Injection: The Hospital Murders</td>
<td>Elluminate Class-June 6 &amp; 9, 8:30 to 10:00</td>
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<td>Case Study-People v. Diaz</td>
<td>Video-Trial By Jury</td>
<td>Quiz-June 10-10:00PM</td>
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<td>Video Lecture-The Expert Witness at Trial</td>
<td>Assignment Due-June 12 @10:00PM</td>
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Module I: The Law: Fundamentals & Resources

Overview:

The purpose of the module is to provide an overview of American legal system, focusing primarily on the criminal case. Basic legal principles are reviewed. Sources of law are discussed, and the ability to locate basic legal references is developed. This module reviews the basic protections that American society has chosen to afford its citizens, and the responsibilities the citizens have to meet in order to warrant these protections. As you proceed through this module, consider carefully the fundamental protections that the law provides, and the limits of those protections. Ask yourself how far one individual may go in pursuing his/her own interests before the interests of the state step in to limit individual actions.

Learning Objectives:

- Discuss the original Laws of Hammurabi that served as the basis for the current criminal justice system.
- Describe the process through which the criminal laws have been implemented in the United States.
- Discuss the different types of laws from which criminal justice principles can be derived.
- List and discuss the essential elements of a crime.
- List and describe the basic legal resources that can be used to research criminal law.
- Outline a successful strategy for researching a legal problem.
- Locate relevant resources to address a legal question.
- Describe the taxonomy of legal resources under the state and federal systems.

Assignments:

- Read text pages 5-15 and 17-45.
- View the video: It’s the Law.
- View the video: Order in the Court.
- View the video lecture: Basic Legal Principles.
- Attend class on May 2 & 5.
- Take the quiz on May 6.
- Complete the class assignment due on May 8.
- Participate in Discussion Board discussions.
Module II: It is a Crime, or Substandard Medical Practice?

Overview:

The purpose of this module is to consider the difference between actions by a health care provider that can be considered criminal and outside the practice of health care, and those actions of a health care provider that can be considered substandard practice within the practice of health care. This module explores the bad things that can happen in medicine, either due to negligence or gross indifference, as opposed to those bad things that can happen due to intent to violate social norms and commit harm to another person. As you proceed through this module, ask yourself how you can tell the difference between harmful activities that occur due to poor medicine and harmful activities that occur outside the practice of medicine. What should the consequences be for these two different types of behavior?

Learning Objectives:

- Discuss the so-called “inchoate offenses” that occur when a crime is incomplete or failed.
- Describe the effect of being an accomplice to a crime.
- Discuss the concept of “intent” to commit a crime.
- Compare the different types of crimes; misdemeanors, felonies and infractions.
- Compare the different types of courts; civil, criminal, trial, appellate.
- Describe the recent additions to criminal law resulting from the Patriot Act and other anti-terrorism provisions.
- Discuss the distinction between manslaughter and murder.
- Distinguish assault and battery.
- Discuss crimes of abuse against children, the elderly and other vulnerable populations.

Assignments:

- Read text pages 70-80 & 81-100..
- Carefully evaluate the facts, rationale, conclusions and public policy implications of the case of People v Stuart.
- View the video: Bad Medicine.
- View the video lecture: Malpractice versus Criminal Practice.
- Attend class on May 9 & 12.
- Take the quiz on May 13.
- Complete the class assignment due on May 15.
- Participate in Discussion Board discussions.
Module III: Criminal Acts by Healers

Overview:

The purpose of this module is to dig deeply into two notorious cases of alleged physician criminal conduct toward elderly patients. In one case, the allegations turn out to be true, while in the other case the allegations turn out to be false. This module also describes the social context for judging allegations of physician misconduct and the social consequences of a betrayal of trust by a health care provider. As you proceed through this module, ask yourself how you can determine whether a trusted health care professional deserves that trust. At what point does peculiar activity turn into suspicious activity that rises to the level of a suspected crime? How should law enforcement respond to these suspicions?

Learning Objectives:

- Discuss the motivation of criminals to commit socially unacceptable actions.
- Describe the insanity defense as exculpation from criminal responsibility.
- Describe alcohol or drug intoxication as exculpation from criminal responsibility.
- Discuss the defense of coercion by another party after a crime has been committed.
- Discuss mistake as a defense to a criminal charge.
- Discuss self-defense and defense of property.
- Describe entrapment as a defense.
- Describe selective enforcement as a defense.

Assignments:

- Read text pages 103-134.
- Carefully evaluate the facts, rationale, conclusions and public policy implications of the case of Naramore v. State.
- View the video: A Questionable Doctor.
- View the video: Harold Shipman.
- View the video lecture: Betrayal of Trust by Health Care Providers.
- Attend class on May 16 & 19.
- Take the quiz on May 20.
- Complete the class assignment due on May 22.
- Participate in Discussion Board discussions.
Module IV: Pharmaceuticals as Weapons

Overview:

The purpose of this module is to describe how very safe and very effective pharmaceutical products, that save lives and relieve human suffering, can be turned into deadly weapons by people who have access to them and who know how to use them. The module describes the process through which investigators discover the drugs that have been used as weapons in a crime against persons, and how investigators establish a chain of custody linking the defendant with the drug used as a weapon. As you proceed through this module, ask yourself how health care institutions can control access to drugs that can be used for criminal activities. Who is responsible for anticipating the unexpected uses of drugs as weapons?

Learning Objectives:

- Discuss the delicate balance between the need to protect individual rights and the need to assure that criminals are apprehended before they can commit further crimes.
- Describe the right to be free from unreasonable search and seizures.
- Discuss the role of the confidential informant.
- Describe the conceptual basis of the search warrant.
- Describe the process for obtaining a search warrant.
- Discuss the execution of a search warrant.
- Describe the process for making a felony arrest.
- List the process for conducting a search incident to an arrest.
- Describe the conceptual basis for consent to a search.
- Describe the process for conducting an Internet search.

Assignments:

- Carefully evaluate the facts, rationale, conclusions and public policy implications of the case of James v. Nocona State Hospital.
- Carefully evaluate the facts, rationale, conclusions and public policy implications of the case of State v. Dendel.
- View the video: Oliver O’Quinn.
- View the video: Chaz Higgins.
- View the video lecture: Lethal Use of Safe Drugs.
- Attend class on May 23 & 26.
- Take the quiz on May 27.
- Complete the class assignment due on May 29.
- Participate in Discussion Board discussions.
Module V: Investigating the Crime

Overview:

The purpose of this module is to review the process through which crimes are investigated to develop evidence that will support a prosecution or the defense of an alleged criminal. This module reviews the rights of the alleged criminal, and the steps taken to assure that the defendant is presumed innocent until proven guilty. As you proceed through this module, ask yourself how a crime can be committed in such a way that the legal protections of American law inhibit the prosecution of a guilty party. Ask yourself also how the American legal system often makes it difficult, if not impossible, for a defendant to overcome the presumption that he/she must have done something or there would be no criminal prosecution.

Learning Objectives:

- Describe the process through which a criminal defendant is interrogated to develop evidence of guilt or innocence.
- Discuss the concept of a “confession” to a crime.
- List the fundamental principles underlying the concept of due process.
- List the rights of the accused in a criminal proceeding.
- Describe the process of jury selection.
- Discuss the “CSI effect” in criminal cases.
- Discuss the concept of discretionary plateaus in the enforcement of the law.
- Describe surveillance as an investigatory technique.
- Discuss the reliability of various approaches to law enforcement taken by local police.
- List the rules of evidence for a criminal prosecution.
- Discuss the different burdens of proof in legal actions.
- Describe the plea bargain process.
- Discuss the ethical expectations of prosecutors and defense counsel.

Assignments:

- Read text pages 135-199.
- Carefully evaluate the facts, rationale, conclusions and public policy implications of the case of People v. Klvana.
- View the video: How to Commit the Perfect Murder.
- View the video: Spring Dawn.
- View the video lecture: Developing Evidence for Trial.
- Attend class on May 30 & June 2.
- Take the quiz on June 3.
- Complete the class assignment due on June 5.
- Participate in Discussion Board discussions.
Module VI: The Trial

Overview:

The purpose of this module is to describe the trial of a criminal suspect. The module includes a consideration of appropriate and inappropriate conduct by the prosecution and the defense. The module also reviews the role of the expert witness who presents either factual or opinion evidence in a criminal trial. As you proceed through this module, ask yourself how your professional expertise could add value to a criminal trial. What are the limits to your ability to provide useful evidence in a criminal trial? What are the benefits of the insights you could offer in a criminal prosecution? What is the role of the judge and jury to critically evaluate the evidence they are given?

Learning Objectives:

- Discuss the right of defendants to competent legal counsel.
- Describe the function of the preliminary hearing.
- Discuss prosecution and defense strategy in a criminal case.
- List and describe common pretrial motions.
- Describe the courthouse as the setting for a criminal trial.
- Discuss effective techniques for jury selection.
- Discuss the process of the presentation of evidence at trial.
- Describe the role of the expert witness.
- Discuss appropriate objections to expert witness testimony.
- Discuss the use of exhibits by an expert witness.
- Describe the role of the jury in determining guilt or innocence.

Assignments:

- Read text pages 247-308.
- Carefully evaluate the facts, rationale, conclusions and public policy implications of the case of People v. Diaz.
- View the video: Lethal Injection—The Hospital Murders.
- View the video: Trial by Jury.
- View the video lecture: The Expert Witness at Trial.
- Attend class on June 6 & 9.
- Take the quiz on June 10.
- Complete the class assignment due on June 12.
- Participate in Discussion Board discussions.