

SYLLABUS
HEALTH LAW
SUMMER 2020
3 CREDIT HOURS

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PART 1: COURSE DETAILS

CONTACT INFORMATION

INSTRUCTOR

Instructor: Jessica Mantel

Office Hours: Online office hours by appointment

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Best way to contact: Email

Reply policy: I will try and respond to emails within 24 hours. If you do not receive a reply to your email within a reasonable period of time, please send it again. Sometimes email is captured by SPAM filter, is addressed incorrectly, or just simply does not get sent.

TECH SUPPORT

For technical support, please contact the Helpdesk at:

Phone: 800-472-8899

Email: support@lawstudentonline.com

COURSE DESCRIPTION

This course is an introduction to the regulation of the American health care system and the physician-patient relationship. Healthcare is one of the most regulated industries in the United States and currently accounts for approximately 18 percent of the U.S. gross domestic product. In addition, the industry is going through a tremendous restructuring in how health care is organized, delivered, and paid for, in part as a result of the Affordable Care Act (more commonly referred to as “Obamacare”) and in part due to market forces and technological developments. This course provides students with an understanding of the laws governing the physician-patient relationship and how the health care system is currently organized, financed, and regulated.

The first part of the course examines physicians’ professional relationships with patients, hospitals and other health care institutions, the various ways in which the U.S. regulates the quality of care provided by physicians and health care institutions, and physicians’ and hospitals’ duty to provide care to patients seeking their services. The second part of the course focuses on health insurance. Specifically, we will discuss the regulation of private health insurance, the public insurance programs Medicare and Medicaid, and health care reform. We conclude the course with an introduction to the business of health care and the fraud and abuse laws.

COURSE LEARNING OUTCOMES

Upon completion of this course, students will be able to:

- Demonstrate a basic knowledge of the laws and policies governing the physician-patient relationship, health providers’ liability for substandard care, professional relationships between physicians and hospitals, health insurance, Medicare, Medicaid, and health care fraud.
- Analyze and discuss the underlying policy goals of health law, including promoting quality care, constraining health care costs, and ensuring access to care.
- Examine the ongoing transformation of how health care is organized, delivered, and paid for.
- Evaluate the respective roles of, and interaction between, federal and state agencies regulating health care.

PART 2: MATERIALS AND COURSE REQUIREMENTS

READINGS

REQUIRED TEXT

Barry R. Furrow, et al., Health Law: Cases, Materials and Problems (Abridged 8th ed.) (2018)

Additional materials will be posted in D2L.

TECHNOLOGY REQUIREMENTS

Students are expected to meet basic technology requirements to successfully participate in this online course. Failure to meet these requirements may result in problems accessing the course materials. It is the student's responsibility to ensure all requirements are met prior to the start of the course.

- Access to the Internet is required. While any browser can be used, Firefox and Chrome are recommended.
- Access to the LMS (D2L) and Online Office Hours Tool (Zoom). See [Part 4: Accessing the Course](#) for more details.

- You will need the capability to speak and hear so you can watch videos and participate in the live online office hours. Make sure that the device you plan to use has a microphone and speaker or that you have access to a headset. A webcam is optional but not required.

PART 3: COURSE SCHEDULE

Any change related to the course schedule will be communicated to the students through an announcement and by modifying this document.

Each module and the related discussion board will open at 12:01 am EDT on the Saturday before the week in which the module is covered.

Assignments and Discussions

- Assignments:** All assignments are due by 11:59 pm EDT on Sunday of the assigned week.
- Discussions:** Original discussions posts are due by 11:59 pm EDT on Thursday of the assigned week. All discussion replies are due by 11:59 pm EDT on Sunday of the assigned week.

Week	Module	Topics	Readings	Assignments Due
Week 1 5/23-5/31	Module 01	<ul style="list-style-type: none"> Course Overview History of US Healthcare 	No assigned readings	None
		<ul style="list-style-type: none"> Introduction to Health Care Policy Concerns 	<ul style="list-style-type: none"> pp. 1-6, 371-385 (Cost, Quality, Access and Choice) David M. Eddy, <i>Clinical Decision Making: From Theory to Practice</i> (1996) (excerpt) 	
	Module 02	<ul style="list-style-type: none"> Physician Medical Malpractice 	<ul style="list-style-type: none"> pp. 155-174, 181-182 (Standard of Care Exceptions) Guideline example (skim this) pp. 559-569 	Discussion #1, #2, #3 ○ Original post: 5/28 ○ Responses: 5/31 Written Assignments #1 and #2: 5/31
		<ul style="list-style-type: none"> Staff Privileges & Hospital-Physician Contracts 	<ul style="list-style-type: none"> <i>St. John’s Hospital Medical Staff vs. St. John Regional Medical Center</i>, 245 N.W.2d 472 (S.D. 1976) pp. 570-577 p. 35 (Note: The National Practitioner Data Bank) 	
<ul style="list-style-type: none"> Physician Licensure 	<ul style="list-style-type: none"> pp. 27-31 			

Week	Module	Topics	Readings	Assignments Due
Week 2 5/30-6/7	Module 03	<ul style="list-style-type: none"> Liability of Health Institutions in Tort 	<ul style="list-style-type: none"> Atul Gawande, <i>The Checklist: If Something So Simple Can Transform Intensive Care, What Else Can it Do?</i>, NEW YORKER, December 10, 2007 <i>Adamski v. Tacoma Johnson v. General Hospital</i>, 579 P.2d 970 (Wash. Ct. App. 1978) <i>Darling v. Charleston Community Memorial Hosp.</i>, 211 N.E.2d 253 (Ill. 1965) <i>Johnson v. Misericordia Community Hosp.</i>, 301 N.W.2d 156 (Wis. 1981) 	Discussion #1, #2 <ul style="list-style-type: none"> Original post: 6/4 Responses: 6/7 Written Assignment: 6/7
		<ul style="list-style-type: none"> Private Accreditation of Health Care Institutions 	<ul style="list-style-type: none"> pp. 83-85 JCAHO Fact Sheets: Joint Commission 	
		<ul style="list-style-type: none"> Government Regulation of Health Care Institutions 	<ul style="list-style-type: none"> pp. 59-67, 73 (Enforcement: Inspections and Sanctions), pp. 81-83 (notes and questions) 	
	Module 04	<ul style="list-style-type: none"> New Approaches to Promoting Quality 	<ul style="list-style-type: none"> Lucian Leape, <i>Error in Medicine</i>, 272 JAMA 1851 (1994) (excerpt) Institute of Medicine, <i>To Err is Human: Building a Safer Health System</i> (2020) (excerpt) pp. 390 -91 (Value-Based Purchasing), 492-493 	Discussion #1 <ul style="list-style-type: none"> Original post: 6/4 Responses: 6/7
Week 3 6/6-6/14	Module 05	<ul style="list-style-type: none"> Informed Consent 	<ul style="list-style-type: none"> pp. 100-110 (skip Decision Aids), 119-120 	Discussions #1, #2 <ul style="list-style-type: none"> Original post: 6/11 Responses: 6/14 Written Assignment #1 and #2: 6/14
		<ul style="list-style-type: none"> Patient Confidentiality 	<ul style="list-style-type: none"> pp. 131-152 	
Week 4 6/13-6/21	Module 06	<ul style="list-style-type: none"> Physician Abandonment 	<ul style="list-style-type: none"> pp. 263-269 	Written Assignment #1: 6/21 Written Assignment #2: 6/21
		<ul style="list-style-type: none"> EMTALA 	<ul style="list-style-type: none"> pp. 269-282 	
		<ul style="list-style-type: none"> Tax-Exempt Hospitals 	<ul style="list-style-type: none"> pp. 641-650, 601-609 	

Week	Module	Topics	Readings	Assignments Due
Week 5 6/20-6/28	Module 07	<ul style="list-style-type: none"> Introduction to Managed Care 	<ul style="list-style-type: none"> pp. 8-11, 368-71, 386-89 (skip integrated care delivery) 	Discussion #1, #2 <ul style="list-style-type: none"> Original post: 6/25 Responses: 6/28 Written Assignment: 6/28
		<ul style="list-style-type: none"> Contract and Tort Liability for Insurers 	<ul style="list-style-type: none"> <i>Lubeznik v. HealthChicago, Inc.</i> (excerpt) pp. 244-251 <i>Wickline v. State</i> (excerpt) pp. 251-52 (skip Problem: Wanting the Best) 	
		<ul style="list-style-type: none"> Direct Regulation of Managed Care by States 	<ul style="list-style-type: none"> pp. 475-78 	
	Module 08	<ul style="list-style-type: none"> The Affordable Care Act 	<ul style="list-style-type: none"> pp. 363-368 pp. 407-431 (skip Corporate Wellness Act), 436-37 (skip consumer choice) ACA litigation update and recent executive actions 	None
Week 6 6/27-7/5	Module 09	<ul style="list-style-type: none"> Medicare 	<ul style="list-style-type: none"> pp. 482-508 (skip problems) 	None
		<ul style="list-style-type: none"> Medicaid 	<ul style="list-style-type: none"> pp. 508—511, 518-524, 527-530 (skip exercise), 533-540, 541-42 (Sec. III.D) 	
	Module 10	<ul style="list-style-type: none"> Fraud and Abuse Laws 	<ul style="list-style-type: none"> False Claims: pp. 653-72 Anti-Kickback Statute: 686-703 Stark Law: p. 709-26 (skip Stark Law Problem) 	Written Assignment #1: 7/5
FINAL EXAM	July 6 – July 10.			

PART 4: ACCESSING THE COURSE

TIME ZONES

Please note that this course is setup to run in the Eastern Time zone. Check your syllabus for all assignment deadlines. Modules close on Sundays at 11:59 PM ET.

Eastern	Central	Mountain	Pacific
11:59 PM	10:59 PM	9:59 PM	8:59 PM

Daylight Saving Time (DST): Daylight Saving Time may impact when your assignments are due.

As a student in a distance education course, it is your responsibility to learn and observe the time deadlines for assignments. Late work will not be accepted due to time zone differences.

COURSE SITE (D2L)

The course will be taught entirely online in an asynchronous environment using the Learning Management System (LMS) – Desire2Learn (D2L).

The course is designed to give students a dynamic online learning experience. Students will receive notice of a student orientation which will familiarize them with the basics of navigating the LMS platform. Students will also receive their log in information (username and password) via email.

To access the course:

1. Go to <https://mycourses.lawonline.me>.
2. To login, enter the username and password provided via email.
3. Locate and click on the course name under *My Courses*.

NOTE: If you have trouble logging in, please contact the Helpdesk at 800-472-8899 or via email support@lawstudentonline.com

OFFICE HOURS VIA ZOOM MEETINGS

Online office hours will be available through Zoom Online Rooms. Students will have the opportunity to speak with the instructor during these office hours. Students can also choose to share their web cam or share documents with the instructor via the online rooms.

The Zoom meeting may be accessed using the link located under the “online room” tab of the navigation bar.

PART 5: COURSE STRUCTURE

OVERVIEW

This course will be structured in modules. Plan on spending approximately 15-20 hours per week.

The course is organized around a weekly schedule that will begin each Saturday 12:00 AM ET and end the following Sunday 11:59 PM ET. Any assignments for a given topic will normally be due at the end of the weekly period unless otherwise indicated. **Please refer to the “Course Schedule” for due dates and times.**

CONTENT DELIVERY

COURSE LECTURES

There will be 120-150 minutes of course lecture videos to watch each week. These videos will be linked to from the course site.

READINGS

These will be readings from the required text and supplemental readings linked to the course site. You should expect to spend around 10-15 hours completing the readings each week.

ASSIGNMENTS AND ACTIVITIES

ASSIGNMENTS

Most weeks, there will be 1 or 2 individual written assignments. All assignment must be submitted within the course using the assignment dropbox tool. You should expect to spend at least 2-4 hours per week on these assignments.

DISCUSSION BOARD

In general, 1-3 questions will be posted to the discussion board each week.

If the class size is large enough to permit splitting the class into two groups, you will be assigned to either Group A or Group B. Group A is expected to post direct responses (or an “original post”) to each of the discussion questions assigned to Group A, and respond to two or more of your classmate's contributions for each of the discussion questions assigned to Group B. Similarly, Group B is expected to post direct responses (or an “original post”) to each of the discussion questions assigned to Group B, and respond to two or more of your classmate's contributions for each of the discussion questions assigned to Group A. Students in Group A may also respond to a classmate’s contribution to a discussion question assigned to Group A, and students in Group B may also respond to a classmate's contribution to a discussion question assigned to Group B. Unless otherwise indicated by the Professor, the original postings must be completed by the end of the day on Thursday and the responses to your classmates’ comments must be posted by the end of the day on Sunday. If class size is not large enough to split the class into two groups, you will be expected to do an original post for each discussion question.

Your answers should demonstrate a mastery of the material assigned at that point in the course. Review the grading criteria and “Discussion Board Guidelines” to ensure maximum credit. You should expect to spend at least 1-2 hours per week on the discussion boards.

FINAL EXAM

The exam will take the form of a take-home written exam, which will be a combination of short answer and issue spotters. You will have 24 hours to complete the exam after downloading the exam. Additional information about the final exam can be found within the course in the “Final Exam” module.

PART 6: STUDENT RESPONSIBILITIES

MANAGING YOUR STUDIES

The following attributes will greatly contribute to your success in this course.

- *Be self-motivated.* You should be able to manage and direct your own learning environment and methods to fulfill course requirements and achieve individual academic success.
- *Be an independent learner.* Successful online students are self-starters. They work well with the flexibility that the 24/7 any time--any place format provides. You should be able to learn on your own and at an accelerated pace without direct supervision.

- *Have a minimum level of computer literacy.* Although it is not essential to have advanced computer skills, you should possess a working knowledge of email, the Internet, as well as basic keyboarding skills.
- *Manage your time well.* You must be able to organize and plan your own best "time to learn." There is no one best time for everyone, but the key to success is to make the time to learn.
- *Acquire effective communication skills.* You must use email and discussions to communicate with your peers and me. The ability to read and to write clearly to communicate ideas and assignments is essential. Also, sharing reflections - of your own work as well as your course mates' - is a crucial component of a successful experience. This method provides you with rapid feedback as well to inform me of any concerns or problems that you may be experiencing.
- *Be personally committed to successfully completing this online course.* Because of the flexibility in scheduling in this course, you must have a strong desire to learn and acquire knowledge and skills via online courses. Making a commitment to learn in this manner is a very personal decision and requires a strong desire to perform to achieve academic success.

RESPECTING THE ACADEMIC COMMUNITY

Netiquette consists of the rules and guidelines for acceptable behavior in electronic communication. Remember, while working in an online course you are in an academic setting and should conduct yourself accordingly.

All students are expected to follow netiquette guidelines as outlined below:

- You are not text messaging friends. This means text message acronyms (such as LOL, IMHO, BCNU, etc.) are not acceptable. Express yourself with proper spelling, grammar, and punctuation.
- Out of respect for your fellow course mates' and instructor's time, keep your communications as clear, straightforward, and concise as possible.
- Use appropriate mixed case text; avoid using all lowercase or all uppercase text (SHOUTING).
- You are your words. Your communication in an online course represents you. Always review and edit your communication before submitting.
- Give respect to your classmates. Be courteous, respectful of other opinions, sensitive to diversity, and polite.
- Respect other people's privacy. Do not share other individual's personal information (i.e., e-mail addresses, phone numbers, etc.) without permission.
- It's okay to disagree with someone's opinion or constructively criticize an idea. It is never okay to personally attack another student. Debate the idea; do not attack the person.
- Free speech is not an absolute right in an online course.
- Obey copyright laws and cite others' work appropriately

INSTRUCTOR EXPECTATIONS OF STUDENTS

- Students are expected to keep up with the class, to read the required readings, to watch the required recordings, and to submit assignments by Sunday at 11:59 pm EST the week the topic is covered.
- Students should log on to D2L at least every other day to check for announcements, tests, and the final exam.

- Students are expected to independently complete all activities, assignments, tests, and the final exam.
- Students are expected to read the required readings each week before reviewing the lectures and completing the assignments.
- To receive maximum points for questions, students need to follow the instructions carefully and use Spell Check. There will be deductions if these guidelines are not followed.

PART 7: GRADES AND GRADING POLICIES

GRADED COURSE ACTIVITIES

The following formula will be used to calculate your final grade:

Description	Percentage of Final Grade
Assignments	20%
Discussion Questions	10%
Final Exam	70%

GRADING SCALE

Your grade will conform to your school's grading policy as to whether +s and –s is given to any applicable grading curve.

GRADING POLICIES

Students are expected to submit assignments on time. Late assignments submitted between 24-48 hours of the deadline will be penalized 10%. Assignments submitted between 48-72 hours of the deadline will be penalized 20%. No assignments will be accepted 74 hours beyond the deadline. Deductions will occur when directions are not followed.

PART 8: OTHER COURSE POLICIES

See school policies on matters of Academic Integrity and Student Conduct. Matters involving integrity or Honor Code issues will be transmitted to school administration.

ATTENDANCE

This course is delivered asynchronously to accommodate students' other life obligations. Students must access each lecture for an appropriate amount of time, participate substantively in the discussion boards, and complete written assignments and the Final Exam by set due dates. Students' attendance responsibilities follow school policy. The professor reserves the right to make a downward adjustment to a student's grade for failure to access more than 15% of the lectures, and to fail any student for failure to access more than 30% of the lectures. Any questions will be referred to school's administration.

SPECIAL ACCOMMODATIONS

Contact school about requests for special accommodations and ask that they send granted accommodations to support@lawstudentonline.com

PART 9: COURSE TOPICS

The following is a list of topics which will be covered in the course. Please refer to the course schedule (a separate document) for details on topics, assignments, and due dates. Any change related to the course schedule will be communicated to the students through an announcement to all students or by modifying the course syllabus and notifying students of the modified syllabus.

Module	Topics of Study
1	Introduction
2	Physician Medical Malpractice Staff Privileges and Hospital-Physician Contracts Physician Licensure
3	Liability of Health Institutions in Tort Private Accreditation of Health Care Institutions Government Regulation of Health Care Institutions
4	New Approaches to Promoting Quality
5	Informed Consent Patient Confidentiality
6	Physician Abandonment EMTALA Tax-Exempt Hospitals
7	Introduction to Managed Care Contract and Tort Liability for Insurers Direct Regulation of Managed Care by States
8	The Affordable Care Act
9	Medicare Medicaid
10	Fraud and Abuse Laws