

SYLLABUS  
**HEALTHCARE COMPLIANCE**  
 SUMMER 2020  
 3 CREDIT HOURS

## Table of Contents

PART 1: COURSE DETAILS.....	1
PART 2: MATERIALS AND COURSEREQUIREMENTS.....	2
PART 3: COURSE SCHEDULE.....	3
PART 4: ACCESSING THE COURSE.....	6
PART 5: COURSE STRUCTURE.....	7
PART 6: STUDENT RESPONSIBILITIES.....	8
PART 7: GRADES AND GRADING POLICIES.....	10
PART 8: OTHER COURSE POLICIES.....	11
PART 9: COURSE TOPICS.....	11

## PART 1: COURSE DETAILS

### CONTACT INFORMATION

#### INSTRUCTOR

**Instructor:** Professor Kuszler

**Office Hours:** Online office hours are by appointment. Please email support@lawstudentonline.com to request a time.

**Phone:** 800-472-8899

**E-mail:** support@lawstudentonline.com

**Best way to contact:** Email for office hours

**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, 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](mailto:support@lawstudentonline.com)

### COURSE DESCRIPTION

This course provides an overview of healthcare compliance from conceptual, substantive, and operational perspectives. Students will explore the need for compliance programs within

healthcare organizations. The course will provide an overview of the federal laws that generate the most significant compliance obligations, including False Claims Act, Anti-Kickback Statute, Stark Law, HIPAA, HITECH, antitrust laws, EMTALA, and tax laws. Students will also examine legal and practical issues related to the operation of a compliance program.

## COURSE LEARNING OUTCOMES

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

- Explain the role of compliance in healthcare organizations and the benefits of an effective compliance program.
- Describe the federal laws creating compliance obligations for healthcare organizations.
- Identify and analyze the compliance challenges that federal laws create for healthcare organizations.
- Explain the roles that boards, management, compliance officers and legal counsel play in compliance programs.
- Identify and explain the elements necessary for an effective compliance program.
- Identify and analyze issues arising from the operation of a compliance program.

## PART 2: MATERIALS AND COURSE REQUIREMENTS

### READINGS

#### REQUIRED TEXT

Health Care Compliance, Custom Edition, University of Pittsburgh School of Law Second Edition (“HCC Reader”), available for purchase at

The textbook can be [purchased](#) here.

### TECHNOLOGY REQUIREMENTS

Students are expected to meet basic technology requirements to successfully participate in this online course. Failure to meet these requirements may cause 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 D2L and Zoom Meetings
- 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(s) you will be using have a microphone and speakers or that you have access to a headset. A webcam is optional but not required.
- I may use Zoom Meetings to conduct live office hours with students, when needed. To join the online classroom, you will need to just follow the link posted in the course.

## PART 3: COURSE SCHEDULE

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

Each module and the related discussion board will open at 12:00 am ET on the Saturday before the week in which the module is covered.

### Assignments and Discussions

- **Assignments/Quizzes:** All assignments and quizzes are due by 11:59 pm ET on Sunday of the assigned week.
- **Discussions:** Original discussions posts are due by 11:59 pm ET on Friday of the assigned week. All discussion replies are due by 11:59 pm ET on Sunday of the assigned week.

Week	Module	Readings/Assignments	Due Dates
<b>Week 1</b> 5/23-5/31	Modules 1-3	<ul style="list-style-type: none"> <li>• Reading Assignments:               <ul style="list-style-type: none"> <li>o Robert I. Field, Health Care Regulation in America: Complexity, Confrontation, and Compromise (2007) – Chapter 1</li> <li>o 2014 International Profiles of Health Care Systems, pp. 153-161 (The U.S. Health Care System, 2014)</li> <li>o Louis Goodman &amp; Tim Norbeck, Healthcare is Turning Into an Industry Focused on Compliance, Regulation Rather than Patient Care, Forbes (2013)</li> <li>o Fred Schulte, Audits of Some Medicare Advantage Plans Reveal Pervasive Overcharging, NPR, Aug. 29, 2016</li> <li>o HCC Reader, pp. 3-21</li> <li>o HCC Reader, pp. 128-133</li> <li>o Federal Sentencing Guidelines for Organizations (focus on §8B2.1 in Chapter 8 and accompanying commentary)</li> <li>o Establishing an Effective Compliance Program: An Overview to Protecting Your Organization</li> <li>o OIG, Fiscal Year Work Plan, Mid-Year Update, 2016, pp. 50-54</li> <li>o OIG Compliance Program Guidance (select two from the following list to skim: nursing facilities, home health agencies, hospice, hospitals, pharmaceutical manufacturers, and physicians)</li> <li>o HHS and DOJ, Health Care Fraud and Abuse Control Program Annual Report for Fiscal Year 2015, read pp. 1-11, skim 12-35</li> </ul> </li> <li>• Course Lecture Recording(s) 1-9</li> <li>• Videos: Compliance Oversight for Health Care Leaders, Press Conference on National Healthcare Fraud Takedown</li> <li>• Three Discussion Board Assignments: Introduction, M01, M02, M03</li> <li>• Two Written Dropbox Assignments: M01, M02, M03</li> <li>• Quiz: M03</li> </ul>	<ul style="list-style-type: none"> <li>• Original discussion responses due <b>5/29</b></li> <li>• Discussion replies and all other assignments due <b>5/31</b></li> </ul>

Week	Module	Readings/Assignments	Due Dates
<b>Week 2</b> 5/30-6/7	Module 4	<ul style="list-style-type: none"> <li>Reading Assignments: HCC Reader pp. 59-103</li> <li>Course Lecture Recording(s) 10-15</li> <li>Discussion Board Assignment: M04</li> <li>Two Written Dropbox Assignments: M04 assignment 1 and 2</li> </ul>	<ul style="list-style-type: none"> <li>Original discussion responses due <b>6/5</b></li> <li>Discussion replies and All other assignments due <b>6/7</b></li> </ul>
	Module 5	<ul style="list-style-type: none"> <li>Reading Assignment: HCC Reader, pp. 105-133</li> <li>Course Lecture Recording(s) 16-19</li> <li>Discussion Board Assignment: M05</li> <li>Two Written Dropbox Assignments: M05 assignment 1 and 2</li> </ul>	<ul style="list-style-type: none"> <li>Original discussion responses due <b>6/5</b></li> <li>Discussion replies and all other assignments due <b>6/7</b></li> </ul>
<b>Week 3</b> 6/6-6/14	Module 6	<ul style="list-style-type: none"> <li>Reading Assignments: <ul style="list-style-type: none"> <li>HCC Reader, pp. 135-221</li> <li>Eric B. Gordon &amp; Daniel H. Melvin, <i>Deconstructing Tuomey: 25 Years on, Is it Time for Congress to Revisit the Stark Law?</i></li> </ul> </li> <li>Course Lecture Recording(s) 20-23</li> <li>Discussion Board Assignment: M06</li> <li>Written Dropbox Assignment: M06</li> </ul>	<ul style="list-style-type: none"> <li>Original discussion responses due <b>6/12</b></li> <li>Discussion replies and all other assignments due <b>6/14</b></li> </ul>
	Module 7	<ul style="list-style-type: none"> <li>Reading Assignments: <ul style="list-style-type: none"> <li>HHS, ONC (2015), <i>Guide to Privacy and Security of Electronic Health Information</i> (skim)</li> <li>Largest Ever HIPAA Settlement: Advocate Health to Pay OCR \$5.5 Million</li> </ul> </li> <li>Course Lecture Recording(s) 24-29</li> <li>Video: Security 101: Security Risk Analysis</li> <li>Discussion Board Assignment: M07</li> <li>Two Written Dropbox Assignments: M07 assignment 1 and 2</li> <li>Quiz: M07</li> </ul>	<ul style="list-style-type: none"> <li>Original discussion responses due <b>6/12</b></li> <li>Discussion replies and all other assignments due <b>6/14</b></li> </ul>
<b>Week 4</b> 6/13-6/21	Module 8	<ul style="list-style-type: none"> <li>Reading Assignments: <ul style="list-style-type: none"> <li>HCC Reader, pp. 223-258</li> <li>DOJ and FTC Issue Policy Statement on Antitrust Enforcement of ACOs</li> </ul> </li> <li>Course Lecture Recording(s) 30-34</li> <li>Video: The ABCs of ACOs</li> <li>Discussion Board Assignment: M08</li> <li>Written Dropbox Assignment: M08</li> <li>Quiz: M08</li> </ul>	<ul style="list-style-type: none"> <li>Original discussion responses due <b>6/19</b></li> <li>Discussion replies and all other assignments due <b>6/21</b></li> </ul>
	Module 9	<ul style="list-style-type: none"> <li>Reading Assignments: <ul style="list-style-type: none"> <li>HCC Reader, pp. 259-270 (read), 270-281 (skim)</li> <li>Conder, <i>Lessons Learned from EMTALA Enforcement</i></li> <li>Winton, <i>L.A. City Atty. Mike Feuer Vows To Crack Down On 'Patient Dumping</i></li> <li>Gail Holland, <i>Glendale Hospital To Pay \$700,000 In Skid Row Patient- Dumping Suit</i></li> <li>Steve Tetreault, <i>Nevada Flaws Aired At 'Patient Dumping' Session</i>, Las Vegas Review Journal</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Original discussion responses due <b>6/19</b></li> <li>Discussion replies and all other assignments due <b>6/21</b></li> </ul>

Week	Module	Readings/Assignments	Due Dates
		<ul style="list-style-type: none"> <li>• Course Lecture Recording(s) 35-38</li> <li>• Discussion Board Assignment: M09</li> <li>• Written Dropbox Assignment: M09</li> </ul>	
	Module 10	<ul style="list-style-type: none"> <li>• Reading Assignments: <ul style="list-style-type: none"> <li>○ HCC Reader, pp. 283-311</li> <li>○ Protecting your Hospital's Tax-Exempt Status: Compliance with the Affordable Care Act and Final IRS Section 501(r) Regulations</li> </ul> </li> <li>• Course Lecture Recording(s) 39-42</li> <li>• Discussion Board Assignment: M10</li> <li>• Written Dropbox Assignment: M10</li> </ul>	<ul style="list-style-type: none"> <li>• Original discussion responses due <b>6/19</b></li> <li>• Discussion replies and all other assignments due <b>6/21</b></li> </ul>
<b>Week 5</b> 6/20-6/28	Module 11	<ul style="list-style-type: none"> <li>• Reading Assignments: <ul style="list-style-type: none"> <li>○ HCC Reader, pp. 21-55</li> <li>○ Court Expands Duty to Corporate Officers and General Counsel to Implement Compliance and Ethics Programs</li> <li>○ Stark, The Board's Role in Compliance and Risk Management: Lessons from Recent Decisions Revisiting 'Caremark' and its Progeny</li> <li>○ Sample Job Description, Chief Compliance Officer</li> <li>○ Pfizer, Regulatory and Compliance Committee Charter</li> </ul> </li> <li>• Course Lecture Recording(s) 43-47</li> <li>• Discussion Board Assignment: M11</li> <li>• Two Written Dropbox Assignments: M11 assignment 1 and 2</li> </ul>	<ul style="list-style-type: none"> <li>• Original discussion responses due <b>6/26</b></li> <li>• Discussion replies and all other assignments due <b>6/28</b></li> </ul>
	Module 12	<ul style="list-style-type: none"> <li>• Reading Assignments: <ul style="list-style-type: none"> <li>○ Meeting the Challenge of Adequately Addressing Numerous Compliance Risks</li> <li>○ CMS, Sample Checklists for Conducting internal Monitoring and Auditing</li> <li>○ OIG, Fiscal Year Work Plan, Mid-Year Update, 2016, skim pp. i-vii and 1-7</li> </ul> </li> <li>• Course Lecture Recording(s) 48-49</li> <li>• Discussion Board Assignment: M12</li> <li>• Written Dropbox Assignment: M12</li> </ul>	<ul style="list-style-type: none"> <li>• Original discussion responses due <b>6/26</b></li> <li>• Discussion replies and all other assignments due <b>6/28</b></li> </ul>
<b>Week 6</b> 6/27-7/5	Module 13	<ul style="list-style-type: none"> <li>• Reading Assignments: <ul style="list-style-type: none"> <li>○ Gabriel L. Imperato, Internal Investigations, Government Investigations, Whistleblower Concerns: Techniques to Protect Your Health Care Organization, 51 Ala. L. Rev. 205 (Fall 1999). [access using Westlaw or LEXIS]</li> <li>○ Are You My Lawyer? – Upjohn and the "Corporate Miranda Warnings" during Government Investigations</li> </ul> </li> <li>• Course Lecture Recording(s) 50-52</li> <li>• Video: Sacred Heart Hospital Scandal</li> <li>• Discussion Board Assignment: M13</li> <li>• Written Dropbox Assignment: M13</li> </ul>	<ul style="list-style-type: none"> <li>• Original discussion responses due <b>7/3</b></li> <li>• Discussion replies and all other assignments due <b>7/5</b></li> </ul>

Week	Module	Readings/Assignments	Due Dates
		<ul style="list-style-type: none"> <li>Quiz: M13</li> </ul>	
	Module 14	<ul style="list-style-type: none"> <li>Reading Assignments:                             <ul style="list-style-type: none"> <li>HCC Reader, pp. 315-354</li> <li>Eliza Andonova &amp; Andrew Furlow, <i>The OIG's Revised and Expanded Self-Disclosure Protocol: Increased Transparency by the Government SDP Protocol Publicly Acknowledges How the OIG Approaches Calculations</i>, 15 J. Health Care Compliance 5 (2013)</li> </ul> </li> <li>Course Lecture Recording(s) 53-56</li> <li>Discussion Board Assignment: M14</li> <li>Written Dropbox Assignment: M14</li> </ul>	<ul style="list-style-type: none"> <li>Original discussion responses due <b>7/3</b></li> <li>Discussion replies and all other assignments due <b>7/5</b></li> </ul>
	Module 15	<ul style="list-style-type: none"> <li>Reading Assignment:                             <ul style="list-style-type: none"> <li>Ethics &amp; Compliance Initiative, Principles and Practices of High-Quality Ethics &amp; Compliance Programs, read pp. 7-16</li> <li>Skim pp. 17-35</li> </ul> </li> <li>Course Lecture Recording(s) 57-58</li> <li>Video: OIG, Tips for Implementing an Effective Compliance Program</li> <li>Discussion Board Assignment: M15</li> <li>Written Dropbox Assignment: M15</li> </ul>	<ul style="list-style-type: none"> <li>Original discussion responses due <b>7/3</b></li> <li>Discussion replies and all other assignments due <b>7/5</b></li> </ul>
<b>FINAL EXAM</b>	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 assignments deadlines. Please be mindful of the time zone differences:

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

Daylight Saving Time: Daylight Saving Time (DST) 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 – 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 you with the basics of navigating this platform. Students will also receive their log in information (username and password) via

email.

To access the course:

- Go to: <https://mycourses.lawonline.me>.
- Enter the username and password you have been provided.
- Locate and click on the course name under *My Courses*.

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

## OFFICE HOURS VIA ZOOM

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

To join the online office hours, you will need to click the link located in the Online Room section of the course.

## PART 5: COURSE STRUCTURE

### OVERVIEW

The course is organized into fifteen units called modules. Modules will typically consist of the following:

- Readings
- Videos (lectures and other videos)
- Discussion Question(s)
- Assignment
- Quiz

Students should pay close attention to the Course Schedule to keep track of due dates for the Discussion Question(s), Assignment(s), and quiz for each module.

### CONTENT DELIVERY

- Readings: Your readings will include assignments from the HCC Reader, as well as PDFs and sources linked out to from the course site. Unless otherwise indicated in the instructions for a module, you should complete all assigned readings for a module before viewing the video lectures for the module.
- Course Lectures. There will be approximately 150 minutes on average of course lecture videos to watch each module. With approximately two-three modules assigned each week. These videos will be linked to from the course site.

## ASSIGNMENTS AND ACTIVITIES

- **Discussion Board:** Online discussion is an important part of this course. Discussion Questions related to the content in each Module will be posted on the Discussion Board at the beginning of the Module. Students are expected to post their own responses to each question (by the mid-week Friday deadline—**see Course Schedule**). In addition, students should comment on the response of at least one classmate (by the end-of-week Saturday Deadline—See **Course Schedule** for more details).
- Postings should be thoughtful and substantial, integrating the course readings and your own analysis, and should demonstrate mastery of the material assigned at that point in the course. Review the grading criteria to ensure maximum credit. (See the “Getting Started” module for more instructions on discussion board posting.)
- **Assignments.** Modules will typically also include an Assignment. These Assignments will call for written responses to questions or problems based on the assigned reading and/or videos for the Module. Some Assignments may require a modest amount of online research. The Assignments will not be individually graded, but submitting each Assignment on time is mandatory, and a portion of your grade will reflect whether you have completed Assignments in good faith (in the instructor’s judgment).
- **Quizzes:** Some Modules include short quizzes that include short answer questions. These quizzes are open book.
- **Final Exam.** The final exam will be 3 hours and will consist of short answers and essay questions. Students can use any materials that they prepared during the course, e.g., notes, outlines, etc., as well as the book. Your final exam will be proctored through an automated online service that verifies your identity and records you taking your exam through your webcam. As your Final Exam approaches, additional details related to the Final Exam itself and exam administration will be available in the Final Exam Information 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 in order 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 as a means 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 in order 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 others 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 respond to Discussion Questions, submit Assignments, and take quizzes by the applicable deadlines.
- 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 questions, assignments, quizzes, and the final exam. Students should not discuss any of these with other students prior to submitting their own work.
- Students are expected to read the required readings each week before reviewing the lectures.
- To receive maximum points for questions, students should follow the instructions carefully, follow word limits as instructed, and use Spell Check. There will be deductions if these guidelines are not followed.

As the instructor, I will seek to review your work and provide feedback on a timely basis. While I will occasionally provide feedback on Discussion Questions directly to individual students, I will typically post a message that responds to the class's responses overall.

## PART 7: GRADES AND GRADING POLICIES

### GRADED COURSE ACTIVITIES

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

Percentage	Description
10%	Quizzes
15%	Discussion Questions
15%	Assignments (unscored, with credit granted based on good faith completion)
60%	Final exam including essay and short answer questions

### GRADING SCALE

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

### GRADING POLICIES

Students are expected to submit responses to Discussion Questions and Assignments on time. Late submissions within 12 hours of the deadline will be penalized 10%. Late submissions within 24 hours of the deadline will be penalized 20%. No submissions will be accepted 24 hours beyond the deadline. I reserve the right to take deductions for the failure to follow instructions.

## 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 Case Problem Assignments, and complete the Final Exam by set due dates. Students' attendance responsibilities follow school policy. 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](mailto: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 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.

	Topic
1	Intro to Healthcare Regulation; The Board's Responsibility for Compliance; The "Seven Elements," Agencies, and Enforcement
2	False Claims Act; Ant-Kickback Statute
3	Stark Law; Privacy and Security Laws
4	Antitrust Laws; EMTALA; Tax Laws
5	Compliance Roles and Responsibilities; Auditing, Monitoring, and Risk Assessment
6	Investigations and Privileges; Self-Disclosures, Repayments, and Corporate Integrity Agreements; Conclusion – Effective, Ethical Compliance Programs