



HPM 710—Section 001 Health Law

(Credit Hours: 3)

Department of Health Policy and Management
UNC Gillings School of Global Public Health

Fall 2018 Syllabus and Course Schedule

Class Location: Room 2301 McGavran-Greenberg Hall

Meeting Times: Tuesdays and Thursdays 9:30-10:45 AM

Faculty: Dean M. Harris
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Greenberg Hall
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TA: Erin Bennett
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Phone: (919) 966-7361

Phone:

Office Hours: By appointment

Office Hours: N/A

Course Overview

The course is designed to provide students with an overview of law and the legal system as they relate to the delivery and financing of health care, from both administrative and policy perspectives. The course is divided into four modules: (I) The U.S. System of Law and Legal Procedure; (II) Legal Issues in Providing Healthcare Services to Patients; (III) Legal Issues in Organizing, Managing, and Regulating the Delivery of Healthcare Services; and (IV) Legal Issues in Healthcare Systems and Health Insurance Programs.

Learning Objectives and HPM Competencies

<i>Course Learning Objectives</i>	<i>Competencies</i>
1 Understand how the U.S. legal system operates, and understand how law applies to the healthcare system, including providing healthcare services to patients; organizing, managing, and regulating the delivery of healthcare services; as well as healthcare systems and health insurance programs	Innovative Thinking
2 Analyze court decisions and statutes	Analytical Thinking
3 Analyze the legal issues in a given state of facts, and explain the analysis	Analytical Thinking Communication Skills
4 Identify factual situations that raise legal issues	Innovative Thinking
5 Develop the ability to find various types of legal materials, and understand legal citation form	Innovative Thinking
6 Develop the ability to use the law to promote health policy values and goals	Innovative Thinking Communication Skills

Resources

Website

HPM 710 has its own website using Sakai software. This Syllabus and Course Schedule is posted on the website.

Text

Text: Contemporary Issues in Healthcare Law and Ethics (Fourth Edition), by Dean M. Harris (Health Administration Press, 2014). Be sure to use the Fourth Edition.

Other Reading Assignments

Aside from the text, some reading assignments will be posted on Sakai. Those reading assignments are listed below in the Course Schedule or students will be notified in advance by posting an announcement on Sakai. In addition, some readings, which are available on the E-Journals link of UNC Libraries, may be assigned for this course, in which case students will be notified in advance by posting an announcement on Sakai. Finally, some documents, which are available on the internet, may be assigned for this course, in which case students will be notified in advance by posting an announcement on Sakai.

Requirements and Expectations

Reading Assignments

Assignments for this course consist of readings from the text and from other selected materials, such as documents which are posted on Sakai or available on the internet. All readings that are listed on the Course Schedule are required.

Written Assignments

Students are required to prepare and submit written answers to two (2) Written Assignments. Your answers to each Written Assignment are limited to three double-spaced pages. The two Written Assignments must be submitted by the deadlines set forth in the course schedule. Please note that an unexcused failure to meet a deadline will result in a significant reduction of your grade on that Written Assignment. In the fall of 2018, the deadlines for the 2 Written Assignments are by the beginning of class on September 20 and November 8 respectively. In accordance with the Honor Code, you must work independently on the two Written Assignments, as well as on the exams in this course. You may not read any draft or final answers prepared by any other person. In addition, you may not obtain or provide assistance or answers to or from any other person with regard to the Written Assignments or the exams. You will be required to sign a pledge to that effect on your answers to the Written Assignments.

Examinations

There will be a midterm exam during class on October 9, 2018. In addition, there will be a final exam on the date scheduled by the university during the final exam period. The midterm exam will consist of multiple choice questions and an essay question. The final exam will be cumulative and will consist of multiple choice questions. Both the midterm exam and the final exam are closed-book exams.

Class Participation

Students are expected to come to class prepared to participate.

Cell Phones and Laptops

Turn off all cell phones in class and during exams. Laptops and other electronic devices may be used in class only for taking notes.

Evaluation Method

There will be a midterm exam and a final exam (each of which will count as 25% of your final grade for this course). In addition to the exams, there will be 2 Written Assignments (each of which will count as 25% of your final grade for this course).

Grade Components

Component	% of Grade
Midterm Exam	25%
Final Exam	25%
Written Assignment No.1	25%
Written Assignment No. 2	25%
TOTAL	100%

Accommodating Students with Disabilities:

UNC-CH supports all reasonable accommodations, including resources and services, for students with disabilities, chronic medical conditions, a temporary disability, or a pregnancy complication resulting in difficulties with accessing learning opportunities. All accommodations are coordinated through the UNC Office of Accessibility Resources & Services (ARS), <http://accessibility.unc.edu>; phone 919-962-8300, email accessibility@unc.edu. Students must document/register their need for accommodations with ARS before accommodations can be implemented.

UNC Honor Code

The principles of academic honesty, integrity, and responsible citizenship govern the performance of all academic work and student conduct at the University as they have during the long life of this institution. Your acceptance of enrollment in the University presupposes a commitment to the principles embodied in the Code of Student Conduct and a respect for this most significant Carolina tradition. Your reward is in the practice of these principles.

Your participation in this course comes with the expectation that your work will be completed in full observance of the Honor Code. Academic dishonesty in any form is unacceptable, because any breach in academic integrity, however small, strikes destructively at the University's life and work.

If you have any questions about your responsibility or the responsibility of faculty members under the Honor Code, please consult with someone in either the Office of the Student Attorney General (966-4084) or the Office of the Dean of Students (966-4042).

Read "The Instrument of Student Judicial Governance" (<http://instrument.unc.edu>).

Recognizing, Valuing, and Encouraging Diversity

The importance of diversity is recognized in the mission statement of HPM. In the classroom, diversity *strengthens* the products, *enriches* the learning, and *broadens* the perspectives of all in the class. Diversity requires an atmosphere of inclusion and tolerance, which oftentimes challenges our own closely-held ideas, as well as our personal comfort zones. The results, however, create a sense of community and promote excellence in the learning environment. This class will follow principles of inclusion, respect, tolerance, and acceptance that support the values of diversity.

Diversity includes consideration of: (1) life experiences, including type, variety, uniqueness, duration, personal values, political viewpoints, and intensity; and (2) factors related to "diversity of presence," including, among others, age, economic circumstances, ethnic identification, family educational attainment, disability, gender, geographic origin, maturity, race, religion, sexual orientation, social position, and veteran status.

Course Evaluation

HPM participates in the UNC-CH's online course evaluation system, enabled at the end of the semester by Scantron Class Climate. Your responses will be anonymous, with feedback provided in the aggregate. Open-ended comments will be shared with instructors, but not identified with individual students. Your participation in course evaluation is an expectation, since providing constructive feedback is a professional obligation. Feedback is critical, moreover, to improving the quality of our courses, as well as for instructor assessment.

HPM 710-FALL 2018-COURSE SCHEDULE

PLEASE NOTE: The following topics, readings, and assignments are subject to change by the professor, by posting an announcement on Sakai. Unless otherwise stated, all chapter and page references are to the text.

Also, please note that we will **not** hold class on October 18, 2018 (Fall Break) or on November 22, 2018 (Thanksgiving).

MODULE I: THE U.S. SYSTEM OF LAW AND LEGAL PROCEDURE

Learning Objectives:

1. Understand how the U.S. legal system operates; and
2. Understand how law applies to the healthcare system

Class #	Date	Topic	Readings and Assignments
1	Aug. 21	Introduction and housekeeping matters	Ch. 1
2	Aug. 23	The American legal system (Who makes the laws? Legal and practical issues of administrative law)	Ch. 2 at pp. 13-22; plus Ch. 5 at pp. 67-71
3	Aug. 28	Civil procedure I (Filing; service; pleadings; and discovery;)	Ch. 2 at pp. 22 (bottom) - 30, plus the excerpt from <u>Jones v. Clinton</u> on Sakai
4	Aug. 30	Civil procedure II (Roles of the judge and jury; motions; trials and appeals; jurisdiction of the federal courts)	Excerpt from <u>LaBarre v. Duke University</u> on Sakai. (Be prepared to discuss the chronology of legal procedure in that case, but it is not necessary to prepare anything in writing.)

MODULE II: LEGAL ISSUES IN PROVIDING HEALTHCARE SERVICES TO PATIENTS

Learning Objectives: 1. Identify factual situations that raise legal issues;
 2. Analyze court decisions and statutes;
 3. Analyze legal issues in a state of facts and explain the analysis;
 4. Develop the ability to find various types of legal materials;
 5. Understand legal citation form; and
 6. Understand how law applies to providing healthcare services to patients

Class #	Date	Topic	Readings and Assignments
5	Sept. 4	Medical Malpractice	Ch. 10 at pp. 229-41 (top)
6	Sept. 6	Informed Consent I (and continue the discussion of medical malpractice)	Ch. 10 at pp. 241 (bottom) – 260 (but omit Activity 10.1 at pp. 245-47)
7	Sept. 11	Informed Consent II (plus how to read and analyze a court decision)	Excerpt from <u>Moore v. Regents</u> on Sakai
8	Sept. 13	How to analyze the legal issues in a given set of facts (I.R.A.C.— Issue; Rule; Application; and Conclusion)	Be prepared to discuss Activity 10.1 at pp. 245-47 in detail. (Before class, outline your answer for your use during the discussion.) [Written Assignment #1 will be posted.]
9	Sept. 18	Legal research and citation form (plus how to read and analyze a statute)	Ch. 3; and continue to work on Written Assignment #1
10	Sept. 20	Wrap-up on medical malpractice and informed consent	Submit your answer to Written Assignment #1 by the <u>beginning</u> of class on September 20. (Your answer is limited to 3 double-spaced pages.)
11	Sept. 25	Legal issues in reproductive health I	Ch. 13
12	Sept. 27	Legal issues in reproductive health II	To be announced
13	Oct. 2	Legal obligations to provide care I	Ch. 11 at pp. 261-73 (top)
14	Oct. 4	Legal obligations to provide care II	Ch. 11 at pp. 273-82 (Be prepared to discuss Activity 11.1 at pp. 273-74 in detail, but it is not necessary to prepare a written answer.)
15	Oct. 9	MIDTERM EXAM	Study for the midterm exam

MODULE III: LEGAL ISSUES IN ORGANIZING, MANAGING, AND REGULATING THE DELIVERY OF HEALTHCARE SERVICES

Learning Objectives:

1. Identify factual situations that raise legal issues
2. Analyze the legal issues in a given state of facts, and explain the analysis; and
3. Understand how law applies to organizing, managing, and regulating the delivery of healthcare services

Class #	Date	Topic	Readings and Assignments
16	Oct. 11	To be announced	To be announced
17	Oct. 16	Legal structure and governance of healthcare organizations; requirements for tax-exempt status	Ch. 4 (Be prepared to discuss Activity 4.1 at pp. 57-59 and Exhibit 4.2 on p.59 in detail, but it is not necessary to prepare a written answer); Re-read Ch. 5 at pp. 67-71
18	Oct. 23	Government regulation for quality of care, cost-containment and access (licensure and CON laws)	Ch. 5 at pp. 71 (bottom) – 96 (Be prepared to discuss Activity 5.1 at pp. 87-93 in detail, but it is not necessary to prepare a written answer.)
19	Oct. 25	The law of government payment programs	Ch. 8 at pp. 151-66; plus other reading to be announced by posting on Sakai
20	Oct. 30	Fraud and Abuse I	Ch. 8 at pp. 166-76 (top); plus other reading to be announced by posting on Sakai
21	Nov. 1	Fraud and Abuse II	Ch. 8 at pp. 176-95 [Written Assignment #2 will be posted.]
22	Nov. 6	Protecting the privacy of medical information	Ch. 6 (but omit the case at pp. 105-12); and continue to work on Written Assignment #2
23	Nov. 8	To be announced	Submit your answer to Written Assignment #2 by the <u>beginning</u> of class on November 8. (Your answer is limited to 3 double-spaced pages.)

MODULE IV: LEGAL ISSUES IN HEALTHCARE SYSTEMS AND HEALTH INSURANCE PROGRAMS

- Learning Objectives:**
1. Identify factual situations that raise legal issues
 2. Analyze the legal issues in a given state of facts, and explain the analysis;
 3. Understand how law applies to healthcare systems and health insurance programs; and
 4. Develop the ability to use the law to promote health policy values and goals

	Date	Topic	Readings and Assignments
24	Nov. 13	Antitrust Law I (introduction to legal and policy issues)	Ch. 9 at pp. 197-206
25	Nov. 15	Antitrust Law II (merger analysis; antitrust defenses)	Ch. 9 at pp. 207-13 (top); pp. 217 (bottom) – 225
26	Nov. 20	Antitrust Law III (medical staff membership and clinical privileges)	Ch. 7; plus Ch. 9 at pp. 213 - 17 (Be prepared to discuss Activity 9.1 at pp. 214-17 in detail, but it is not necessary to prepare a written answer.)
27	Nov. 27	Legal Issues in Healthcare Cost Containment	Ch. 14
28	Nov. 29	Legal issues in Health Insurance and Health Reform I	Ch. 15
29	Dec. 4	Legal issues in Health Insurance and Health Reform II	To be announced

NOTE: As stated above, there will be a final exam on the date scheduled by the university during the final exam period.