

PUBH 6596, Legal Considerations in Health Care

Legal Considerations in Health Care
Spring 2019

COURSE & CONTACT INFORMATION

Credits: 2

Meeting Day(s): Thursdays

Meeting Time: 4:45 – 6:45 pm

Meeting Place: D325 Mayo

Instructor: David Feinwachs

Email: feinw001@umn.edu

Office Phone: 612-868-6285

Fax: 612-626-8328

Office Hours: Thursdays 6:45-7:45 pm

Office Location: feinwachs@comcast.net

TA: Kari Winning

Email: winni035@umn.edu

Phone: 701-840-2806

COURSE DESCRIPTION

Legal Environment of Health Care Management is oriented to health professionals and administrators who have not had significant prior academic exposure to law-related issues. The scope of coverage will include liability of health care professionals and institutions including managed care organizations, structure of health care enterprises, regulatory issues, antitrust, administrative law, corporate, business and labor law, civil liability, tax-related issues, legal issues relevant to administration, decision-making and planning process.

COURSE PREREQUISITES

Students must be enrolled in a School of Public Health MHA program. Alternatively, students may take the course with consent from the instructor.

COURSE GOALS & OBJECTIVES

To familiarize health professionals and administrators with a variety of complex legal issues and processes so that they may integrate this knowledge with problem solving activities. At the completion of this course, students will:

- Be able to successfully identify medical professional liability
- Clearly understand antitrust laws and their implication and application to health care settings
- Have working definitional knowledge of fraud and abuse statutes and the false claims act
- Be able to negotiate basic contract scenarios and engage in contract discussions, and identify contractual landmines
- Be able to identify, analyze and synthesize scenarios involving legal problems and their solutions
- Be conversant with current and emerging trends in medical ethics

METHODS OF INSTRUCTION AND WORK EXPECTATIONS

Course Workload Expectations

Legal Considerations in Health Care is a 2 credit course. The University expects that for each credit, you will spend a minimum of three hours per week attending class or comparable online activity, reading, studying, completing assignments, etc. over the course of a 15-week term. Thus, this course requires approximately 90 hours of effort spread over the course of the term in order to earn an average grade.

Learning Community

School of Public Health courses ask students to discuss frameworks, theory, policy, and more, often in the context of past and current events and policy debates. Many of our courses also ask students to work in teams or discussion groups. We do not come to our courses with identical backgrounds and experiences and building on what we already know about collaborating, listening, and engaging is critical to successful professional, academic, and scientific engagement with topics.

In this course, students are expected to engage with each other in respectful and thoughtful ways.

In group work, this can mean:

- Setting expectations with your groups about communication and response time during the first week of the semester (or as soon as groups are assigned) and contacting the TA or instructor if scheduling problems cannot be overcome.
- Setting clear deadlines and holding yourself and each other accountable.
- Determining the roles group members need to fulfill to successfully complete the project on time.
- Developing a rapport prior to beginning the project (what prior experience are you bringing to the project, what are your strengths as they apply to the project, what do you like to work on?)

In group discussion, this can mean:

- Respecting the identities and experiences of your classmates.
- Avoid broad statements and generalizations. Group discussions are another form of academic communication and responses to instructor questions in a group discussion are evaluated. Apply the same rigor to crafting discussion posts as you would for a paper.
- Consider your tone and language, especially when communicating in text format, as the lack of other cues can lead to misinterpretation.

Like other work in the course, all student to student communication is covered by the Student Conduct Code (<https://z.umn.edu/studentconduct>).

COURSE TEXT & READINGS

Furrow, Greaney, Johnson, et al., Health Law: Cases, Materials and Problems, Seventh Edition (American Casebook Series)

The following is a listing of reading assignments:

COURSE OUTLINE/WEEKLY SCHEDULE

Please see above readings. Assignments for the upcoming week will be given in class each week and will be dependent upon the volume of material covered in that week. Course may deviate from schedule below in order to take into consideration students' needs and the speed at which critical content is mastered by students.

Week	Topic	Readings	Activities/Assignments
Week 1 Date-January 24, 2019	<ul style="list-style-type: none"> Introduction to Legal Considerations 	None	<ul style="list-style-type: none"> Class discussion
Week 2 Date-January 31, 2019	<ul style="list-style-type: none"> <u>Furrow, et al. Chapter 5 – Liability of Health Care Professionals</u> 	Hall v. Hilbun (p. 299) Helling v. Carey (p. 331) Wickline v. State (p. 342) Murray v. UNMC Physicians (p. 350) Brook v. St. John's Hickey Memorial Hospital (p. 363) Ostrowski v. Azzara (p. 390) Herskovits v. Group Health Cooperative of Puget Sound (p. 403)	<ul style="list-style-type: none"> Class discussion
Week 3 Date-February 7, 2019	<ul style="list-style-type: none"> <u>Furrow et al. Chapter 4 – The Professional-Patient Relationship</u> 	Tunkl v. Regents of Univ. of California (p. 196) Shorter v. Drury (p. 200) Canterbury v. Spence (pp. 209, 253) Johnson v. Kokemoor (p. 225) Arato v. Avedon (p. 234) Moore v. Regents of the Univ. of California (p. 244) Yath v. Fairview Clinics, N.P. (p. 281)	<ul style="list-style-type: none"> Class discussion
Week 4 Date-February 14, 2019	<ul style="list-style-type: none"> <u>Furrow, et al. Chapter 6 – Liability of Health Care Institutions</u> 	Muse v. Charter Hospital of Winston-Salem, Inc. (p. 440) Darling v. Charleston Community Memorial Hospital (p. 444) Thompson v. Nason Hosp. (p. 448) Larson v. Wasemiller (p. 460) Kadlec Medical Center v. Lakeview Anesthesia Associates (p. 469) Petrovich v. Share Health Plan of Illinois, Inc. (p. 485) Scott v. SSM Healthcare St. Louis (p. 419) Shannon v. McNulty (p. 498)	<ul style="list-style-type: none"> Class discussion
Week 5 Date-February 21, 2019	<ul style="list-style-type: none"> <u>Furrow, et al. Chapter 8 – Duties to Treat</u> 	Ricks v. Budge (p. 581) Williams v. U.S. (p. 586) Baber v. Hospital Corporation of America (p. 595) Howe v. Hull (p. 615)	<ul style="list-style-type: none"> Class discussion
Week 6 Date-February 28, 2019	<ul style="list-style-type: none"> <u>Furrow, et al. Chapter 9 – Private Health Insurance and Managed Care: Liability and State and Federal Regulation</u> 	Lubeznik v. HealthChicago, Inc. (p. 639) Rush Prudential HMO, Inc. v. Moran (p. 697) Aetna Health Inc. v. Davila (p. 718)	<ul style="list-style-type: none"> Class discussion

Week 7 Date-March 7, 2019	<ul style="list-style-type: none"> • <u>Furrow, et al. Chapter 11 – Professional Relationships in Health Care Enterprises</u> 	<p>Sokol v. Akron General Medical Center (p. 880) Mateo-Woodborn v. Fresno Community Hospital (p. 889) Potvin v. Metropolitan Life Ins. Co. (p. 906) Oakwood Healthcare, Inc. (p. 918) Estate of Mauro v. Borgess Medical Center (p. 935)</p>	<ul style="list-style-type: none"> • Class discussion
Week 8 Date-March 21, 2019	<ul style="list-style-type: none"> • <u>Furrow, et al. Chapter 12 – The Structure of the Health Care Enterprise</u> 	<p>Stern v. Lucy Webb Hayes National Training School for Deaconesses and Missionaries (p. 946) In re Caremark International Inc. Derivative Litigation (p. 954) Manhattan Eye, Ear and Throat Hospital v. Spitzer (p. 966) Berlin v. Sarah Bush Lincoln Health Center (p. 984) Utah County v. Intermountain Health Care, Inc. (p. 1004) Redlands Surgical Services v. Commissioner of Internal Revenue (p. 1048)</p>	<ul style="list-style-type: none"> • Class discussion
Week 9 Date-March 28, 2019	<ul style="list-style-type: none"> • <u>Furrow, et al. Chapter 13 – Fraud and Abuse</u> 	<p>United States v. Krizek (pp. 1075, 1084) United States ex rel. Mikes v. Straus (p. 1090) United States v. Greber (p. 1117) United States v. Starks (p. 1124)</p>	<ul style="list-style-type: none"> • Class discussion
Week 10 Date-April 4, 2019	<ul style="list-style-type: none"> • <u>Furrow, et al. Chapter 14 – Antitrust</u> 	<p>In re Michigan State Medical Society (p. 1169) California Dental Association v. Federal Trade Commission (p. 1177) Arizona v. Maricopa County Medical Society (p. 1194) Matter of Hospital Corporation of America (p. 1242) Federal Trade Commission v. Tenet Health Care Corporation (p. 1255)</p>	<ul style="list-style-type: none"> • Class discussion • Midterm Exam Distributed (take-home exam)

Week 11 Date-April 11, 2019	<ul style="list-style-type: none"> • <u>Furrow. et al. Chapter 15 – Reproduction and Birth</u> 	<p>Roe v. Wade (p. 1303) Planned Parenthood of Southeastern Pennsylvania v. Casey (p. 1310) Gonzales v. Carhart (p. 1321) Interest of K.M.H. (p. 1363) Davis v. Davis (p. 1383) Matter of Baby M (p. 1397) Johnson v. Calvert (p. 1404) In re A.C. (p. 1431)</p>	<ul style="list-style-type: none"> • Class discussion • Midterm Exam Due
Week 12 Date-April 18, 2019	<ul style="list-style-type: none"> • <u>Furrow, et al. Chapter 16 – Legal Issues in Human Genetics</u> 	<p>Safer v. Pack (p. 1464) Bearder v. Minnesota (p. 1471)</p>	<ul style="list-style-type: none"> • Class discussion
Week 13 Date-April 25, 2019	<ul style="list-style-type: none"> • <u>Furrow. et al. Chapter 17 – Organ Transplantation and the Determination of Death</u> 	<p>Newman v. Sathyavaglswaran (p. 1496) Flynn v. Holder (p. 1502) In re T.A.C.P. (p. 1519) In re Baby K (p. 1526)</p>	<ul style="list-style-type: none"> • Class discussion
Week 14 Date-May 2, 2019	<ul style="list-style-type: none"> • <u>Furrow. et al. Chapter 18 – Life and Death Decisions</u> 	<p>Cruzan v. Director, Missouri Dept. of Health (p. 1538) Bouvia v. Superior Court (p. 1556) In re Conroy (p. 1607) Guardianship of Schiavo (p. 1631) In re Storar (p. 1644) Newmark v. Williams (p. 1652) Washington v. Glucksberg (p. 1688) Vacco v. Quill (p. 1701)</p>	<ul style="list-style-type: none"> • Class discussion • Final exam distributed (take-home exam)
Week 15 Date-May 9, 2019	<ul style="list-style-type: none"> • Review of course content • Discussion about final exam 	None	<ul style="list-style-type: none"> • Class discussion • Final exam due

SPH AND UNIVERSITY POLICIES & RESOURCES

The School of Public Health maintains up-to-date information about resources available to students, as well as formal course policies, on our website at www.sph.umn.edu/student-policies/. Students are expected to read and understand all policy information available at this link and are encouraged to make use of the resources available.

The University of Minnesota has official policies, including but not limited to the following:

- Grade definitions
- Scholastic dishonesty
- Makeup work for legitimate absences
- Student conduct code
- Sexual harassment, sexual assault, stalking and relationship violence
- Equity, diversity, equal employment opportunity, and affirmative action
- Disability services
- Academic freedom and responsibility

Resources available for students include:

- Confidential mental health services
- Disability accommodations
- Housing and financial instability resources
- Technology help
- Academic support

EVALUATION & GRADING

[Enter a detailed statement of the basis for grading here. Include a breakdown of course components and a point system for achieving a particular grade. Include expected turnaround time for grading/feedback. Please refer to the University's Uniform Grading Policy and Grading Rubric Resource at <https://z.umn.edu/gradingpolicy>]

Grading Scale

The University uses plus and minus grading on a 4.000 cumulative grade point scale in accordance with the following, and you can expect the grade lines to be drawn as follows:

% In Class	Grade	GPA
93 - 100%	A	4.000
90 - 92%	A-	3.667
87 - 89%	B+	3.333
83 - 86%	B	3.000
80 - 82%	B-	2.667
77 - 79%	C+	2.333
73 - 76%	C	2.000
70 - 72%	C-	1.667
67 - 69%	D+	1.333
63 - 66%	D	1.000
< 62%	F	

- A = achievement that is outstanding relative to the level necessary to meet course requirements.
- B = achievement that is significantly above the level necessary to meet course requirements.

- C = achievement that meets the course requirements in every respect.
- D = achievement that is worthy of credit even though it fails to meet fully the course requirements.
- F = failure because work was either (1) completed but at a level of achievement that is not worthy of credit or (2) was not completed and there was no agreement between the instructor and the student that the student would be awarded an I (Incomplete).
- S = achievement that is satisfactory, which is equivalent to a C- or better
- N = achievement that is not satisfactory and signifies that the work was either 1) completed but at a level that is not worthy of credit, or 2) not completed and there was no agreement between the instructor and student that the student would receive an I (Incomplete).

Evaluation/Grading Policy	Evaluation/Grading Policy Description
<p>Scholastic Dishonesty, Plagiarism, Cheating, etc.</p>	<p>You are expected to do your own academic work and cite sources as necessary. Failing to do so is scholastic dishonesty. Scholastic dishonesty means plagiarizing; cheating on assignments or examinations; engaging in unauthorized collaboration on academic work; taking, acquiring, or using test materials without faculty permission; submitting false or incomplete records of academic achievement; acting alone or in cooperation with another to falsify records or to obtain dishonestly grades, honors, awards, or professional endorsement; altering, forging, or misusing a University academic record; or fabricating or falsifying data, research procedures, or data analysis (As defined in the Student Conduct Code). For additional information, please see https://z.umn.edu/dishonesty</p> <p>The Office for Student Conduct and Academic Integrity has compiled a useful list of Frequently Asked Questions pertaining to scholastic dishonesty: https://z.umn.edu/integrity.</p> <p>If you have additional questions, please clarify with your instructor. Your instructor can respond to your specific questions regarding what would constitute scholastic dishonesty in the context of a particular class-e.g., whether collaboration on assignments is permitted, requirements and methods for citing sources, if electronic aids are permitted or prohibited during an exam.</p> <p>Indiana University offers a clear description of plagiarism and an online quiz to check your understanding (http://z.umn.edu/iuplagiarism).</p>
<p>Late Assignments</p>	<p>Instructor will set policy and will be determined on a case-by-case basis. Speak to the instructor in advance of any late assignment.</p>
<p>Attendance Requirements</p>	<p>Attendance is required, as much of the course involves discussion and debate of the topics covered in class.</p>
<p>Extra Credit</p>	<p>Instructor will set policy.</p>
<p>Intellectual Property of Instructors' Material</p>	<p>The MHA program prohibits any current student from uploading MHA course content (e.g., lecture notes, assignments, or examinations for any PUBH 65XX or PUBH 75XX courses) created by a University of Minnesota faculty member, lecturer, or instructor to any crowdsourced online learning platform.</p>

CEPH KNOWLEDGE DOMAINS

Knowledge Domain	Course Learning Objectives	Assessment Strategies
Policy in Public Health	Discuss multiple Dimensions of the policy-making process, including the role of ethics and evidence	In-class debate revolving around the law-making process, including ethical issues surrounding legal issues faced by health systems
Policy in Public Health	Advocate for political, social, or economic policies and programs that will improve health in divorce populations	Final exam testing students' knowledge of policies applicable to the health care industry
Leadership	Apply principles of leadership, governance and management, which include creating a vision, empowering others, fostering collaboration and guiding decision-making	In-class debate and final exam, which require critical thinking and application of legal principles to real-world situations faced by health systems

NCHL HEALTHCARE LEADERSHIP COMPETENCIES FOR CAHME ACCREDITATION PURPOSES

Competency	Course Learning Objectives	Assessment Strategies
Business Literacy and Analytical Thinking	Develop ability to understand a situation, issues, or problem by breaking it into smaller pieces or tracing its implications in a step-by-step way	Students will demonstrate this core competency through their contribution to class discussion and through their answers to the final exam, which presents real-world hypothetical questions and requires students to analyze course content and apply those legal principles to each respective hypothetical situation.
Knowledge of Population Health, Healthcare Delivery, and Financing	Acquire practical skills to be applied in healthcare delivery	Final exam will test knowledge of the application of legal principles relating to healthcare delivery
Communication Skills	Ability to speak and write in a clear, logical, and grammatical manner	Students are required to communicate their critical thinking in a clear and concise manner
Managing and Leading in Complex Organizations and Environments	Acquisition of basic knowledge surrounding legal issues routinely faced by healthcare organizations and an ability to participate in decision-making relating to those issues	Final exam will evaluate ability to make management decisions taking into consideration relevant legal framework
Impact and Influence	Ability to persuade, convince, influence, or impress others in order to get them to go along with or to support one's opinion or position	Students will acquire skills necessary to influence others based upon their critical thinking
Professionalism	Issues relating to professional responsibility of all actors within a healthcare system	Final exam will have professional responsibility issues interwoven into exam questions