

HAD 502 (41) – Health Care Law

Atty. John Appleton
Thursday: 4:30 to 7:10PM

3 Credits

Course Description:

Impact of legal factors affecting patient/client care and the operations and administration of healthcare facilities and systems. Examines principles and practices of law, legal relationships, sources of law and legal processes affecting the health service system. Conceptual foundations are drawn from the political sciences.

Prerequisites: None

Required Text:

Contemporary Issues in Healthcare Law & Ethics, by Dean M. Harris. (4th Edition, 2014), HAP/AUPHA

Course Objectives:

During this course, students will be able:

1. To evaluate specific factual knowledge about legal applications in health care administration.
2. To analyze fundamental principles, generalization and theories of law in health care management.
3. To apply course material to problem-solving and decision-making skills.

Major Course Activities:

A) Class Lecture	F) Case Briefings
B) Class Discussion	G) Examinations
C) Class Participation	H) Out of Class Project Assignments
D) Class Attendance	I) Community Service
E) Reading Assignments	

Grading Criteria:

Mid-Term Examination and Final Examination	(30% each)
Class Participation to include Case Briefs	(20%)
Out of Class Assignment	(20%)

Students with Disabilities

In order to receive appropriate accommodations, **students with disabilities must register with the Center for Teaching and Learning Excellence and provide relevant and current medical documentation.** Students should contact Mary Ellen Pichiarello (Extension 4039), 5th floor, St. Thomas Hall, for an appointment. For more information, see <http://www.scranton.edu/disabilities>.

Writing Center Services

The Writing Center focuses on helping students become better writers. Consultants will work one-on-one with students to discuss students' work and provide feedback at any stage of the writing process. Scheduling appointments early in the writing progress is encouraged.

To meet with a writing consultant, stop by during the Writing Center's [regular hours of operation](#), call (570) 941-6147 to schedule an appointment, or complete the [Writing Assistance Request Form](#) online. You can also schedule an online appointment using [Google Docs and Google Talk](#).

Instructor Information:

Atty. John Appleton Adjunct Professor
Office- Room 419 McGurrin
(O)570-348-3711

HLA Competency Model

Domain #1: Communication and Relationship Management

Competency

- A. Apply principles of communication and demonstrate specific applications
- B. Present results of data analysis to decision makers
- C. Use factual data to produce and deliver credible and understandable results
- D. Facilitate group dynamics, process, meetings, and discussion
- E. Utilize effective interpersonal skills

Domain #2: Leadership

Competency

- A. Explain potential impacts and consequences of decision making in situations both internal and external
- B. Encourage a high level of commitment to the mission, and values of the organization
- C. Gain physician buy-in to accept risk and support new business ventures
- D. Accurately assess individual strengths and weaknesses

Domain # 3: Professionalism

Competency

- A. Understand professional standards and codes of ethical behavior
- B. Uphold and act upon ethical and professional standards
- C. Demonstrate professional norms and behaviors
- D. Engage in continued professional development including reflection and self-directed learning

Domain # 4: Knowledge of the Healthcare Environment

Competency

- A. Assess the interrelationships among access, quality, cost, resource allocation, accountability, and community
- B. Prepare projects that are credible to government, regulatory, professional and accreditation agencies
- C. Use marketing and needs assessment techniques in support of healthcare program development and implementation
- D. Apply principles and methods of health policy analysis

Domain # 5: Business Skills and Knowledge

Competency

- A. Integrate information from various sources to make decisions and recommendations
- B. Demonstrate critical thinking, analysis, and problem solving
- C. Apply basic financial management and analysis principles
- D. Apply reimbursement principles, ramifications and techniques including rate setting and contracts
- E. Apply principles of operating, project, and capital budgeting
- F. Use project management techniques
- G. Use statistical and analytic tools to measure and improve performance

HAD 502 Course Specific Competencies

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|----|------|
| D1 | CDE |
| D2 | AB |
| D3 | ABCD |
| D4 | ABD |
| D5 | AB |

Teaching Methods and Evaluation

1. Class Attendance and Participation	D1-ACDE; D2-B; D3-ABCD; D4-BD; W1-14; L1-3; CD2-5; AD 13-15
2. Case Analysis	D1-ABCDE; D2-AB; D3-ABCD; D4-ABD; D5-AB; W1-14; L1-3; CD2-5; AD13-15
3. Mid-Term and Final Examination	D1-AB; D2-ABD; D3-ABCD; D4-ABD; D5-AB; W7, 14; L1-3; CD2-5; AD13-15
4. Reading Assignments	D1-A; D2-AD; D3-AD; D4-AD; D5-AB; W1-14; L1-3; CD2-5; AD13-15
5. Out of Class Project Assignment	D1-ABC; D2-AB; D3-ABCD; D4-ABD; D5-ABCG;W9; CD2-5; AD13-15

Legend:

D = Domain

A-G = Competency

W = Week

L = Learning Objective

CD = Cognitive Domain

AD = Affective Domain

My Reporting Obligations as a Responsible Employee

As a faculty member, I am deeply invested in the well-being of each student I teach. I am here to assist you with your work in this course. Additionally, if you come to me with other non-course-related concerns, I will do my best to help.

It is important for you to know that all faculty members are required to report incidents of sexual harassment or sexual misconduct involving students. This means that I cannot keep information about sexual harassment, sexual assault, sexual exploitation, intimate partner violence or stalking confidential if you share that information with me. I will keep the information as private as I can but am required to bring it to the attention of the University's Interim Title IX Coordinator, Christine M. Black, or Deputy Title IX Coordinator/Dean of Students, Lauren Rivera, who, in conversation with you, will explain available support, resources, and options. I will not report anything to anybody without first letting you know and discussing choices as to how to proceed. The University's Counseling Center (570-941-7620) is available to you as a confidential resource; counselors (in the counseling center) do not have an obligation to report to the Title IX Coordinator.

Non-discrimination Statement

The University of Scranton is committed to providing a safe and nondiscriminatory employment and educational environment. The University does not discriminate on the basis of race, color, national origin, sex, disability, religion, age, veteran status, gender identity or expression, sexual orientation, or other status protected by law. Sexual harassment, including sexual violence, is a form of sex discrimination prohibited by Title IX of the Education Amendments of 1972. The University does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of employment.

Students who believe they have been subject to sexual harassment, sexual misconduct or sex or gender discrimination should contact Christine M. Black, Interim Title IX Coordinator, (570) 941-6645 christine.black@scranton.edu or Ms. Lauren Rivera, AVP for Student Formation & Campus Life and Dean of Students, at (570)941-7680 lauren.rivera@scranton.edu. The United States Department of Education's Office for Civil Rights (OCR) enforces Title IX. Information regarding OCR may be found at www.ed.gov/about/offices/list/ocr/index.html

The University of Scranton Sexual Harassment and Sexual Misconduct Policy can be found online at www.scranton.edu/diversity. All reporting options and resources are available at www.scranton.edu/CARE.

Appendix A

Case Briefs

A case brief is a written outline of a court decision. By outlining a judicial decision according to a predetermined format, the student summarizes the key elements of the case and resulting decision. The outline is an analytical tool to help the student understand the decision of the court.

In briefing the cases listed on the syllabus, use the following outline:

CITATION:	Marbury v. Madison 1 Cranch 137, 2 L.Ed. 60 (1803)
NATURE OF CASE:	Form of action, type of proceeding, and relief sought.
FACTS:	What led to the judicial action.
ISSUE:	The concise question to be answered.
HOLDING:	What did the court decide?
RATIONALE:	Why did the court rule as it did?

Appendix B

Community Service

Out-of-Class Assignment

Improving Professional Liability Claims Resolution

Instructions

Many critics of our litigation system believe that the system can be significantly improved by adopting other methods of resolution for professional liability claims.

How do you think our judicial system can be improved to make it less adversarial, less expensive, more fair with speedier resolution of claims?

Specify your recommendations and find two journal articles from the peer-review literature that support your recommendation(s).

For each recommendation(s), address the following:

- 1) How does the procedure work as an alternative to standard civil litigation?
- 2) In what states, and under what circumstances has the procedure been adopted?
- 3) Has it been effective and how has this been determined?

Attached copies of your articles, and any other source material to your analysis and hand in to the Departmental Secretary as instructed by the professor.

The written analysis will count for 20% of the final course grade and will be evaluated as follows:

- | | | |
|----|---|-----|
| 1) | Appropriateness of litigation alternative | 25% |
| 2) | Quality of research sources cited and articles attached | 25% |
| 3) | Adherence to each of the three points specified above | 25% |
| 4) | Quality of the written analysis | 25% |

Additional Readings & Resources

Books

American Medical Association, Code of Medical Ethics: Current Opinions with Annotations.

Bauman, LA, ed., 2002, Health Care Fraud and Abuse: Practical Perspectives. Washington, DC: Bureau of National Affairs, Inc.

Furrow, BH, Johnson, SH, Jost, TS, 2013, Health Law Cases, Materials and Problems. Seventh Edition. St. Paul, MN: West Publishing Co.

Gosfield, AG, ed., 2011, Health Law Handbook. St. Paul, MN: Thomson West.

Hall, MA & Orentlicher, D. 2013. Health Care Law and Ethics. Eighth Edition. New York: Wolters Kluwer.

Holder, AR, 1978, Medical Malpractice Law. Second Edition. New York: John Wiley and Sons.

Knag, PE & Boyle, LM, 2002. HIPAA: A Guide to Health Care Privacy and Security Law. First Edition. Gaithersburg, MD: Aspen Publishers.

Moy, MM, 2000, The EMTALA Answer Book, Second edition. Gaithersburg, MD: Aspen Publishers, Inc.

Miller, RD, 2006, Problems in Health Care Law. Ninth Edition. Boston, MA: Jones & Bartlett Publishers, Inc.

Pozgar, GD, 2012, Legal Aspects of Health Care Administration. Eleventh Edition. Gaithersburg, MD: Aspen Publishers, Inc.

Rabin, SM, 2001, Managed Care Law and Liability. First Edition. Gaithersburg, MD: Aspen Publishers.

Showalter, JS, 2012. The Law of Health Care Administration. Sixth Edition. Ann Arbor, MI: Health Administration Press.

Snell, RJ & Troklus, D, 2001. In Search of Health Care Compliance. First Edition. Gaithersburg, MD: Aspen Publishers.

US Department of Justice and Federal Trade Commission, 1996, Statements of Antitrust Enforcement policy in Health Care. Washington DC.

Legal Websites

American Bar Association (ABA)

www.abanet.org

American Health Lawyers Association (AHLA)

www.healthlawyers.org

American Society of Law, Medicine & Ethics (ASLME)

www.aslme.org

FedLaw

www.thecre.com/fedlaw/default.htm

FindLaw

www.findlaw.com

Guide to Law Online

www.loc.gov/law/guide

Health Law Resources

www.netreach.net/~wmanning

Injury Board

www.injuryboard.com

Law.com

www.law.com

LawGuru.com

www.lawguru.com

Legal Information Institute (LLI)

www.law.cornell.edu

LexisNexis

www.lexisnexis.com

NoLo

www.nolo.com

State Resources, AllLaw.com

www.alllaw.com/state_resources

Supreme Court Collection

www.law.cornell.edu/supct

United States Courts.gov

www.uscourts.gov

VersusLaw

www.versuslaw.com