

Course Information	<ul style="list-style-type: none"> • Course: 90832 • Offering: Mini 3 (6 units) • Location: Virtual (Zoom) • Time: Mondays 6:30-9:20pm • Dates: February 1 – March 15 , 2021 • Instructor: Tina Batra Hershey, JD, MPH Phone: 412-383-2229 Email: thershey@andrew.cmu.edu • Teaching Assistant: Evan Prawda Phone: 201-887-0777 Email: eprawda@andrew.cmu.edu • Office hours – By Appointment
Description	<p>This course introduces students to the laws that impact the provision of health care services. As one of the most highly regulated industries in the United States, health care entities are required to comply with numerous statutes and regulations at the federal and state level. These laws are increasingly complex, thereby exposing health care entities to liability for non-compliance. Thus, individuals involved in the administration and delivery of health care must be well-versed in the laws and regulations that govern the provision of health care services.</p> <p>The course is designed to provide students with the practical knowledge needed to identify legal issues inherent in health care and to understand the legal and ethical ramifications of administrative and management decisions. Specific course topics include: sources of law, the US court system and legal procedures, professional and institutional liability, governmental regulatory methods, fraud laws, corporate compliance programs, issues concerning informed consent, credentialing of medical professionals, termination of care, and health care reform.</p>
Learning/Course Objectives	<p>Upon completion of this course the student should be able to:</p> <ol style="list-style-type: none"> 1. Explain the US legal system and sources of law in the United States. 2. Recognize and apply laws, regulations, and policies that govern the administration and delivery of health care services. 3. Recognize the importance of compliance to health care entities. 4. Identify potential legal and ethical ramifications of health care management and administrative decisions. 5. Identify issues that warrant seeking the assistance of legal counsel.

Course Materials	<p>Required text: The Law of Healthcare Administration, 9th Ed., J. Stuart Showalter © 2020 Health Administration Press Foundation of the American College of Healthcare Executives ISBN: 978-1-64055-130-5</p> <p>Additional readings will be posted on Canvas.</p>																		
Evaluation Method	<p>1) Professionalism (10%): The professionalism grade is based on a student’s behavior in the classroom, including the appropriate use of technology. Students are expected to arrive on time for class and attend every lecture. Absences may be excused at the instructor’s discretion with advance notice. Students who are absent without providing advance notice will have 1 point deducted from their final grade. In addition to attending class and using technology appropriately, students should actively participate in class discussions, debates, and group exercises in a respectful and constructive manner.</p> <p>2) Weekly Quizzes (30%): 5 <i>online</i> weekly reading quizzes will be given throughout the course as indicated on the syllabus below. These quizzes will consist of 20 multiple choice and true/false questions related to the assigned reading. Each quiz must be taken on Canvas by the date indicated on the course syllabus. The quizzes, which will be available the Thursday before, will be timed (25 minutes) and must be completed in one sitting. <i>While the quizzes are open book, you may not work with others.</i></p> <p>3) Case Brief and Case Presentation: (30%): Each student will brief a legal case and present the case to the class. Students will sign up for cases during the first class; case briefs and presentations will be due throughout the course. Appendix A to the syllabus provides more information regarding this assignment.</p> <p>4) Final Exam (30%): The final exam will be comprehensive and consist of short and long answer essays. The exam will be take home, open book and open note. <i>You may not work with others on the final exam.</i></p>																		
Grading Scale	<table><tr><td>A+</td><td>99.0-100%</td><td>B+</td><td>88.0-90.9%</td><td>C+</td><td>78.0-80.9%</td></tr><tr><td>A</td><td>94.0-98.9%</td><td>B</td><td>84.0-87.9%</td><td>C</td><td>74.0-77.9%</td></tr><tr><td>A-</td><td>91.0-93.9%</td><td>B-</td><td>81.0-83.9%</td><td>C-</td><td>71.0-73.9%</td></tr></table> <p>The grade of A+ is reserved for truly exceptional performance.</p>	A+	99.0-100%	B+	88.0-90.9%	C+	78.0-80.9%	A	94.0-98.9%	B	84.0-87.9%	C	74.0-77.9%	A-	91.0-93.9%	B-	81.0-83.9%	C-	71.0-73.9%
A+	99.0-100%	B+	88.0-90.9%	C+	78.0-80.9%														
A	94.0-98.9%	B	84.0-87.9%	C	74.0-77.9%														
A-	91.0-93.9%	B-	81.0-83.9%	C-	71.0-73.9%														

COURSE SCHEDULE

DATE	TOPIC	READINGS	ASSIGNMENT
February 1	Course Overview and Introduction to the US Legal System Health Reform	<ul style="list-style-type: none"> • Showalter, chapters 1 & 2 • Article: Kerr, OS. How to Read a Legal Opinion • <i>Stewart v. Azar</i> (example case brief) • Potential Impact of Texas v. U.S. Decision on Key Provisions of the Affordable Care Act 	<ul style="list-style-type: none"> • Review syllabus in full • Sign up for Case Brief and On Deck scheduling slots
February 8	Contracts and Intentional Torts Negligence	<ul style="list-style-type: none"> • Showalter, chapters 5 & 6 • <i>Mead v. Legacy Health System</i> • <i>Maas v. UPMC Presbyterian/Shadyside</i> • <i>K.W. v. Children's Hosp. Colo. (In re P.W.)</i> • <i>Norman v. Anderson Regional Med. Ctr.</i> 	<ul style="list-style-type: none"> • QUIZ #1 due by 2/7 at 5pm
February 15	The Organization, Management, and Liability of Health Care Organizations Scope of Practice, Medical Staff Privileges, and Peer Review	<ul style="list-style-type: none"> • Showalter, chapters 3, 7, 8 • <i>Burless v. W. Va. University Hospitals, Inc</i> • <i>Marchand v. Barnhill</i> • <i>Sokol v. Akron General Medical Center</i> • <i>Reginelli v. Boggs</i> 	<ul style="list-style-type: none"> • QUIZ #2 due by 2/14 at 5pm
February 22	Emergency Care and Patient Dumping Fraud Laws and Corporate Compliance	<ul style="list-style-type: none"> • Showalter, chapter 10 and 15 • <i>Bryson v. Milford Reg'l Med. Ctr., Inc.</i> • <i>United States v. Patel</i> 	<ul style="list-style-type: none"> • QUIZ #3 due by 2/21 at 5pm
March 1	Corporate Compliance Antitrust Law	<ul style="list-style-type: none"> • <i>United States v. Campbell</i> • OIG Self-Disclosure Protocol • CMS Self-Referral Disclosure Protocol • Practical Guidance for Health Care Governing Boards on Compliance Oversight • CMS Fact Sheet: Modernizing and Clarifying the Physician Self-Referral Regulations Proposed Rule • OIG Fact Sheet: Notice of Proposed Rulemaking OIG-0936-AA10-P • Health Affairs Blog post: Proposed Stark Law, Anti-Kickback Reforms Aim to Facilitate Value-Based Care 	<ul style="list-style-type: none"> • QUIZ #4 due by 2/28 at 5pm

DATE	TOPIC	READINGS	ASSIGNMENT
March 8	Consent for Treatment and End of Life Issues Issues of Reproduction and Birth	<ul style="list-style-type: none"> • Showalter, chapters 11 & 14 • Nathan Hershey Op-Ed • <i>Doctors Hospital of Augusta v. Alicea</i> • <i>In re Cassandra C.</i> • <i>A.L.S. v. E.A.G.</i> • Article: Impact of Clinic Closures on Women Obtaining Abortion Services After Implementation of a Restrictive Law in Texas • Article: Discounts, guarantees, and the search for ‘good’ genes: the booming fertility business 	<ul style="list-style-type: none"> • QUIZ #5 due by 3/7 at 5pm
March 15	Final Exam		<ul style="list-style-type: none"> • Take home essay exam due in class on 3/15 and via email

APPENDIX A: CASE BRIEF AND CASE PRESENTATION

The purpose of the case brief assignment is to develop student comprehension and appreciation of case law, as well as the skill of identifying legal issues and succinctly summarizing legal reasoning. The case presentation assignment will enable students to effectively lead class discussion regarding legal principles discussed in the case as well as any policy/management ramifications.

CASE BRIEF

The “IRAC” method should be used for the case brief. The IRAC method is a framework for analyzing a legal case, with the following structure: **I**ssue, **R**ule, **A**nalysis, and **C**onclusion. Before using the IRAC framework, it is important to first briefly summarize the facts and procedural history of the case. When you are finished, consider the legal, policy, and/or management implications of the decision.

Brief Introduction to the IRAC Method

Issue: The first step in IRAC is to state the issue presented by the case. Sometimes a case will provide the issue for you. If not, then ask: What is the legal question that, when answered, determines the result of the case? The issue should be stated in the form of a question in a specific, rather than general form: “Is there an agency relationship if there was no compensation paid?” would be an acceptable issue. “Will the plaintiff win?” would not be acceptable. The names of the parties in the case may be used, as well as specific facts. Although most cases present one issue, if there is more than one issue to address, then you should conduct a separate IRAC analysis for each issue.

Rule: The rule describes which law or test applies to the issue. The rule should be stated as a general principal, and not a conclusion to the particular case being briefed. Example: “An agency relationship is created when there is an agreement that the agent will act for the benefit of the principal at the principal’s direction or control regardless of whether compensation is paid” would be an acceptable rule. “The plaintiff was the defendant’s agent” would not be an acceptable rule. Do **not** use parties’ names or specific facts from the case.

Analysis: The analysis is the most important, and often the longest, part of an answer. It involves applying the rule to the facts of the problem or question. You should use the facts to explain how the rule leads to the conclusion. Do **not** merely state a conclusion without also stating reasons for it. A conclusion without reasons or explanation means that you have not used the rule and the facts to analyze the issue.

The rule can be used as a guide in your discussion. Example: suppose the issue is whether Smith is an independent contractor. Using the facts of the case, explain whether or not they fit into the definition of what is an independent contractor. If the rule is a test with multiple factors, then you must analyze each factor by pointing out how the facts do (or do not) fulfill each factor.

Conclusion: The conclusion is your answer to the issue. State the result of your analysis. Examples: “Smith is liable for negligence; therefore, the lower court’s decision is overturned” or “Therefore, no valid contract was formed between Smith and Hospital and the lower court’s decision is upheld.” If there are multiple issues, there must be multiple conclusions as well.

A great source of information regarding legal reasoning, how to brief a case using IRAC, and examples using IRAC can be found at <http://www.lawnerds.com/guide/irac.html>.

Formatting the Case Brief

Each case brief is limited to 4 pages in length (double-spaced, 12 point font, 1” margins). Please email your case brief to the instructor and TA prior to class. The case brief should include the following sections:

1. **Case name and citation:** For example, *Roe v. Wade*, 410 U.S.113 (1973).
2. **Facts and Procedural History:** The procedural facts, followed by a brief summary of the relevant evidentiary facts of the case that gave rise to the litigation.
3. **Issue:** Clearly identify the issue(s) or question(s) presented.
4. **Rule (of Law):** A succinct statement of the rule of law that expressly or impliedly governs the case. Include all the elements of the rule.
5. **Analysis:** Application of (all elements of) the rule of law to the facts of the case;
6. **Conclusion:** Succinct statement of the conclusion, decision, or holding. How did the court rule? Who prevailed in the litigation and what was the procedural ramification. For example, the appellate court reversed the trial court and remanded for further consideration.
7. **Legal/Policy/Management Implications:** Is the case wisely decided? Does the decision uphold or extend a sound health policy or public policy? Why or why not? What are the legal, policy, and/or management ramifications?

CASE PRESENTATION

The case presentation is designed for students to teach their classmates about their case. As such, it is best to avoid legal jargon in your presentation and explain any legal terms used.

Each case presentation should be 8-10 minutes in length using Power Point slides that visually enhance your presentation. You should include the facts of the case, the issue(s) the court had to resolve, the court’s decision and reasoning behind the decision, and your legal/policy/management implications.

If you have questions regarding the case brief, case presentation, or using the IRAC method, please be sure to make an appointment to discuss your questions before your due date. Also, be sure to review the grading rubric (available on Canvas).

Plagiarism and Cheating Notice	<p>Plagiarism and other forms of academic misrepresentation are taken extremely seriously. Misrepresentation of another's work as one's own is widely recognized as among the most serious violations. The violation is clearly flagrant when it occurs as plagiarism on a required paper or assignment or as cheating on an examination, regardless of whether it is a take-home or in-class examination. The punishment for such offenses can involve expulsion from the program. There are many other ways in which a violation can occur.</p> <p><i>Academic Dishonesty:</i> Students are expected to maintain the highest ethical standards inside and outside the classroom. Cheating on exams and term papers (i.e. plagiarism and unauthorized collaboration) is obviously discouraged and will be treated appropriately. The usual penalty for violations is a failing grade for the particular assignment in question; however, in some instances, such actions may result in a failing grade for the course.</p>
Course Policies & Expectations	<p>Course readings for each week are outlined below and may be supplemented and/or changed as deemed appropriate. Each student is expected to read the materials and be prepared to discuss them in class. In addition, each student is expected to attend every lecture, arriving on time for class. Absences may be excused at the instructor's discretion with advance notice. Students who are absent without providing advance notice will have 1 point deducted from their final grade.</p> <p>At times we will be discussing sensitive and controversial issues – please be respectful of the opinions of others and engage in civil discussion and debate. Every student is expected to show respect for the individual beliefs, experiences, behaviors, worldviews, and backgrounds of others.</p> <p>Computers are to be used for class purposes only. Please turn off cellphones prior to class. If you cannot turn your phone off, please set it to vibrate rather than ring. No recordings of lectures are permitted without prior permission from the instructor.</p> <p>Assignments should be turned in on time. Acceptance of late assignments is at the instructor's discretion.</p>
Remote Zoom Teaching	<p>This course will be taught as a remote-only (REO) course over Zoom. The course will be divided into lecture components, case briefs given by the students, and break out sessions to discuss course topic related questions.</p> <p><i>Zoom Policies</i></p> <ul style="list-style-type: none"> • Keep your audio on mute until you want to speak to limit background noise. • Enable your video so that we can see each other. <i>If you need to take a break, you can turn your camera off for a few minutes.</i> • Try to log in from a quiet, distraction-free environment. • Close unneeded applications for optimal video functioning. • If you use a Zoom background, make sure it is not distracting to others. • If you want to ask a question or make a comment, please either physically raise your hand or use the “raise hand” function on Zoom and wait to be called on. Discussion is an important part of this class and I encourage questions and comments. • Please limit chat comments to technical difficulties and similar communications, as it will be challenging for me to teach effectively while also monitoring the chat.

By following these policies, our Zoom classroom will be a much better experience. There will likely be technical glitches along the way, but if we are patient and work together, we can create a rich virtual learning environment.

Accommodations for Students with Disabilities	<p>If you have a disability and have an accommodations letter from the Disability Resources office, I encourage you to discuss your accommodations and needs with me as early in the semester as possible. I will work with you to ensure that accommodations are provided as appropriate. If you suspect that you may have a disability and would benefit from accommodations but are not yet registered with the Office of Disability Resources, I encourage you to contact them at access@andrew.cmu.edu.</p>
Student Well Being	<p>Take care of yourself. Do your best to maintain a healthy lifestyle this semester by eating well, exercising, avoiding drugs and alcohol, getting enough sleep and taking some time to relax. This will help you achieve your goals and cope with stress.</p> <p>All of us benefit from support during times of struggle. There are many helpful resources available on campus and an important part of the college experience is learning how to ask for help. Asking for support sooner rather than later is almost always helpful.</p> <p>If you or anyone you know experiences any academic stress, difficult life events, or feelings like anxiety or depression, we strongly encourage you to seek support. Counseling and Psychological Services (CaPS) is here to help: call 412-268-2922 and visit their website at http://www.cmu.edu/counseling/. Consider reaching out to a friend, faculty or family member you trust for help getting connected to the support that can help.</p> <p>If you have questions about this or your coursework, please let me know. Thank you, and have a great semester.</p>