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HSPM 7235A - Healthcare Law and Ethics

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Georgia Southern University
Jiann-Ping Hsu College of Public Health

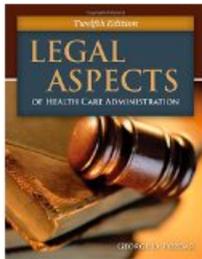
Healthcare Law and Ethics - HSPM 7235 A
Spring 2017

<u>Instructor:</u>	Julie Reagan, PhD, JD, MPH
<u>Office:</u>	Hendricks Hall, Room #2011
<u>Phone:</u>	(912) 478-1342
<u>E-Mail Address:</u>	jreagan@georgiasouthern.edu
<u>Office Hours:</u>	Tuesday 1:00 to 6:00 p.m.
<u>Class Meets:</u>	Monday and Wednesday 2:30 to 3:45 p.m. IT Building, Room 2203

Prerequisites: None

Folio Address: <https://georgiasouthern.desire2learn.com/d2l/home>.

Catalog Description: The purpose of this course is to introduce students to legal issues in public health and healthcare. Basic legal principles underlying the legal system, governmental regulation, development of legal rules, and how to interact effectively with the legal system as a public health practitioner will be explored. This course has two main purposes: first, to examine the legal context of the relationship between the individual and the community; and second, to understand public health regulation in the context of a market-driven system.



Required Text: Pozgar, George D. Legal Aspects of Health Care Administration. Jones & Bartlett Learning, 2016.

Secondary Text: Additional articles, supplemental materials, and URLs/website addresses will be supplied by the instructor during the course.

Course Credit: This is a three-credit hour course.

Course Delivery Platform: Face-to-face lecture. Class meetings will be a combination of lecture, class discussion, and active participation. Computer generated presentations utilizing Folio will be used to augment in-class lectures. You are encouraged to complete the recommended readings and activities (as listed in this syllabus and in Folio) prior to class lectures.

JPHCOPH (College Level) Student Learning Outcomes: At the completion of the M.H.A. degree program all students will be able to understand and apply concepts concerning:

1. Demonstrate proficiency and effectiveness in the communication of core public health principles and practices, both oral and written.
2. Demonstrate proficiency in the integration of the core public health disciplines (Biostat, Epid, Env Health, Hlth Policy/Mgt, & Social/Behav Sc) in practice and research.
3. Demonstrate proficiency in problem solving, critical thinking, and public health leadership.

Health Policy and Management (Departmental Level) Student Learning Outcomes: At the completion of the M.H.A. degree program all students will be able to understand and apply concepts concerning:

- I. Analyze and evaluate the financial management of health organizations including structuring, marketing, and governance.
- II. Evaluate the management of change in health organizations.
- III. Conduct and interpret relevant health administration research using appropriate research designs and analytic techniques.
- IV. Communicate health services administration principles and concepts to lay and professional audiences through both oral and written communication

Program Competencies: At the completion of the M.H.A. degree program all students will be able to (domains are listed first and competencies under each domain follow; established in Spring, 2015):

I. COMPETENCY DOMAINS

A. Measurement and Analysis

Measurement: Identify information needs, and gather and understand relevant data information in order to define a problem, to assess a situation, or to implement a set of metrics.

Analysis: Organize, manipulate and use information to assess performance, to identify alternative courses of action, to investigate hypotheses, or to accomplish other strategic goals.

B. Communication

Receive and convey information in ways that encourage continued dialogue among stakeholders. Effective communication involves strong written and oral transmission skills, responsive listening, and use of creative strategies for exchanging information.

C. Leadership

Influence others to reach their highest level of effectiveness in achieving common goals, both as individuals and in teams. Establish direction and engage various constituencies to produce a shared vision of the future, motivating and committing them to action, and making them responsible for their performance.

D. Law and Ethics

Establish high ethical standards, create a culture of shared ethical values and legal understanding, and transform those ideals into visions and expected behaviors.

E. Professional Development

Required to excel professionally throughout one's career and to make meaningful contributions to the field.

II. COMPETENCIES BY DOMAINS

Domain 1: Measurement and Analysis

Measurement:

- A.1 Identify appropriate sources and gather information, effectively and efficiently.
- A.2 Appraise literature and data critically that **enhances community health**.
- A.3 Develop, understand and use data from performance, surveillance or monitoring systems.

Analysis:

- A.4 Financial analysis: Understand and explain financial and statement; prepare and manage budgets; and make sound long-term investment decisions.
- A.5 Statistical analysis: Understand and apply basic **biostatistical** methods relevant to **public health** practice.
- A.6 Policy analysis: Understand the policy-making process and the role of **public health politics**; assess a problem and identify and compare potential policy solutions; and understand and critically assess methods to evaluate policy impact.
- A.7 Economic analysis: Use basic microeconomic theory to understand how the incentives of consumers, providers, and payers affect behaviors, costs, and other outcomes; understand and apply basic econometric tools for the empirical study of issues in health economics.

- A.8 Operational analysis: Analyze, design, or improve an organizational process, including the use of quality management, process improvement, marketing and information technology principles and tools.
- A.9 **Population health assessment:** Understand and apply basic **epidemiologic** principles, measures, and methods to assess the health status of a population; identify risk factors in individuals and communities; evaluate the impact of population-based interventions and initiatives.
- A.10 Decision making: Implement a decision-making process that incorporates evidence from a broad analysis that includes uncertainty, risk, stakeholders, and organizational values.

Domain 2: Communication

- B.1 Convey: Speak and write in a clear, logical, and grammatical manner in formal and informal situations; prepare cogent business presentations; facilitate an effective group process.
- B.2 Listen: Receive, process, and respond appropriately to information conveyed by others.
- B.3 Interact: Perceive and respond appropriately to the spoken, unspoken, or partly expressed thoughts, feelings, and concerns of others.

Domain 3: Leadership

- C.1 Organizational vision: Through effective governance, establish an organization's values, vision, and mission; systematically enhance performance and human material and knowledge resources.
- C.2 Strategic orientation: Analyze the business, demographic, ethno-cultural, political, and regulatory implications of decisions and develop strategies that continually improve the long-term success, viability of the organization and focus on **community health status**.
- C.3 Accountability: Hold self and others accountable to standards of performance; encourage commitment to the long-term good of the organization.
- C.4 Change leadership: Energize stakeholders and sustain their commitment to the organization while adapting to changes in the **environmental factors**.
- C.5 Collaboration: Work collaboratively with others as part of a team or group, demonstrating commitment to the team's goal and encouraging individuals to put forth their best effort.
- C.6 Organizational awareness: Understand and learn from governance structures, formal and informal decision making structures, and power relationships in an organization, industry, or community.

Domain 4: Law and Ethics

- D.1 Use legal reasoning as a tool for analysis, communication, strategy and planning.
- D.2 Behave ethically and promote standards of ethical behavior throughout **public** and healthcare organizations and professional communities.
- D.3 Develop an understanding of healthcare state and federal legislation as it affects healthcare organizations.

Domain 5: Professional Development & Self-Awareness:

- E.1 Actively seek feedback from others, reflecting and learning from successes and failures of professionals in **public health and healthcare**.
- E.2 Develop an accurate view of own strengths and developmental needs, including the impact one has on others.

Course Learning Objectives:

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

1. Describe the basics of the American legal system, including the sources of law and the three branches of government. (A6, D1, D3)
2. Understand the constitutional foundation of public health measures in the U.S. and be able to describe legal theories applicable to public health regulation of individual behavior. (A6, D1, D3)
3. Describe the current structure of the U.S. healthcare system and how it has evolved over time through reform efforts. (D1, D3)
4. Demonstrate skill and proficiency of legal research methods. (A1, A2, D1, D3)
5. Compare and contrast Medicare and Medicaid, including how these laws have evolved over time. (A6, A9, D1, D3)
6. Recognize the structure and provisions of the Affordable Care Act and its impact on our U.S. healthcare system. (D1, D3)
7. Understand proper medical record information management, privacy, and confidentiality requirements of state and federal laws. (D1, D3)
8. Understand how the laws of contracts, intentional torts, negligence, and criminal law apply to the healthcare system. (D1, D3)
9. Describe the liability issues encountered by physicians and corporate healthcare institutions. (C6, D1, D3)
10. Identify the various laws and government regulatory programs applicable to labor relations. (D1, D3)
11. Describe ethical principles applicable to government public health programs and the healthcare industry. (D1, D2, D3)
12. Demonstrate the ability to identify core concepts of health law by conducting legal research and writing a legal memorandum. (B1, D1, D3)

13. Demonstrate oral communication skills by participating in class activities involving health law topics. (B1, B2, B3, D1, D3, E1, E2)

Assessment of Student Learning:

- **Readings & Assignments:** Textbook reading assignments are indicated in the course schedule below and in Folio. Additional assignments specific to each lecture will be posted in modules in Folio. Please follow the instructions for assignment completion posted within each module. **You are responsible for any additional materials provided online, so please check Folio regularly.**
- **Exams.** A total of 4 exams will be administered. Three of the exams will each be worth 20% of the final grade. A fourth exam, a comprehensive final, will be worth 25% of the course grade. The exams will consist of multiple choice questions. Exams will be given in class and will be open-book, open-notes. Notes, notebooks, and textbooks are allowed. Computers or other digital technology will not be allowed. The final exam will be comprehensive.
- **Writing Assignment :** You will be required to conduct research and draft a research paper on an assigned health law topic. This assignment is worth 15% of the total grade. Specific instructions will be provided in class and in Folio.
- **In-Class Participation:** Class participation is an integral part of the learning process. This course requires substantial and informed student participation. General discussion of theory and practice is encouraged and expected of all students. At a minimum, being informed requires class engagement, completion of assigned readings and projects, and attention to healthcare news. Thoughtful participation is important and will be considered for the final grade calculation.
- **Attendance Policy:** Federal regulations require attendance to be verified before distribution of financial aid allotments. Thus, attendance will be verified at the first class meeting. Students not attending the first class will be dropped from the class. This class requires regular attendance. Attendance at each class throughout the semester is expected and will be considered for final grade calculations. A sign-in sheet will be available at each class.

Instructor Response Times:

- Email: within 24 hours (expect longer response times on weekends & holidays)
- Exams: within 1 week
- Memorandum: within 2 weeks

Grading:

<i>Assignment</i>	<i>Weight (%)</i>
Exam 1	20
Exam 2	20
Exam 3	20
Exam 4 (Comprehensive Final)	25
Writing Assignment	15
Total	100

Grading Scale:

90-100%	=	A
80-89%	=	B
70-79%	=	C
60-69%	=	D
0-59%	=	F

Make-up Exams and Late Assignments: Late assignments will not be excused, and make-up exams will not be provided, except in cases of illness, injury, or extenuating circumstances. In such circumstances, or if you need additional time to satisfactorily complete any course requirement, please consult with the instructor within a reasonable amount of time.

Except in cases of extenuating circumstances and instructor approval, any assignment turned in late will be lowered one letter grade.

Course Schedule, Topics and Assignments

Week	Dates	Module	Module Title	Textbook Readings	In Class Discussion
1	Mon 8/14	Orienta-Tion	Course Orientation	None	Course Orientation and Introductions
	Wed 8/16	1	Introduction to Health Law	Chap. 2, pp. 15-22	Introduction to Health Law
2	Mon 8/21	2	Constitutional Law	Chap. 2, pp 22-23	The Georgia Constitution; Case Studies
	Wed 8/23		Constitutional Law, cont.		
3	Mon 8/28	3	The Legislative Branch	Chap. 2, pp. 22-23	Examples of Legislative "Statutory" Law
	Wed 8/30	4	The Executive Branch	Chap. 2, p. 23, 25-28	Examples of "Administrative" Law
4	Mon 9/4		None		Labor Day -- No Class
	Wed 9/6	5	The Judicial Branch	Chap. 2, 23-25	Examples of Judicial "Case" Law
5	Mon 9/11		None		Game -- You're a Health Law Expert
	Wed 9/13	E1R	Exam 1 Review	None	Exam 1 (Modules 1-5)
6	Mon 9/18	6	Writing Assignment	None	Explanation of Writing Assignment
	Wed 9/20	7	Healthcare Ethics	Chapter 3	Ethics Case Examples
7	Mon 9/25	8	Tort Law -- Negligence	Chapter 4	Negligence Case Examples
	Wed 9/27	9	Tort Law -- Intentional Torts	Chapter 5	Intentional Torts Case Examples
8	Mon 10/2	10	Criminal Aspects of Healthcare	Chapter 6	Criminal Law Case Examples
	Wed 10/4		Overflow "Catch-up"		No Class
9	Mon 10/9	11	Contract Law	Chapter 7	Common Contracts Used in Healthcare Settings

	Wed 10/11		Overflow "Catch-up" Class	None	Overflow Class
10	Mon 10/16	ER2	Exam 2 Review	None	Exam 2 (Modules 7-11)
	Wed 10/18	8	Negligence (re-cap)	Chapter 4	Hospice in the Pines, Part 1
11	Mon 10/23	12	Medical Staff Organization and Physician Liability	Chapter 10	Hospice in the Pines, Part 2
	Wed 10/25	13	Corporate Structure and Liability	Chapter 9	Hospice in the Pines, Part 3
12	Mon 10/30	14	Patient Consent	Chapter 13	HIV Testing Informed Consent Case
	Wed 11/1	15	Legal Reporting Requirements	Chapter 14	Child Abuse Statutes; Notifiable Conditions Regulations
13	Mon 11/6	17	Labor Relations	Chapters 20 & 21	No Class -- APHA
	Wed 11/8	18	National Health Insurance and Managed Care	Chapter 24	No Class -- APHA
14	Mon 11/13	16	Medical Records	Chapter 15	HIPAA Examples; State Privacy Law Example
	Wed 11/15	E3R	Exam 3 Review		Exam 3 (Modules 12-18)
15	Mon 11/20		Thanksgiving Holiday	None	No Class
	Wed 11/22		Thanksgiving Holiday	None	No Class
16	Mon 11/27	FER	Final Exam Review	None	Final Exam Review
	Wed 11/29	19 & 20	Medicare and Medicaid	None	No Class
17	Mon 12/4			None	Comprehensive Final Exam 3 pm to 5 pm

Disclaimer: The contents of this syllabus are as complete and accurate as possible. The instructor reserves the right to make any changes necessary to the syllabus and course material. The instructor will make every effort to inform you of changes as they occur. It is the responsibility of the student to know what changes have been made in order to successfully complete the requirements of the course.

Academic Integrity: Students are expected to follow the guidelines outlined in the *Student Conduct Code 2013-2014* policy regarding academic dishonesty. Any student found in violation of academic honesty will receive a grade of ‘F’ for the course. It is the student’s responsibility to become familiar with the *Student Conduct Code*.

Students are also expected to follow the guidelines set forth in the JPHCOPH Student Handbook.

- GSU Student Conduct Code: <http://deanofstudents.georgiasouthern.edu/conduct/wp-content/uploads/sites/3/2013-2014-SCC-8.19.13.pdf>.
- JPHCOPH Student Handbook: <https://docs.google.com/a/georgiasouthern.edu/file/d/0B2ms15eoGveqOHIEUW53X0ZS WVE/edit>.

Texting and Use of Cell Phones (and Other Technologies)

Please do not text in class or use your cell phone during class! Texting during class (or in a meeting) is disruptive and rude...at least to me. My preference is that you put cell phones away during class meetings so they are not a source of temptation.

Academic Misconduct: Academic misconduct according to GSU’s policy includes (but is not limited to):

Cheating:

- a. Submitting material that is not yours as part of your course performance;
- b. Using information or devices that are not allowed by the faculty;
- c. Obtaining and/or using unauthorized materials;
- d. Fabricating information, research, and/or results;
- e. Violating procedures prescribed to protect the integrity of an assignment, test, or other evaluation;
- f. Collaborating with others on assignments without the instructor’s consent;
- g. Cooperating with and/or helping another student to cheat; and/or
- h. Demonstrating any other forms of dishonest behavior.

Plagiarism:

Plagiarism is defined as “appropriating and putting forth as one’s own the ideas, language, or designs of another” (The Living Webster, 1975), and it is strictly forbidden. Written and oral presentations must be a student’s own work. Students plagiarizing or cheating in any form will face disciplinary action which could result in failure of this course or suspension or expulsion from the University. Copying from written materials, presentations, websites, etc. without source

acknowledgement and reference is plagiarism. *Read it, appreciate it, learn from it, and make sure you properly cite the source – and then reflect on it with your own thoughts and words!*

Plagiarism according to GSU's policy includes (but is not limited to):

- a. Directly quoting the words of others without using quotation marks or indented format to identify them;
- b. Using sources of information (published or unpublished) without identifying them;
- c. Paraphrasing materials or ideas without identifying the source;
- d. Unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic material.

If you are uncertain about what constitutes plagiarism, please contact the instructor. If you are accused of either cheating or plagiarism, the policy, as per the Student Affairs website (<http://deanofstudents.georgiasouthern.edu/conduct/resources/faculty/academic-dishonesty/>), will be enforced.