

**SYLLABUS
HPAA 310
(FORMERLY HPAA 82)
HEALTH LAW AND ETHICS
FALL 2007**

PROFESSOR: DEAN M. HARRIS

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CLASS TIMES: MONDAYS and WEDNESDAYS from 9:30 TO 10:45 a.m.

LOCATION: 1301 McGAVRAN-GREENBERG HALL

TEXT: HARRIS, CONTEMPORARY ISSUES IN HEALTHCARE LAW AND ETHICS (2ND EDITION) (HEALTH ADMINISTRATION PRESS, 2003). (Be sure to use the second edition.)
Additional reading assignments will be posted on Blackboard or identified on the Internet.)

GOALS AND OBJECTIVES: The goals and objectives of this course are to:

1. Learn about the law and how law applies to the American health care system;
2. Learn how we can use the law to promote our values and public policy goals of quality, access and cost-containment;
3. Learn how the law has changed over time and continues to evolve in order to promote our policy goals;
4. Learn how to analyze and interpret statutes and court decisions;
5. Learn how to analyze the legal issues in a given set of facts; and
6. Learn how to identify situations that raise legal issues, in order to avoid legal problems and know when to consult legal counsel.

EXIT COMPETENCIES: By the end of this course, students should be able to do the following:

1. Understand how the American legal system works, including having a basic familiarity with different types of law, civil procedure, and the process of a civil lawsuit;
2. Understand legal citation form and find various types of legal materials;
3. Have the ability to analyze and interpret statutes and court decisions;
4. Understand how various laws affect the structure and operation of healthcare organizations, including corporation law, tort law, government regulation, fraud and abuse laws, civil rights laws, and antitrust laws;
5. Understand how law protects the rights of patients and regulates the relationship between patient and provider, including issues of informed consent, medical

- malpractice, confidentiality, termination of treatment, advance directives, human reproduction, and obligations to provide care;
6. Understand how the law could be changed to regulate and reform the system of managed care, and how law could be used to increase the extent of health insurance coverage; and
 7. Be able to use the law to promote health policy values and goals.

COURSE REQUIREMENTS AND GRADING: There will be a short quiz in class on September 19 that will count as 10% of your grade and a midterm exam in class on October 10 that will count as 30% of your grade. In addition, there will be a final exam that will count as 40% of your grade. The final exam will be cumulative and will consist of multiple choice questions. Finally, 20% of your grade will be based on attendance and class participation.

COURSE EVALUATION

The Department of Health Policy and Administration is participating in the Carolina Course Evaluation System (CES), the university's new online course evaluation tool, enabled at the end of each semester. 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 CES is a course requirement, as providing constructive feedback is a professional expectation. Such feedback is critical to improving the quality of our courses, as well as providing input to the assessment of your instructors.

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 (6-4042).

ACADEMIC DISRUPTION EXERCISE

HPAA is committed to developing and testing alternatives for continuing classes in the face of various disruptions. During this semester we may run such a test. If this course participates, you will be informed in advance about the nature of the exercise and actions to take. We appreciate your full cooperation in this very important endeavor.

CLASS SCHEDULE AND ASSIGNMENTS

NOTE: These topics and assignments are subject to change by the professor. Unless otherwise noted, all chapter and page references are to the text.

Class #	Date	Topic	Reading Assignment
1	Aug. 22	Introduction & housekeeping matters	Ch. 1
2	Aug. 27	The American legal system [Who makes the laws?]	Ch. 2 at pp. 13-22 (top); plus Chapter 5 at pp. 65-68
3	Aug. 29	Civil procedure I (pleadings and discovery) [Deposition video]	Ch. 2 at pp. 22-28
4	Sept. 5	Civil procedure II (motion to dismiss, motion for summary judgment, trials, and appeals)	Read the excerpt from <u>LaBarre v. Duke University</u> on Blackboard. Then prepare a written chronology of the facts and the legal procedure in that case.
5	Sept. 10	Civil procedure III (jurisdiction and related issues)	Find a newspaper article about a civil lawsuit, and bring it to class. In writing, identify the plaintiff and defendant, the court in which the case is pending, basis for the suit, and current stage of the case.
6	Sept. 12	Medical Malpractice I	Ch. 10 at pp. 233-45 (top)
7	Sept. 17	Medical Malpractice II	To be announced
8	Sept. 19	Informed Consent (plus a short quiz in class)	Ch. 10 at pp. 245-51; (Be prepared to discuss Problem 10.1 at pp. 250-51 in detail, but it is not necessary to prepare a written answer.)
9	Sept. 24	Medical Malpractice Reform	Ch. 10 at pp. 252-59. Also, use the Internet to locate a statement or position paper by an association or organization regarding a proposal for medical malpractice reform, and bring a copy to class.
10	Sept. 26	Human Reproduction	Ch. 13
11	Oct. 1	Refusal of Care, Right to a Natural Death, and Physician-Assisted Suicide	Ch. 12 at pp. 285-96; 301-04 (top)
12	Oct. 3	Obligations to provide care I	Ch. 11 at pp. 261-74
13	Oct. 8	Obligations to provide care II (plus prohibitions against discrimination)	Ch. 11 at pp. 274-84 (Be prepared to discuss Problem 11.1 at pp. 274-76 in detail, but it is not necessary to prepare a written answer.)
14	Oct. 10	MIDTERM EXAM	N/A

15	Oct. 15	To Be Announced	To Be Announced
16	Oct. 17	To Be Announced	To Be Announced
17	Oct. 22	The law of government payment programs (Medicare, Medicaid and SCHIP)	Ch. 8 at pp. 137- 52 (top); 157 (bottom)-59 (top)
18	Oct. 24	Legal structure and governance of healthcare organizations	Ch. 4 at pp. 43-55 (top) (Be prepared to discuss Problem 4.1 at pp. 51-53 in detail, but it is not necessary to prepare a written answer.)
19	Oct. 29	Government regulation for quality of care	Ch. 5 at pp. 69-79 (top); and re-read 65-67 (top)
20	Oct. 31	Government regulation for cost-containment and access (CON Laws) I	Ch. 5 at pp. 79-92
21	Nov. 5	Government regulation for cost-containment and access (CON Laws) II	Be prepared to discuss problem 5.1 at pp. 86-92 in detail, but it is not necessary to prepare a written answer.
22	Nov. 7	Antitrust Law	Ch. 9 at pp. 193-203 (top); 210-11 (top)
23	Nov. 12	Fraud and Abuse I	Ch. 8 at pp. 159-72
24	Nov. 14	Fraud and Abuse II	Ch. 8 at pp. 181-92
25	Nov. 19	Managed Care I	Ch. 14 at pp. 339-40; Ch. 15 at pp. 359-74; Ch. 16 at pp. 375-77
26	Nov. 26	Managed Care II	Ch. 16 at pp. 377 (bottom)-92 (top)
27	Nov. 28	Health Insurance Reform (Legal alternatives for increasing coverage)	Ch 5. at pp. 92-99; Ch. 16 at pp. 392-96 (top)
28	Dec. 3	Protection of Privacy	Ch. 6
29	Dec. 5	To Be Announced	To Be Announced