

College of Charleston
School of Professional Studies/Bachelor of Professional Studies
HMSM 303-01: Healthcare Law and Regulation Course Syllabus
SPRING 2019 CRN# 23627; CofC NORTH; Mondays from 18:30-21:15

HYBRID CLASS – Primarily face to face, one completely online week

**COURSE SYLLABUS SUBJECT TO CHANGE AT ANY TIME, EXCEPT OF
COURSE, EX POST FACTO**

Revised November 27, 2018

Instructor Information

Name: **Lawrence A. Laddaga, Esq.**

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Office hours: By appointment via e mail only.

Response Times: I will respond to discussion board or online communication within 24 hours, and e mail within 48 hours, unless I am out of town in which case you will receive advance notice and different response times just for that time period.

Course Description

The delivery of healthcare in the US is governed by a complex system of state and federal laws and regulations. It may not be the most regulated industry in the U.S, but it is one of the most. Healthcare has become complex because whether or not healthcare is a right, it is necessary, and its provision has become an amalgam of government funded, privately funded, for profit and nonprofit delivery systems and it becomes more difficult to provide universal access, excellent quality and control cost. The government, in regulating healthcare, seeks to impact everything from the provider patient relationship, to controlling cost, to expanding access, to regulating and improving quality. These concerns give rise to a whole host of legal issues in healthcare, including privacy, access, consent, medical decision-making, quality of care, provider licensing and regulation, cost, cost controls, unique governance issues, liability risks, just to name a few. This course will provide a basic understanding of the laws and regulations governing the health care industry, help students have a basic understanding of the various legal and ethical issues associated with the conduct of business in the healthcare industry by looking at the history of regulation and laws that apply to healthcare, the body of state and federal laws that govern healthcare, and their evolution over time and the manner in which they continue to change.

Course Materials

Required Text: Steiner, John E. Jr., *Problems in Health Care Law; Challenges for the 21st Century* Tenth Edition 2014. Jones and Bartlett Learning.

Journal articles and other supplemental reading materials may be assigned.

HMSM 303: Healthcare Law and Regulation Course Syllabus

Page | 1

Revised November 27, 2018

Students must read class assignments/chapters before the class or first thing after opening the module for that week, in order to participate appropriately with the discussion and assignments.

Topic Outline and Required Reading	Date	Chapter
Course Opens on Oaks	January 8	1 & 6
MODULE 1 Prepare intro video, Review Syllabus, Chapter 1 Intro to Legal System Chapter 6 Patients Providers and Duties of Care Martin Luther King Holiday Last Day to Drop Add	January 14 January 21 January 14	
MODULE 2 Chapters 1 and 6 Continued Patients, Providers and Duties of Care	January 28	1 & 6
Oral presentation topic/abstract due	January 28	
MODULE 3 Decision Making Concerning Individuals	February 4	7
MODULE 4 Reproductive Issues	February 11	13
MODULE 5 “Tort Liability” – No face to face class NO FACE TO FACE CLASS – Required discussions/ Hypotheticals online, read chapter 11 and complete Any other assignments	February 18	11
MODULE 6 Bioethics	February 25	11/15
Oral Presentations given by students today	February 25	
One paragraph abstracts of paper due today	February 25	
MODULE 7 Healthcare Information Additional Oral Presentations today if necessary	March 4 March 4	15/8
MODULE 8 Healthcare Payment Systems Mid Term Grades due	March 11 March 7	8/9
MODULE 9 Healthcare Business Processes Spring Break	March 14 Sun March 17 – Sat March 23	9/10
Paper due	March 25	
MODULE 10 Criminal and Civil Penalties	March 25	12
MODULE 11 Behavioral Health Care	April 1	17
MODULE 12 Org. of Health Care System/Medical Staff	April 8	2
MODULE 13 Individual Providers and Caregivers	April 15	4
MODULE 14 Faculty evaluation, review, exam prep	April 22	
Final Exam (ONLINE ONLY)	Saturday, April 27 7:30 pm – 10:30 pm	

*References to dates contained on the College of Charleston Academic Calendar are provided here for convenience only. In case of error, the C of C academic calendar controls, and the student is expected to govern their conduct in accordance with the college’s official academic calendar. All dates listed above are for 2019

Student Learning Outcomes

1. Understand, discuss and be able to explain the basics of the legal system forming an understanding of the three branches of government and their role as forming, regulating and interpreting law and the difference between common law, statutory law, and regulatory law.
2. Understand, discuss, and be able to explain:
 - a. the rights and responsibilities of patients and providers;
 - b. the role of ethics and individual and personal rights including bioethics, reproductive rights, end of life decisions
 - c. tort liability: how negligence and intentional torts effects the health law system;
 - d. the laws governing medical and patient information (HIPAA);
 - e. payment system and how healthcare is paid for including private insurance, ERISA governed group plans, managed care, Medicare, Medicaid, Affordable Care Act exchanges;
 - f. the various civil and criminal penalties which apply to heath care to prevent fraud and abuse, and the basic business organization and how these apply to healthcare providers and organization and regulation of the medical staff.
3. Receive instruction and practice and being presented a fact pattern (a hypothetical), with legal questions and be able to identify the relevant legal issues, or how to research to discover those legal issues using the “IRAC” method, (issue, rule, analysis, conclusion).

Grading

Your grades will be calculated in the following manner; attendance, class participation and hypothetical assignments (25%), one 10 minute oral presentation (25%); one 5 page paper (it may be less pages but may not be more) (25%); and a final exam (25%).

Grading Scale

A	93 – 100%
A-	90 - 92%
B+	87 – 89%
B	83 – 86%
B-	80 – 82%
C	73 -79%
C-	70 – 72%
D	63 – 69%
D-	60 – 62%
Fail	Below 60%

Student Responsibilities and Deliverables:

- Complete assigned readings in preparation for class and applicable modules online.

- Attend every class and participate in in-class discussions (asking and answering questions, making valuable contributions to discussion of topics). Students who miss class for any reason remain responsible for anything missed, including class announcements, lecture notes, explanations of assignments, etc. Consult OAKS or a classmate before contacting the Professor. **There are 13 classes during the semester. Approximately 10% of class absences are considered acceptable, (1.5 classes) with the understanding that no assignments, presentation, papers, or exams may be submitted or taken late. There is no distinction between “excused and unexcused absences”. Absences of more than 1.5 may be submitted for excessive absences after notice to the student. Each absence beyond 1.5 will result in a ½ letter grade reduction for attendance and presentation grade.**

- Aply make a ten minute oral presentation to the class on a topic from an assigned chapter in the Textbook. **Written notice of your choice of topic and no more than a one paragraph description of your oral presentation. (e.g., exposition of the topic, or exposition plus advocacy) is due on the date noted in the calendar above.** Dates for presentation of the oral presentation are currently scheduled as per above, but will be determined based on final class size. This semester, they will be presented on Monday, February 19, 2018. Your mid-term grade will be based on your attendance, class participation and this oral presentation grade. Please plan to submit your presentation notes, upload a copy of your PPT slides, or otherwise turn in evidence of your work on your oral presentation.

- Submit no more than one page proposal (or a one page outline) for the five page paper by Monday February 19, 2018. Complete the 5 page paper assignment and submit it by the due date’s deadline: BEGINNING of class, on the date in the calendar above.

- Complete the final, on line exam, on the date on the calendar above.

Grading Rubrics

I. Attendance policy and in-class participation,

- Presence at the start of class and for the duration of class, with visual evidence of attentiveness to class proceedings. Your choice of electronic devices for taking notes, accessing the internet, or as a tool for learning is not prohibited, but use of electronic devices as learning tools is not an excuse for inattentiveness. When online, or hybrid, logging in 5 times per week, and participating in activities as proscribed by the module checklist, and in online discussions and questions.

- Correctly responding voluntarily to a question on readings.

- Voluntarily providing thoughtful commentary in support of, or constructive counterpoint to,

a class discussion.

II. Quality of oral presentation, will be assessed on:

- Planning: Evidence of advanced preparation, with an outline of notes or other aids, structured to adhere to the time allotted, providing convincing evidence to support conclusions. You may submit written evidence as you like to support this advance preparation, copies only.
- Organization: Clarity in defining the issue or subject chosen as a topic to present, with both accuracy and breadth
- Content Quality: Demonstration of ability to present complex arguments or principles with clarity, using supportive, substantive evidence and research on the topic beyond the course text alone, such that listeners are likely to gain new insights about the topic
- Delivery: Evidence of creativity in presentation and ability to command attention and interest of the audience, in a relaxed and professional manner.

III. The 5 page paper will be assessed, Professor on the following elements: (for more detailed description, please see <https://www.cmu.edu/teaching/resources/Teaching/CourseDesign/Assessment-Grading/Rubrics/PhilosophyPaperRubric.doc>)

- Professional appearance and use of correct grammar, spelling, and punctuation, with evidence of proofreading. Questions regarding these items should be resolved by reference to the MLA Style Manual and Guide to Scholarly Publishing, 3rd Edition (MLA style). References should be typed on one or more pages at the end of the paper and not included in page count for required length of paper.
- Evidence of thoughtful, mature analysis, including use of supportive, substantive evidence based on inclusion of research supplemental to assigned readings on the topic, with documentation of sources, using MLA style for citations
- Creativity in individual thought and introduction of points being made, written to maintain reader interest while meeting the requirements of the paper's 5 page length.
- In sum, a paper achieving a final grade of A should command attention because of its insightful development and mature style. It should present a cogent analysis of, or response to, the assigned topic, elaborating with well-chosen and relevant examples and persuasive reasoning. The paper should demonstrate the writer's command of the English language, with use of sophisticated, effective sentences and observing the conventions of written English (reference: University of California, <http://www.sdcoe.k12.ca.us/score/actbank/subja.htm>).
- Note: Formatting requirements for written assignments:

- Use of double-space for text, 1-inch margins, 12-point typeface (Times New Roman)

or Arial, no special fonts)

- Use of page numbers in lower right corner, except on first page
- All references to be attached at the end of the paper for citations, quotations, or use of other's ideas, using MLA standards.
- Header (single spaced) of the paper should include on page one: title of the paper, title of the course and course number, student name (first and last), student ID number, contact email and cell number, and date of submission. Do not repeat the header on subsequent pages. Save an electronic copy of the submitted paper.
- **Late submissions will not be accepted.**

IV. Final Exam,

The Exam will be online. It will be in an essay format, responding to “hypotheticals” which we will work on each week. In a normal working environment, a fact pattern which is at issue is usually handled by identifying issues, determining what law or laws would apply and determining whether legal advice is required. For the exam, you will be asked to identify issues, ascertain and explain which laws apply to the fact pattern and suggest what you believe to be the correct answer. In addition, you will take the opportunity to provide general information on the topic at hand, covering the most important points on the subject. For example, say the fact pattern involves a surgeon, with hospital privileges, who speaks to the minor autistic patient and gets consent from both the patient and one parent, but the form is not documented properly, and never makes it into the hospital records. The surgeon retained an unsigned copy. During that particular procedure, the surgeon decides to utilize a different procedure due to a problem he encounters during surgery. The patient has a bad outcome and sues the surgeon and hospital. You would not only address the particular issues with consent and medical negligence as they apply to this particular fact pattern, but you would generally discuss what you've learned about patient consent, and medical negligence in general. You will be given at least 5 fact patterns to choose from and will be asked to write on three for the final exam.

HONOR CODE: All students are expected to adhere to the College of Charleston Honor Code. The Honor Code of the College of Charleston specifically forbids lying, cheating, attempted cheating, stealing, attempted stealing and plagiarism. Students at the College are bound by honor and, by their acceptance of admission to the College, to abide by the Code and to report violations. Students can find the complete Honor Code and all related processes in the College of Charleston *Student Handbook* at <http://studentaffairs.cofc.edu/honor-system/studenthandbook/index.php>.

DISABILITY ACCOMODATIONS: The College will make reasonable accommodations for persons with documented disabilities. Students should apply at the Center for Disability Services / SNAP, located on the first floor of the Lightsey Center, Suite 104. Students approved for accommodations are responsible for notifying me as soon as possible and for contacting me one week before accommodation is needed.

Center for Student Learning: I encourage you to utilize the Center for Student Learning's (CSL) academic support services for assistance in study strategies, speaking & writing strategies, and course content. They offer tutoring, Supplemental Instruction, study strategy appointments, and workshops. Students of all abilities have become more successful using these programs throughout their academic career and the services are available to you at no additional cost. For more information regarding these services please visit the CSL website at <http://csl.cofc.edu> or call (843)953-5635.

GENERAL POLICIES:

Attendance: Attendance is required and points will be deducted for non-attendance, non-participation.

Assignment submissions: Assignments are due on the date and time specified. Missed weekly assignments cannot be made up.

Course schedule: The course schedule is approximate and changes may be made during the semester.

Extra credit: There will be NO extra credit assignments.

Civility: I expect you to conduct yourself in a professional and courteous manner, treating everyone with dignity and respect.

Course withdrawal: You may withdraw prior to the date specified by the College. After that date, withdrawal will be approved only under extenuating circumstances.

Incomplete grade: An incomplete grade will rarely be given and then only in extreme circumstances. For example, busy schedules, workload, and failure to take an exam are NOT considered valid reasons.

*Thanks to Dean Gibbison and Dr. Mueller for allowing me to use parts of their syllabus document with Permission.