

**University of Kansas
Department of Health Policy and Management**

**HP&M 833 Health Law (3 Credits)
Monday 7:10 PM – 10 PM
Spring, 2006**

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Course Description and General Objectives:

Health Law is a survey course of the law as it effects health care administration and health care generally. The purpose of this course is to develop the student's understanding of health law and its impact on all aspects of health care administration. At the end of this course the student should be able to demonstrate an understanding of the various legal issues, which they may encounter. In addition the student should be able to identify a potential legal issue and when to engage legal counsel's advice. Students will be responsible for all readings as well as written assignments, class presentations and discussion, and a final examination.

PREREQUISITES

Previous coursework in health systems (HP&M 810) is required.

Course Learning Objectives:

At the end of this course the students will be expected to:

1. Demonstrate an understanding of the major legal issues facing health care organizations and providers including but not limited to:
 - a. Professional liability and Negligence
 - b. Contracts, with special emphasis on managed care contracts
 - c. Taxation
 - d. Antitrust
 - e. Informed consent
 - f. Corporate compliance
 - g. EMTLA
 - h. HIPAA
 - i. Medical Staff appointment and credentialing, including economic credentialing
 - j. Fraud and Abuse and Stark Laws
 - k. Sexual harassment in the workplace
2. Demonstrate an understanding of the process, art and techniques of negotiation
3. Recognize issues and problems as they occur in everyday management, planning and decision-making.

Required Text:

The Law of Healthcare Administration. Stuart J. Showalter, Chicago: Health Administration Press, 2003 (fourth edition)

Consumer-Directed Healthcare and Its Implications for Providers. Robert S. Bonney, J.D., FACHE, Chicago: Health Administration Press, 2005. (Available for purchase in class for \$30)

Grading Criteria:

Weekly Quizzes (200 total points): At least ten quizzes consisting of multiple-choice, fill-in-the-blank, short answer and true/false questions worth 20 points each will be given covering assigned reading and class material from all previous classes, with emphasis on the current readings and most recent class sessions. If more than ten (10) quizzes are given during the semester only the top ten quiz grades will count toward this component of the grade. This is worth 200 points (40%) of the final grade. All quizzes will be available on Blackboard and must be completed by the end of the Sunday before class.

Negotiation Exercises (50 total points): Students will be given one case study in which they will be representing either an HMO or a hospital, in contract negotiation. Preparation for and negotiation will be done outside of class. Actual negotiations will take place during on-site class time. This is worth 10% of the final grade. The maximum number of points for each negotiation will be 50. This score will go to the students who, in the sole determination of the instructor, negotiated the best deal for the party they represented when compared with other students representing the same side. The next best deal will receive 47 points; the next best 44 and so on until all students receive a grade.

Final Exam (250 total points): A final exam will be given that will cover all of the material covered in the course. It will consist of multiple-choice, true/false, fill-in-the-blank and short essay questions. This is worth 250 points (50%) of the final grade.

Class Participation: This is a critical part of the course. Students are expected to contribute to the weekly discussion. Quantity of contribution is not necessary, however, quality is. This includes critical discussion of the case study presentations by other students. Each student is expected to attend and participate. Borderline grades will be significantly impacted based on class participation.

Should a student be called on to brief a case [i.e., facts, issue, rule of law and reason for decision] and that student is unprepared, the student's grade for the course will be reduced by one full letter grade. Each student will be given one free pass for the course, provided they notify the professor prior to the start of class that they do not want to be called on for that class.

Teaching Method:

This course will consist of a mixture of lecture, on-line discussions, case studies, student presentations and discussion. Students will be expected to be familiar enough with cases in the assigned readings to discuss the facts, issues and holdings in detail in class. Students may be called on, at random, to answer questions or discuss issues in an effort to arrive at a clear understanding of the issues facing the health care delivery system today. Critical discussion concerning the issues and the manner in which the courts have handled these

issues is encouraged and invited. Well-grounded disagreement with the professor is also encouraged. Guest lecturers may be utilized.

Late Assignments:

All papers, presentations and examinations are to be completed on the date assigned. In **extraordinary** circumstances the student may petition the instructor for permission to make up work. The decision of the instructor with respect to such requests is final.

Students With Disabilities Needing Accommodation:

Any student in this course who, because of a disability, needs an accommodation in order to complete the course requirements should contact the instructor or the ADA/504 Coordinator (913-588-7813; TDD 913-588-7960).

Academic Honesty

Academic integrity is the foundation of the academic community. Because each student has the primary responsibility for being academically honest, students are advised to read and understand all sections of this policy relating to standards of conduct and academic life.

Definitions

Academic dishonesty includes committing or the attempt to commit cheating, plagiarism, falsifying academic records, and other acts intentionally designed to provide unfair advantage to the students.

- **Cheating** includes, but is not limited to, intentionally giving or receiving unauthorized aid or notes on examinations, papers, laboratory reports, exercises, projects, or class assignments which are intended to be individually completed. Cheating also includes the unauthorized copying of tests or any other deceit or fraud related to the student's academic conduct.
- **Plagiarism** involves the use of quotation without quotation marks, the use of quotations without indication of the source, the use of another's idea without acknowledging the source, the submission of a paper, laboratory report, project, or class assignments (any portion of such) prepared by another person, or incorrect paraphrasing.
- **Falsifying academic records** includes, but is not limited to, altering grades or other academic records.
- **Other acts** that constitute academic dishonesty include:
 - Stealing, manipulating, or interfering with an academic work of another student or faculty member.
 - Collusion with other students on work to be completed by one student.
 - Lying to or deceiving a faculty member.

Students found to have engaged in academic dishonestly, at a minimum, will receive a failing grade for the course.

Reading Assignments:

Students are expected to come to class prepared to discuss the reading assignment (including all case studies) for that class. A schedule of readings is shown below.

SCHEDULE OF CLASS TOPICS AND READINGS:

Note: Due to the nature of this course the following schedule will likely be modified as the semester progresses in order to allow for thorough discussion of a particular topic of interest. Students should prepare the material assigned, even if it appears that it is not possible to catch up, as the professor may choose to summarize several lesser important points in order to cover the assigned material. *Check Blackboard weekly for possible changes to assignments*

Week/Date	Topics and Reading Assignments
1 1/23	Chapter 1: Introduction to the Anglo-American Legal System Sexual Harassment in the Workplace (no reading for this topic)
2 1/30	Chapter 2: Professional Liability Appendix: Chapter 2 Cases
3 2/6	Chapter 3: Negligence Appendix: Chapter 3 Cases
4 2/13	Chapter 5: Liability of the Healthcare Institution Appendix: Chapter 5 Cases
5 2/20	Chapter 4: Organization and Management of a Corporate Healthcare Institution Appendix: Chapter 4
6 2/27	Chapter 7: Antitrust Law Appendix: Chapter 7 Cases Stark I & II
7 3/6	Chapter 14: Medical Staff Appointments and Privileges Appendix: Chapter 14 Cases
8 3/13	Chapter 6: Taxation of Healthcare Institutions Appendix: Chapter 6 Cases
9 3/20	SPRING BREAK
10 3/27	Chapter 9: Admission and Discharge Appendix: Chapter 9 Cases NO CLASS DUE TO American College of Healthcare Executives Congress: There will be on-line class discussion for this class in place of a quiz which will be completed anytime during the week. You will be expected to provide meaningful comments (not just "I agree with John") for each case scenario as well as comments on at least 4 of your fellow student's comments (different scenarios) in order to receive the full 20 points.
11 4/3	Chapter 8: Corporate Compliance Programs in Healthcare Appendix: Chapter 8 Cases

12 4/10	Managed Care Contract Terms and Issues Read pp 170-177 & Appendix in <u>Contracting in a Managed Care Environment</u> , Robert Bonney & Robert Smith. Chicago: Health Administration Press, 2002. Review sample hospital contract distributed in prior class Review model physician contract at: http://www.ama-assn.org/ama/pub/category/9559.html
13 4/17	Art, Process and Technique of Negotiation Read pp 157-170 & Appendix in <u>Contracting in a Managed Care Environment</u> , Robert Bonney & Robert Smith. Chicago: Health Administration Press, 2002.
14 4/24	Art, Process and Technique of Negotiation continued Chapter 10: Emergency Care Appendix: Chapter 10 Cases
15 5/1	Negotiation Exercise Due - - Case Discussion Chapter 11: Consent for Treatment and Withholding Consent Chapter 12: Family Planning Appendix: Chapter 11 and 12 Cases
16 5/8	Chapter 13: Medical Records Appendix: Chapter 13 Cases Review for final exam as time permits
17 5/15	Final Exam

Written Assignments:

Any written assignments will need to comply with the following guidelines in order to attain a maximum grade:

Writing Guidelines

1. Use 12-point font, with one-inch margins on all sides. For each course, the instructor will indicate whether single-spacing or double-spacing is acceptable. A title page is appropriate for research papers and other assignments.
2. Know your objective, and state it early in your writing. In addition, your paper (or each portion of an assignment) should conclude with a summary that ties together its various parts.
3. Organize your thoughts and your research before you begin writing.
4. Use headings and subheadings, if the length of what you are writing is a full page or more. Do not leave headings or subheadings hanging at the bottom of a page.
5. Make your formatting attractive and readable. You may use lists/bullet points, where appropriate.
6. Use page numbers on each assignment you submit, beginning with the second page.
7. Use short sentences and paragraphs. Do not use one-sentence paragraphs.
8. Do not use contractions. For example, use "cannot" instead of "can't" and "do not" instead of "don't."

9. A sentence should never begin with a figure, even when there are figures in the rest of the sentence. Either spell out the first number or reframe the sentence.
10. When using percentages in the text of your work, use a numeral and write out “percent,” e.g., 47 percent. Use the percent sign (%) in tables and figures.
11. When using an abbreviation or acronym (e.g., HMO, PPO, AHA, CEO), write the complete name or phrase the first time you use it, followed by the abbreviation or acronym in parentheses. Subsequent references may use the abbreviation or acronym.
12. Do not begin a sentence with an abbreviation or an acronym.
13. Put sentences in the active voice (“I did it”; “They did it”) instead of the passive voice (“It was done”).
14. Use the first person (“I” or “we”) rather than third person (“the author”) to describe what you yourself did.
15. Write in your own voice; be natural. Use simple language. Avoid jargon and “fancy language.” Omit needless words. Do not use a phrase when a word will do, a sentence when a phrase will do, or a paragraph when a sentence will do.
16. Avoid use of slang and “informal language.” Refrain from using “you” and do not refer to individuals by their first name.
17. Avoid language that might be interpreted as denigrating to ethnic, racial, gender, or other groups. Be particularly careful in dealing with gender, where long-established customs, such as the use of certain pronouns (e.g., “a physician...he” or “the nurse...she”) can imply gender-based discrimination. Use of plural pronouns or reframing the sentence usually helps.
18. Always use proper grammar and correct spelling.
19. Be consistent in your use of grammar rules (e.g., use of a comma before a conjunction in a list, verb usage and tense in a list of bullet points, use of numbers and numerals)
20. Edit and proofread carefully. Review your writing carefully for readability, clarity, spelling, grammar, and typographical errors. Your writing should flow smoothly and coherently.
21. Provide appropriate citations in an accepted format. Provide references for all concepts, thoughts, ideas, quotations, etc., from other sources (e.g., books, journal articles, personal interviews). Identify direct quotations appropriately.
22. Acquire a collection of references on writing that can help you. In addition to a good dictionary and thesaurus, here are a few suggestions.
 - Alred, Brusaw, and Oliu. *The Business Writer’s Handbook*.
 - Munter. *Guide to Managerial Communication: Effective Business Writing and Speaking*.
 - Shertzer. *The Elements of Grammar*.
 - Strunk and White. *The Elements of Style*.
 - Walsh. *Plain English Handbook*.
 - American Psychological Association. *Publication Manual*. 4th edition.