



HPEM 6370

Healthcare Law and Ethics 3

Credit Hours: 3

Semester: Fall

Year: 2021

Class Day/Time:

Class Location: Online

Modules open on Mondays at 8am and close one-week later Monday at 7:59am
All times are CST.

Instructor of Record:

Kate Starnes, JD
Assistant Professor

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Instructor of Record:

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Course 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.

Student Learning Outcomes (SLO or “course objective”):

1. Appreciate the legal, ethical and practical issues that arise in challenging healthcare and public health decision-making situations. (Program Learning Objective [PLO] Links 4.1, 4.2, 4.3,)
2. Describe legal principles, values, and ethical dilemmas in public health and health policy formulation, implementation, modification, and assessment. (PLO Links 4.1,4.2,4.3)
3. Discern the primary sources of law in the United States pertaining healthcare. (PLO Links 1.1, 3.6, 4.3)
4. Analyze how law and statutes apply to the health care provider-patient relationship. (PLO Links 4.1,4.3)
5. Appreciate law, statutes and ethical mandates that bear on the obligations to treat and admit patients (PLO Links 1.1, 4.1)
6. Argue for and against current health law reform implementation proposals (PLO Links 1.1,

2.1, 4.1)

Course Assessment / Methods of Evaluation:

Readings & Assignments: Textbook reading assignments are indicated in the course schedule. Additional assignments specific to each lecture may be posted. Please follow the instructions for assignment completion posted within each module. You are responsible for any additional materials provided, so please check with your instructor as needed.

Written Assignments: Five written deliverables will be assigned. Students are required to submit their assignment by Monday morning at 7:59am prior to the start of the next module/Week. A thorough response should address all components listed in the assignment. Successful leaders develop written communication skills which demonstrate the ability to communicate succinctly in writing.

*A grading rubric will be provided. Please read it carefully.

Discussion Board Posts: Students are required to post a response to questions posted by the Instructor. Discussion Post submissions are due by Thursday night 11:59pm during the week assigned. Student replies to peer posts must be posted Monday by 7:59am CST prior to the start of the next module.

A Discussion Post student response to the Instructor question is approximately 300 words which includes a minimum of one outside resource. The resource cannot be from a newspaper, TV, or magazines. Your required textbook can be used but will not count as the external source. In addition to your required post, you must also read and respond to one other student post. Your response must be thoughtful and include content based on a reliable source. You may not only submit that you agree or disagree in your response. Resources must be properly cited and utilize APA format. Responding to both the Instructor question and to peer posts are required.

*A grading rubric will be provided. Please read it carefully.

Mid-Term Exam. One mid-exam will be administered on-line. Exam format will be closed book and closed notes. Dates will be announced in the course module. The mid-term exam will be worth 20% of the final grade. The exam may be any combination of true/false, multiple choice, short-answer and essay questions. (PLO Links 2.1,4.1,3.6)

Final Project: Presentation and Writing Assignment.

- A presentation and writing assignment, worth 40% of the total grade, will also be required. The student shall analyze a current topic of interest within the healthcare and/or public health arena. Students will be provided a list of approved topics.
- An oral presentation (including PowerPoint slides appropriately formatted and sourced) will be required. The time frame length of presentation will be provided by the Instructors.
- An accompanying paper (to submit for grade) should be 5-7 pages with at least 5 additional references (in addition to textbook or course supplemental readings) and include all the elements from the associated assignment file/document. (PLO Links 1.1, 2.1, 2.2, 4.1, 5.1)

*A grading rubric will be provided. Please read it carefully.

Assignments and Points

Assignment	Point Value
Written Assignments (5)	20
Discussion Board Posts (5)	20
Mid-Term Exam	20
Final Project	40
Total	100

Course Grade Scale (percentage):	
A	90-100%
B	80-89.9%
C	70-79.9%
F	<70%

Grade Calculation Policy

Grades are recorded in the online grade book for all discussion participation and assignments. Grades are awarded as points which are then converted to a percentage of total points earned. Grades on any individual item and the final earned grade are not subject to rounding up. For example, at the end of the course when all grades are totaled and the final grade percentage is an 89.99%, the final course grade would be a B.

Linked Program Learning Outcomes:

The student learning outcomes listed above address the following MHA Program PLOs:

MHA PLOs		Course LOs
A.1	The student will identify appropriate sources and gather information, effectively and efficiently.	3, 5, 6
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	3
D.1	Use legal reasoning as a tool for analysis, communication, strategy and planning.	1, 2, 4, 5
D.2	Behave ethically and promote standards of ethical behavior throughout public and healthcare organizations and professional communities.	1, 2
D.3	Develop an understanding of healthcare state and federal legislation as it affects healthcare organizations	1, 2, 3, 4,

Textbooks:

1. Legal Aspects of Health Care Administration, 13th Edition, by George D. Pozgar. Publisher: Jones & Bartlett, 2019. ISBN-13: 978-1-284-12717-1

Technology Requirements:

Access to Internet, Acceptable Browsers: Access to a computer with a reliable high-speed Internet connection (cable, DSL, cellular, satellite) is necessary.

We have learned that Canvas works better with Google Chrome and Firefox than with Internet Explorer. If Internet Explorer is currently your only browser, you may want to install Chrome and/or Firefox. (Internet Explorer 11 and Edge, Chrome 46 or 47, Safari 8 or 9, Firefox 42 or 43)

Operating System Requirements Best choices: Windows 7, Windows 8.1, Windows 10, Mac OS X 10.6 (Snow Leopard) and higher

Access to Microsoft Office 2007 or above, or Microsoft Office 365

Other Class Policies:

Attendance:

Regular on-line participation is expected. Make-ups are possible with instructor consent only under certain instances. Arrangements for any make-ups should be discussed directly with the instructor for any material missed.

Participation:

Online Participation: This is an on-line course and Instructors will utilize Canvas for class learning. Students are expected to log into Canvas daily to access course information.

Late Submissions – Assignments and Discussion Posts:

Course Assignments: Late assignments will be accepted but deductions will be reflected in the grade. For each day the assignment is late, 5% will be deducted from the total score. Assignments will not be accepted after 5 days. The instructor has the discretion to alter this policy in the event of an emergency or illness if the student notifies the instructor in a timely manner. In this event, documentation may be required.

Discussion Posts: Discussion Posts must be posted by Thursday, 11:59pm CST. Student replies to peer posts must be posted Monday by 7:59am CST prior to weekly Module closing. Zero credit will be given for late Discussion Posts. There are no exceptions for late posting of Discussion Posts. The instructor has the discretion to alter this policy in the event of an emergency or illness if the student notifies the instructor in a timely manner. In this event, documentation may be required.

Academic Honesty:

Any student who commits an act of scholastic dishonesty is subject to discipline. Scholastic dishonesty includes, but is not limited to, cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable in whole or in part to another person, taking an examination for another person, any act designed to give unfair advantage to a student or the attempt to commit such acts.

Cheating

Dishonesty of any kind involving examinations, assignments, alteration of records, wrongful possession of examinations, and unpermitted submission of duplicate papers for multiple classes or unauthorized use of keys to examinations is considered cheating. Cheating includes but is not limited to:

- Using or attempting to use unauthorized materials to aid in achieving a better grade on a component of a class.
- Falsifying or inventing any information, including citations, on an assigned exercise.

- Helping or attempting to help another in an act of cheating or plagiarism.

Plagiarism

Plagiarism is presenting the words or ideas of another person as if they were your own. Materials, even ideas, borrowed from others necessitate full and complete acknowledgment of the original authors. Offering the work of another as one's own is plagiarism and is unacceptable in the academic community. A lack of adequate recognition constitutes plagiarism, whether it utilizes a few sentences, whole paragraphs, articles, books, audio-visual materials, or even the writing of a fellow student. In addition, the presentation of material gathered, assembled, or formatted by others as one's own is also plagiarism. Because the university takes such misconduct very seriously, the student is urged to carefully read university policies on Misconduct in Research and Other Scholarly Activity 05.00. Examples of plagiarism are:

- Submitting an assignment as if it were one's own work when, in fact, it is at least partly the work of another.
- Submitting a work that has been purchased or otherwise obtained from an Internet source or another source.
- Incorporating the words or ideas of an author into one's paper without giving the author due credit.

Adding/Dropping:

The official deadline for adding and dropping courses is as published in the academic calendar and Graduate Bulletin (typically the day before Census Day). However, students are strongly encouraged to meet with their graduate advisor or the Program Coordinator prior to adding/dropping courses. Movement into and out of classes after the 4th class day requires approval of the Program Director. Students can drop until mid-semester without a WP or WF. Drops after mid-semester require approval of the Dean. Each student is responsible for their own enrollment status with the university.

Disability Accommodations:

UTHSCT abides by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, which mandate reasonable accommodations be provided for students with documented disabilities. If you have a disability and may require some type of instructional and/or examination accommodations, please contact me early in the semester so that I can provide or facilitate provision of accommodations you may need. If you have not already done so, you will need to register with the Student Services Office (located on the UT Tyler Campus). You may call 903-566-7079 for more information.

The instructors retain the right to modify this syllabus.

Course Calendar

Module Date	Learning Objectives	Topic	Topic / Assignments
1 8/23	<ol style="list-style-type: none"> 1. Explain how societal conflicts due have affected hospitals. 2. Describe the affects of advances in medicine on the modern-day hospital and patient care. 3. Describe how the knowledge gained from best practices can lead to both progress and patient harm over time. 4. Explain the development and sources of law. 5. Discuss how case law differs from statutory and administrative law. 6. Gain an understanding of public health law. 	<ul style="list-style-type: none"> • Course Introduction • History of Hospitals • Government, Law and Ethics (Overview) • Integration of Public Health • Discussion Post #1 	<p>WATCH</p> <ul style="list-style-type: none"> • Module 1 Overview <p>READ</p> <ul style="list-style-type: none"> • Pozgar Chapters 1 and 2 <p>STUDY</p> <ul style="list-style-type: none"> • Module 1 PowerPoint Slides <p>SCAN</p> <ul style="list-style-type: none"> • Web Resource – Health and Human Services <p>DO</p> <ul style="list-style-type: none"> • Discussion Post #1 (DP#1) <p style="text-align: center;">Semester Begins Monday, August 24 at 8am</p>
2 8/30	<ol style="list-style-type: none"> 1. Identify the main elements of the criminal law concept. 2. Describe the criminal procedure process from arrest through trial. 3. Discuss the more common crimes that occur in the healthcare setting. 4. Understand the main principles of Physician Self-Referral (Stark) law and Federal Anti-kickback Statue. 	<ul style="list-style-type: none"> • Criminal Aspects of Health Care 	<p>WATCH</p> <ul style="list-style-type: none"> • Module 2 Overview • Anti-Kickback and Stark • National Healthcare Fraud and Opioid Takedown <p>READ</p> <ul style="list-style-type: none"> • Pozgar Chapter 6 • Module Summary <p>STUDY</p> <ul style="list-style-type: none"> • Module 2 PowerPoint Slides <p>SCAN</p> <ul style="list-style-type: none"> • Web Resources – Healthcare kickbacks • Web Resources and Stark • Web Resources – Healthcare Crime Example <p>DO</p> <ul style="list-style-type: none"> • Written Assignment #! (WA#1)

Course Calendar

Module Date	Learning Objectives	Topic	Topic / Assignments
3 9/6	<ol style="list-style-type: none"> 1. Describe the objectives of tort law. 2. Distinguish between negligence and malpractice. 3. Compare between commission and omission of an act. 4. Explain the elements necessary to prove a negligence case. 5. Describe the importance of foreseeability in a negligence case. 6. Differentiate between intentional torts and negligence. 7. Identify various intentional torts and their application in the healthcare setting. 8. Understand the doctrine of joint and several liability. 	<ul style="list-style-type: none"> • Tort Law: Negligence and Intentional Torts. • Tort Reform and Risk Reduction. 	<p>WATCH</p> <ul style="list-style-type: none"> • Module 3 Overview <p>READ</p> <ul style="list-style-type: none"> • Pozgar Chapters 3, 4, 5 <p>STUDY</p> <ul style="list-style-type: none"> • Module 3 PowerPoint Slides <p>SCAN</p> <ul style="list-style-type: none"> • Web Resources – Latest Healthcare Lawsuits • Web Resources – Texas Tort Reform Article • Web Resources – Considerations for COVID-19 <p>DO</p> <ul style="list-style-type: none"> • Discussion Post #2 <p>University Closed for Labor Day Holiday 9/6</p>
4 9/13	<ol style="list-style-type: none"> 1. Discuss the pretrial discovery process. 2. Analyze the trial process. 3. Examine the forms of evidence presented by the plaintiff. 4. Describe defenses offered by the defendant. 5. Discuss the purpose of the judge's charge to the jury. 6. Describe the types of damages and how they are awarded. 	<ul style="list-style-type: none"> • Civil Procedure and Trial Practice 	<p>WATCH</p> <ul style="list-style-type: none"> • Module 4 Overview <p>READ</p> <ul style="list-style-type: none"> • Pozgar Chapter 8 <p>STUDY</p> <ul style="list-style-type: none"> • Module 4 PowerPoint Slides • Texas Court System <p>SCAN</p> <ul style="list-style-type: none"> • Web Resources: <ul style="list-style-type: none"> ○ Texas Rules of Civil Procedure ○ U.S. Court System <p>DO</p> <ul style="list-style-type: none"> • Zoom Meeting: Agenda, Team Assignments, Pre-Work Assignment

Course Calendar

Module Date	Learning Objectives	Topic	Topic / Assignments
			<ul style="list-style-type: none"> • Discussion Post #3
5 9/20	<ol style="list-style-type: none"> 1. Analyze the elements and consequences of contracts in healthcare. 2. Discuss corporate authority, organization, and committee structure. 3. Describe corporate ethics, corporate compliance, and the Sarbanes-Oxley Act of 2002. 4. Examine the concepts behind corporate negligence, respondent superior/vicarious liability, and independent contractor. 5. Explain the purpose of corporate reorganization and the process of restructuring. 6. Describe what the Safe Harbor Act is designed to regulate. 	<ul style="list-style-type: none"> • Contracts and Antitrust • Corporate Structure and Legal Issues 	<p>WATCH</p> <ul style="list-style-type: none"> • Module 5 Overview <p>READ</p> <ul style="list-style-type: none"> • Pozgar Chapters 7, 9 • Restrictive Covenants • Web Resources: <ul style="list-style-type: none"> ○ Healthcare Antitrust ○ Business Structures • Board Roles and Responsibilities • Module 5 Summary <p>STUDY</p> <ul style="list-style-type: none"> • Module 5 PowerPoint Slides • Texas Court System <p>SCAN</p> <ul style="list-style-type: none"> • Corporate Ethics and Corporate Compliance <p>DO</p> <ul style="list-style-type: none"> • Written Assignment #2
6 9/27	<ol style="list-style-type: none"> 1. Distinguish between different ethical theories and discuss how ethical principles can be applied to resolve ethical dilemmas. 2. Examine the relationship between spirituality, religion and personal healthcare choices. 3. Describe the term situational ethics and how circumstances impact decision-making. 4. Explain the role of a healthcare ethics committee, including how it can assist in addressing ethical dilemmas. 5. Examine the impact of the Supreme Court ruling in Roe v. Wade. 6. Discuss the series of court cases over abortion 	<ul style="list-style-type: none"> • Healthcare Ethics • Procreation and Ethical Dilemmas 	<p>WATCH</p> <ul style="list-style-type: none"> • Introduction to Bioethics: Bioethics at the Bedside <p>READ</p> <ul style="list-style-type: none"> • Module 6 Overview • Pozgar Chapters 15, 16 • Texas Advance Directives Act • Medical Ethics • Roe v. Wade Geographical Effect • Ethical Dilemmas for Physicians

Course Calendar

Module Date	Learning Objectives	Topic	Topic / Assignments
	<p>specific to counseling, spousal consent, parental consent, and funding.</p> <p>7. Explain the legal issues of sterilization, artificial insemination, and surrogacy.</p>		<p>DO</p> <ul style="list-style-type: none"> • Written Assignment #3
7 10/4	<ol style="list-style-type: none"> 1. Examine the principles of consent. 2. Discuss the human struggle to survive and the right to autonomous decision making. 3. Describe how patient autonomy has been impacted by case law and legislative enactments. 4. Discuss the following concepts: euthanasia, advance directives and do-not-resuscitate orders. 5. Explain end-of-life issues as they relate to autopsy, organ donations, research, experimentation and clinical trials. 6. Evaluate how human genetics and stem cell research can have an impact on end-of-life issues. 	<ul style="list-style-type: none"> • Patient Consent, Rights, and Responsibilities • End-of-Life Issues 	<p>WATCH</p> <ul style="list-style-type: none"> • Jack Kervorkian and the Right to Die • Terri Shiavo: A look back 10 Years After Her Death • <p>READ</p> <ul style="list-style-type: none"> • Pozgar Chapters 14, 17 • Code of Medical Ethics Opinion 5.7 and 1.1.7 <p>STUDY</p> <ul style="list-style-type: none"> • Module 7 PowerPoint Slides <p>SCAN</p> <ul style="list-style-type: none"> • Corporate Ethics and Corporate Compliance <p>DO</p> <ul style="list-style-type: none"> • Written Assignment #2
8 10/11	<ol style="list-style-type: none"> 1. Demonstrate competency to consume and summarize legal aspects to current healthcare issues individually and within a group setting. 2. Demonstrate competency to work together as a team to summarize learned content and communicate verbally / report out to a group setting using virtual technology. 3. Understand requirements and expectations for the final course project. 	<ul style="list-style-type: none"> • Current Healthcare Topics 	<p>WATCH</p> <ul style="list-style-type: none"> • Zoom Call Recording <p>STUDY</p> <ul style="list-style-type: none"> • Module 8 PowerPoint Slides • Texas Court System <p>SCAN</p> <ul style="list-style-type: none"> • Final Project Overview <p>DO</p> <ul style="list-style-type: none"> • Mid-Term Exam • Zoom Meeting – Pre-Work Assignment

Course Calendar

Module Date	Learning Objectives	Topic	Topic / Assignments
			<ul style="list-style-type: none"> Final Presentation Sign Up sheet
9 10/18	<ol style="list-style-type: none"> Describe the medical staff organization and committee structure. Describe the credentialing and privileging process. Identify common physician medical errors. Identify common categories of nursing staff and the respective scope of practice. Discuss legal risks for nurses. Describe a variety of legal issues that occur in patient care settings. Explain the process of obtaining nurse licensure. 	<ul style="list-style-type: none"> Medical Staff Organization Nursing and the Law 	<p>READ</p> <ul style="list-style-type: none"> Pozgar Chapters 10, 11 Provider Credentialing and Privileging Common Mistakes Made by Nurses <p>STUDY</p> <ul style="list-style-type: none"> Module 9 PowerPoint Slides <p>SCAN</p> <ul style="list-style-type: none"> Medical Code Ethics Nursing, Licensing and Scope of Practice <p>DO</p> <ul style="list-style-type: none"> Written Assignment #4
10 10/25	<ol style="list-style-type: none"> Describe some of the many legal issues that can occur in key patient care settings by different members of the multidisciplinary team. Discuss the purpose of the Emergency Medical Treatment and Active Labor Act. Describe the purpose of certification and licensure, and the reasons for revocation of licenses. Explain the importance of a multidisciplinary approach to patient care. 	<ul style="list-style-type: none"> Hospital Departments and Allied Professionals 	<p>WATCH</p> <ul style="list-style-type: none"> The Stop Light Program <p>READ</p> <ul style="list-style-type: none"> Pozgar Chapter 12 Provider Credentialing and Privileging Common Mistakes Made by Nurses <p>STUDY</p> <ul style="list-style-type: none"> Module 10 PowerPoint Slides <p>SCAN</p> <ul style="list-style-type: none"> EMTALA <p>DO</p> <ul style="list-style-type: none"> Written Assignment #5 Discussion Post #4

Course Calendar

Module Date	Learning Objectives	Topic	Topic / Assignments
11 11/1	<ol style="list-style-type: none"> 1. Describe the contents of medical records. 2. Explain the ownership of and who can access a patient's medical record. 3. Describe the purpose of the Privacy Act of 1974 and the Health Insurance Portability and Accountability Act of 1996 and how they affect hospital and physician practices. 4. Describe various forms of child abuse, how to recognize it, and reporting requirements. 5. Describe various forms of elder abuse, how to recognize it, and reporting requirements. 6. Explain why it is important to report communicable diseases, adverse drug reactions, and infectious diseases. 7. Understand the importance of incident reporting, sentinel events, and the purpose of root cause analyses. 	<ul style="list-style-type: none"> • Information Management and Patient Records • Legal Reporting Requirements 	<p>WATCH</p> <ul style="list-style-type: none"> • Health Information Management <p>READ</p> <ul style="list-style-type: none"> • Pozgar Chapters 13, 18 • Medical Records <p>STUDY</p> <ul style="list-style-type: none"> • HIPAA/HITECH Privacy and Security (copy) <p>SCAN</p> <ul style="list-style-type: none"> • DRGs • Sentinel Events <p>DO</p> <ul style="list-style-type: none"> • Written Assignment #6
12 11/8	<ol style="list-style-type: none"> 1. Describe the various federal labor acts as they relate to healthcare workers and patients. 2. Discuss the right & responsibilities of unions & management. 3. Discuss the types of discrimination that occur in the workplace and the Acts that are meant to protect against discrimination. 4. Describe what sexual harassment is and what forms it can take. 5. Describe the Employment-at-Will Doctrine. 6. Discuss the distinct elements related to Discharge. 7. Describe Effective Hiring Practices. 8. Discuss Employee Rights and Responsibilities. 	<ul style="list-style-type: none"> • Labor Relations • Employment at Will, Rights and Responsibilities 	<p>WATCH</p> <ul style="list-style-type: none"> • Module 12 Overview • Zoom Call recording – Dana Mott-Bronson (Guest Lecture) <p>READ</p> <ul style="list-style-type: none"> • Pozgar Chapters 19, 20 <p>STUDY</p> <ul style="list-style-type: none"> • Module 12 PowerPoint Slides <p>SCAN</p> <ul style="list-style-type: none"> • Blue Cross Blue Shield National Labor Office Website <p>DO</p> <ul style="list-style-type: none"> • Discussion Post #5 • Zoom Meeting – Thursday (11/11)

Course Calendar

Module Date	Learning Objectives	Topic	Topic / Assignments
13 11/15	<ol style="list-style-type: none"> 1. Examine the purpose of insurance policies. 2. Explain the elements and conditions of an insurance policy. 3. Describe the investigation and settlement of claims. 4. Describe the common models of managed care organizations. 5. Describe the purpose and process of utilization review. 6. Describe the purpose & various titles of the Patient Protection and Affordable Care Act of 2010 (PPACA). 7. Describe the various court rulings involving PPACA. 	<ul style="list-style-type: none"> • Professional Liability Insurance • Managed Care and National Health Insurance 	<p>WATCH</p> <ul style="list-style-type: none"> • Module 13 Overview <p>READ</p> <ul style="list-style-type: none"> • Pozgar Chapters 21, 22 <p>STUDY</p> <ul style="list-style-type: none"> • Module 13 PowerPoint Slides <p>SCAN</p> <ul style="list-style-type: none"> • Provider Liability Coverage – Texas Medical Liability Trust • The Future of Managed Care • ACA Status – Articles 1,2,3
14 11/22	<p>HAPPY THANKSGIVING / Project Preparation</p> <p>The University will be closed for the Thanksgiving Holiday from: 11/25 – 11/28</p>		
15 11/29	<p>DO</p> <p>Final Presentation Meeting 1 Zoom Call Final Project Presentations Peer Evaluations <i>Thursday, December 2, 6pm – 9pm</i></p>		
16 12/6	<p>DO</p> <p>Final Presentation Meeting 2 Zoom Call Final Project Presentations Peer Evaluations <i>Thursday, December 9, 6pm – 9pm</i></p> <p>Final Project Submission - DUE FRIDAY, DECEMBER 10 BY 5PM</p> <p>Semester Ends Friday 12/10 @ 5pm*</p>		

End of Syllabus