

University of Florida
College of Public Health & Health Professions
HSA6427: Legal & Ethical Issues in Health Administration (3 Credits)
 Semester: Fall 2018
 Delivery Format: On-Campus

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 Office Hours: Before or after class, or by appointment
 Preferred Course Communications: Email

Course Overview

This class is designed to provide a general introduction to the legal and ethical environment of health services administration. The course will cover a variety of ethical and legal issues facing health service administrators including the government regulation of healthcare false claims, fraud and abuse and antitrust compliance and litigation, informed consent, hospital and provider individual and corporate negligence, general contract law, the legal basis for hospital governance, and the principals and basis for health care malpractice insurance.

Course Objectives and Competencies

MHA Competency	Course Objective	Assessment
Perform environmental scans and needs assessment in support of program and organizational development. (Focus on legal environmental scan)	Characterizes and interpret how the legislature, judiciary and executive branches of government individually and collectively through a system of checks and balances influences and responds to legal trends in the health care environment	Case Studies Exam
Interpret, monitor, and comply with laws and regulations that protect health practitioners, organizations, and the public (HEC-2)	Interpret specific judicial responses to legislative and constitutional laws governing healthcare facilities and providers. Interprets certain laws and regulations affecting health care organizations and health care professionals Characterizes how the legal system operates	Case Studies Exam

Model professional values and ethics	Analyze bioethical and ethical issues and incorporate these principles in decision making.	Ethics Projects: Taking sides Mock Trial Simulation
Apply effective and appropriate oral and written communication vehicles	Analyze the rule of law or judicial reasoning used to defend court rulings. Debate controversial legal or ethical issues.	Mock Trial Simulation Ethics Projects Case Studies
Utilization of effective group processes to hold team members accountable individual and collectively for results		Mock Trial Simulation Ethics Projects Case Studies

Instructional Methods

DESCRIPTION OF COURSE CONTENT

Assigned Readings and Class Schedules: The assigned readings should be completed by the start of class, as the class discussions will build upon the material from the text and require student participation at a level only possible by reading the materials before class.

8/28/18 Week: Introduction and Governmental Separation of Powers:

Introduction and review of class objectives

FIRAC: How and why to brief a case: Distribute Assignment 1

Introduction to government regulation of healthcare law: Class discussion of Florida constitutional amendments designed by the Florida Trial Lawyers and the Florida Medical Association (Class Handout). Question: *"Is this governmental separation of powers at work or failed government?"*

9/4/18 Week: Law: Regulatory Control of the Healthcare System: False Claims:

In Class FIRAC Assignment and Discussion

Assignment 1 due

Regulatory control of Providers' financial Relationships: False Claims: *Read chapter 14 pages 1023-1053, read very carefully U.S v. Krizek and U.S ex rel Mikes v. Straus*

Ethics: Introduction to Ethics and Taking Sides:

(See Handout of Assignments)

9/11/18 Week: Law: Regulatory Control of the Healthcare: Fraud and Abuse and Anti-Trust:

Regulatory control of Providers' financial Relationships: Fraud and Abuse: *Read chapter 14 1053-1094, read very carefully U.S v. Greber*

Regulatory Control of Providers' financial Relationships: Read Chapter 15 pages 1095-1119. Read: FTC v. California Federation of Dentists.

Course CD: Review and discuss FTC v. Indiana Federation of Dentists and Oksanan v. Page Memorial Hospital

Assignment 2 Due: "Briefing and Arguing Cases: NME Properties v. Rudich." Making and Using Oral Argument as a Foundation for Mock Trial Experiential Learning Simulation

9/18/18 Week: Introduction to Litigation and Healthcare: Healthcare Professionals:

Tort Liability and Malpractice: Liability of healthcare professionals: *Read Chapter 5 pages 327-380. Be prepared to discuss in detail Hall v. Hilbun, Mastro v. Brodie (packet)*

In Class Assignment and Discussion: How the Florida Legislature responded to the amendment 7 constitutional amendment passed by voters-enabling Statute; Contrast with the Judicial Response: How Courts Respond to Amendment 7- A Case Study: *Bowen (See course packet).*

Ethics: (See Handout of Assignments)

Mock Trial: Assignment of Teams/Roles: Patient team vs. Hospital/Healthcare Provider Team. We will have independent juries determine the prevailing party (Patient or Healthcare Provider) the last week of class.

9/25/18 Week: Litigation and Healthcare: Healthcare Professionals Defenses To A Lawsuit

Tort Liability and Malpractice: Liability of healthcare professionals: *Read Chapter 5 pages 381-421. Be prepared to discuss in detail Chumbler v. McClure and Henderson v. Heyer and Ostrowski v. Azzara and McKenna handout.*

Course CD: - Florida Statute of Limitations: *Beck v. Holloway*

Ethics: See Handout of Assignments

Mock Trial: Discuss the medical aspects of pressure sores and answer questions from student review of pressure sore policy of Gator Teaching Hospital.

Mock Trial: Meeting with Plaintiff team

10/2/18 Week: Law: Litigation and Healthcare: Healthcare Institutions

Tort Liability and Malpractice: Liability of healthcare organizations: *Read Chapter 6 pages 437-468. Read carefully, Washington v. Washington and course packet.*

Course Packet: 1st DCA and Non Delegable Duty: *Juliania v. Shands*; Case Study: Non delegable duty refined: *Jones v. Tallahassee Memorial*

Ethics: See Handout of Assignments

Mock Trial: Meeting with defense team

10/9/18 Week: Law: Insurance Companies, Healthcare Professionals and Institutions: Who pays who? Professional Relationships in the Healthcare Organization

Medical Malpractice Insurance Crisis: *Read Chapter 6 pages; 539-552*

Ethics: See Handout of Assignments

Mock Trial: Review of Exhibits and questions from team meetings

10/16/18 Week: Legal Aspects of the Healthcare Professional-Patient Relationship: The Legal Framework of Informed Consent, HIPAA/Privacy laws and Alternative Dispute Resolution:

Law: The Contract between Patient and Physician, Promises and Warranties of Cure, Partial Limitations on the Right to Sue, Exculpatory Clauses and Patient Rights v Provider Rights. **READING:** Text pages 195-245 and HIPAA readings in Text

Professional Relationships in Healthcare: *Chapter 12 pages 850-864 and 878-882 Wright v. Shriners.*

Ethics: See Handout of Assignments

Mock Trial: Pre-Trial Motions for each team presented

10/23/18 Week: Final Exam during class 3 hour closed book: Multiple Choice and Short Answer (10/30/17)

10/30/18 and 11/6/18 Weeks: Medical Malpractice Learning Simulation: Law School Court Room and Post Jury Verdicts Debriefing and Lessons Learned: Simulation requires evenings this week

Course Materials

Furrow, Barry et. al. Health Law, Cases, Materials, and Problems, sixth edition. St. Paul: West, 2001. ISBN: 0314-15154-0

Levine, Carol. Taking Sides: Clashing Views on Bioethical Issues, most current edition. Dubuque, Iowa: McGraw-Hill.

Jenkins, Randall et. al. Innovative Teaching for Health Law: A Case Study of a Hospital Medical Malpractice Lawsuit Simulation: The Journal of Health Administration Education. Arlington, VA: AUPHA, Winter 2007. (Article included with course packet distributed first day of class).

ACADEMIC REQUIREMENTS AND GRADING

1. **Attendance and Participation:** Each class meeting will consist of discussion about the assigned topic, the readings and student opinions. We expect students to engage in discussion and debate with their fellow students. Therefore, it is mandatory that you attend class. Due to the high value we place on participation, class discussion will constitute 10% of your grade. Participation will be based on the quality of your comments during general class discussion as well as on the presentation of any other assignments described below. Quality participation is demonstrated through an understanding of the assigned readings and exercises and contributions to the learning experience of other members of the class.

2. **Assignment 1:** Distributed 8/28/18 Due 9/4/18; FIRAC a case

This assignment shall not exceed 2 typed pages. Pass/fail grade.

3. **Assignment 2:** Distributed 8/28/18, Due 9/11/18 ; Briefing and Arguing a Case

This assignment shall not exceed 2 typed pages and constitutes
10% of your final grade.

4. **Ethics Projects and in-class activities:** Each student team will be assigned different sides of chapters to study and interactively present opposing sides of ethical issues to the class from the *Taking Sides* text. The ethics presentations/ quizzes contribute 15% towards your final grade. Ethics quizzes/papers may also be given during class to ensure comprehension of the material.

5. **Mock Trial:** Each student will be assigned a role as a participant in a medical malpractice lawsuit to develop and present during a mock trial simulation. The possible roles will include lawyers for the patient and hospital, fact witnesses and jury members. The mock trial constitutes 30% of your grade for the course.
6. **Final Exam:** An In-class closed book exam covering the assigned readings and lecture material. The final exam constitutes 35% of your final grade for the course.

Grading for all written assignments will be based on the quality of your reasoning, the coherency of your arguments, and the clarity with which you present your position. Excellent spelling and syntax are also expected. All late assignments will be penalized; substantially late assignments will not be accepted.

Grading

Point system used (i.e., how do course points translate into letter grades).

Points earned	93-100	90-92	87-89	83-86	80-82	77-79	73-76	70-72	67-69	63-66	60-62	Below 60
Letter Grade	A	A-	B+	B	B-	C+	C	C-	D+	D	D-	E

Please be aware that a C- is not an acceptable grade for graduate students. A grade of C counts toward a graduate degree only if an equal number of credits in courses numbered 5000 or higher have been earned with an A.

Letter Grade	A	A-	B+	B	B-	C+	C	C-	D+	D	D-	E	W F	I	N G	S-U
Grade Points	4.0	3.67	3.33	3.00	2.67	2.33	2.00	1.67	1.33	1.00	0.67	0.00	0.00	0.00	0.00	0.00

For greater detail on the meaning of letter grades and university policies related to them, see the Registrar's Grade Policy regulations at:
<http://catalog.ufl.edu/ugrad/current/regulations/info/grades.aspx>

Exam Policy:

The final exam will be cumulative and cover all assigned readings and material discussed in class. The exam will be closed book and given during class. Students will have the entire class period to take the exam. Students who have attended class, read and understood the course readings/discussions and diligently studied the course material throughout the semester will be prepared for the exam.

Policy Related to Make up Exams or Other Work:

As a graduate level course, make up exams and late assignments will not be accepted absent extreme circumstances. Prior approvals are also required unless impossible as well as appropriate documentation of the emergency causing the conflict. Late assignments not meeting the above criteria will not be accepted or graded.

Policy Related to Required Class Attendance

Class attendance is required unless a student has a University approved conflict. Class roll is taken at the start and finish of every class. Students have assigned seats. Failure to attend class will result in a lower participation grade. Students who miss class also do not master the material as well and therefore almost always have lower exam and simulation grades.

For information regarding the UF Attendance Policy see the Registrar website for additional details: http://www.registrar.ufl.edu/catalogarchive/01-02-catalog/academic_regulations/academic_regulations_013_.htm

STUDENT EXPECTATIONS, ROLES, AND OPPORTUNITIES FOR INPUT

Expectations Regarding Course Behavior

Active participation in each class is expected. Students who participate in an informed, considerate manner receive credit toward his/her participation grade for the course. Cell phones are prohibited. The course is designed to facilitate frequent debate, challenge viewpoints, and provide public speaking confidence. This requires genuine listening, respect for opposing viewpoints, and a willingness to disagree gracefully. Students who exhibit contrary behavior will be asked to leave class for the class period.

Communication Guidelines

For course questions, please email the instructor or see the instructor immediately after class. If the inquiry requires significant time, the instructor will arrange time to meet with the student before the next class week.

Academic Integrity

Students are expected to act in accordance with the University of Florida policy on academic integrity. As a student at the University of Florida, you have committed yourself to uphold the Honor Code, which includes the following pledge:

“We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honesty and integrity.”

You are expected to exhibit behavior consistent with this commitment to the UF academic community, and on all work submitted for credit at the University of Florida, the following pledge is either required or implied:

“On my honor, I have neither given nor received unauthorized aid in doing this assignment.”

It is your individual responsibility to know and comply with all university policies and procedures regarding academic integrity and the Student Honor Code. Violations of the Honor Code at the University of Florida will not be tolerated. Violations will be reported to the Dean of Students Office

for consideration of disciplinary action. For additional information regarding Academic Integrity, please see Student Conduct and Honor Code or the Graduate Student Website for additional details:

<https://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/>

<http://gradschool.ufl.edu/students/introduction.html>

Please remember cheating, lying, misrepresentation, or plagiarism in any form is unacceptable and inexcusable behavior.

SUPPORT SERVICES

Accommodations for Students with Disabilities

If you require classroom accommodation because of a disability, you must register with the Dean of Students Office <http://www.dso.ufl.edu> within the first week of class. The Dean of Students Office will provide documentation to you, which you then give to the instructor when requesting accommodation. The College is committed to providing reasonable accommodations to assist students in their coursework.

Counseling and Student Health *optional in UF Template*

Students sometimes experience stress from academic expectations and/or personal and interpersonal issues that may interfere with their academic performance. If you find yourself facing issues that have the potential to or are already negatively affecting your coursework, you are encouraged to talk with an instructor and/or seek help through University resources available to you.

- The Counseling and Wellness Center 352-392-1575 offers a variety of support services such as psychological assessment and intervention and assistance for math and test anxiety. Visit their web site for more information: <http://www.counseling.ufl.edu>. On line and in person assistance is available.
- You Matter We Care website: <http://www.umatter.ufl.edu/>. If you are feeling overwhelmed or stressed, you can reach out for help through the You Matter We Care website, which is staffed by Dean of Students and Counseling Center personnel.
- The Student Health Care Center at Shands is a satellite clinic of the main Student Health Care Center located on Fletcher Drive on campus. Student Health at Shands offers a variety of clinical services. The clinic is located on the second floor of the Dental Tower in the Health Science Center. For more information, contact the clinic at 392-0627 or check out the web site at: <https://shcc.ufl.edu/>
- Crisis intervention is always available 24/7 from:
- Alachua County Crisis Center:
(352) 264-6789

<http://www.alachuacounty.us/DEPTS/CSS/CRISISCENTER/Pages/CrisisCenter.aspx>

BUT – Do not wait until you reach a crisis to come in and talk with us. We have helped many students through stressful situations impacting their academic performance. You are not alone so do not be afraid to ask for assistance.