

Health Care and the Law: PH/PSC236 and MHB

University of Rochester
Fall 2015

Instructor: Margie Hodges Shaw, JD, MA (philosophy), Ph.D. (education)

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Office hours:

Tuesdays 11:00 – 11:50 (Dewey 2-134)

Fridays 10-11 (G8011 URSMD)

Or by appointment

Credit hours:

4 credit hours

Time:

Tuesdays and Thursdays 9:40-10:55

readings.

Place:

LATT 210

Course Description

This course provides an introduction to the legal foundations of health care in America. It is the responsibility of the American government to promote and protect the health and welfare of the public while respecting the interests, and upholding the rights, of the individual. The content of this course addresses how the law balances these collective and individual rights.

The material covers a broad range of legal issues in health care, including

autonomy, privacy, liberty, and proprietary interests, from the perspective of the provider(s) and the patient.

The course is divided roughly into two parts

Part I: This first part of this course will explain (and provide the opportunity for students to practice) the skills necessary to read, understand, and analyze legal documents (legislation and legal opinions) affecting individual and public health in America. The content will include the structure of government, the foundations of health law, and an introduction to legal thinking. This portion of the course will also provide a survey of a variety of topics that involve the intersection of health care and the law.

Part II: The remainder of the course will provide the student continued opportunity to practice the skills developed in the first part of the course. The content will focus on issues around public health and protection of individual rights; regulation of individual decision-making; and the Patient Protection and Affordable Care Act.

Course Objectives:

Upon completion of this course students will have a general understanding of the role of governments and law in promoting and protecting health, including the functions, structures, and jurisdictions of various agencies in relation to health care law and policy; understand the relationship between health care providers and patients; and be able to identify, and analyze legal issues in health care; and be able to effectively communicate, both orally and in writing, the interpretive understanding of a case, statute, and complex regulatory scheme.

Specific learning objectives include the ability to:

1. Distinguish and discuss the role of the federal government and the various state governments in promoting and protecting the health of citizens;
2. Identify, distinguish, and discuss the relationship between community health issues and individual health issues;
3. Describe the evolution of the role of the physician and the patient in health care decisions;
4. Identify and analyze legal issues in health care; and

5. Communicate the interpretive understanding of a case or statute, or a complex regulatory scheme, both orally and in writing.

Enrollment:

Cap of 40 students.

Prerequisites:

Not open to freshmen.

Course Materials:

All required reading material is available on the Blackboard site for this class either as a PDF file or as a link.

Course Policies and Procedures:

Class will begin and end promptly.

Class attendance is required and participation is expected. Attendance and informed participation in discussions and group work provide me with evidence that you completed assigned readings in advance and are engaged in the materials.

People often have strong responses to legal, ethical, and policy issues in health care. Disagreements are common. An important skill in legal and medical professions is the ability to discuss various viewpoints in an appropriate manner. Class comments and discussions must be relevant and respectful of others.

In addition, as a courtesy to fellow students and me, please note that pagers and cell phone must be turned to a silent mode during class. Please limit in class computer use to note taking: Checking mail and surfing the web are examples of behavior that are not courteous and may distract other students. Behaviors that distract others will result in decreased participation points.

Academic Integrity

Written work must be original and students must cite all reference sources according to the Chicago Manual of Style. Academic integrity is expected. For guidance on academic integrity and plagiarism, please refer to the

College Academic Honesty Website at

~~<http://www.urochester.edu/College/AcademicHonesty/>~~ If you have any questions about academic honesty, please do not hesitate to contact me.

Late Assignments:

The late assignment policy does not apply to in class assignments. Students must complete in class assignments in class and hand them in before leaving the room. If an assignment will be late, the student must notify the instructor at least one day before the date that the assignment is due, explain the reason for lateness, and negotiate a new due date. In all other cases, late assignments will be graded down 5% for each day late.

Final Grade Scale

Grades for assignments for this course are assigned a numerical value. The final grade is comprised of the cumulative points earned.

A	=	93-100	(Superior)
A-	=	90-92	
B+	=	87-89	
B	=	83-86	(Above Average)
B-	=	80-82	
C+	=	77-79	
C	=	73-76	(Minimum Satisfactory Grade)
C-	=	70-72	
D+	=	67-69	
D	=	63-66	
D-	=	60-62	(Minimum Passing Grade)
E	<	60	(Failure)

Americans with Disabilities Act (ADA):

The University of Rochester is committed to providing equal educational and employment opportunities for individuals with disabilities, in accordance with state and federal laws and regulations, including the Americans with Disabilities Act (ADA) of 1991 and Section 504 of the Rehabilitation Act of 1973. To ensure equality of access for students with disabilities, the University provides reasonable accommodations, including auxiliary aids and modifications to courses, programs, services, activities or facilities. Exceptions will be made in those situations where the

accommodation would fundamentally alter the nature of the program, cause

undue hardship on the school, or jeopardize the health or safety of others.

Accommodations must specifically address the functional limitations of the disability.

The process of receiving accommodations begins with self-identification.

When a student chooses to self-identify a disability, documentation should be sent to Learning Assistance Services, see,

<http://www.rochester.edu/Collage/learning>

Course Assignments

Due Dates	Assignments	Percentage
Unannounced	In-class exercises	40
September 15	Case brief questionnaire I	15
October 1	Case brief questionnaire II	20
December 8	Case brief questionnaire II	25

Evaluation criteria and learning activities

1. In-class assignments

During five class sessions, each student will write and turn in answers to questions about the assigned material. The questions may ask the students to link the reading to the lecture and/or discussion. These in-class assignments are worth 10% each. Students may drop one assignment during the semester to allow for unanticipated absences.

2. Case brief questionnaires

Reading legal documents is a skill that requires practice. The case brief questionnaires will provide you with questions to facilitate a close reading and understanding of the different components of primary material.

3. Students enrolled in MJD 425 will have additional writing

assignments, including writing case briefs. These cases will be available on Blackboard.

Tentative Schedule of Topics:

September 1: Introduction to the course

September 3: The relationship between individual and community health and the government

September 8: Interpreting health and illness

September 10: The law and government

September 15 (Rosh Hashanah): Physical and biological interventions to control infectious disease

September 17: Health reform: An historical perspective

September 22: Interpreting the law

September 24: An introduction to legal thinking

September 29: Legislation and judicial review

October 1: State and Federal control over decisions affecting health

October 8: Intellectual property law and health

October 13: Regulation of the profession and medical malpractice

October 15: The role of the doctor in regulating the profession

October 20: Institutional liability

October 22: The American with Disabilities Act

October 27: The Pregnancy Discrimination Act

October 29: Pregnancy discrimination in the courts

November 3: Pregnancy discrimination in the courts

November 5: Regulation of Abortion

November 10: Regulation of Abortion

November 12: Patient Protection and Affordable Care Act

November 17: Patient Protection and Affordable Care Act

November 19: The Doctrine of Informed consent

November 24: No Class

November 26: Thanksgiving break

December 1: The Doctrine of Informed consent

December 3: Decision making in health care

December 8: Surrogate decision making in health care

December 10: Surrogate decision making in health care