

# PH PSC 236 HEALTHCARE<sup>1</sup> AND THE LAW

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<sup>1</sup> "Health Care or Healthcare?" [http://www.arcadiasolutions.com/final\\_word\\_healthcare\\_vs\\_health\\_care/](http://www.arcadiasolutions.com/final_word_healthcare_vs_health_care/) This course uses "healthcare", to indicate a system.

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## **COURSE DESCRIPTION**<sup>and</sup>

This course introduces the legal foundations of healthcare in America. The material covers a broad range of legal issues in medical care<sup>2</sup>, including constitutional issues related to federalism, an introduction to legal thinking,

- identify and analyze legal issues in health care.

## ENROLLMENT:

Cap of 40 students.

## ENROLLMENT DEADLINE:

Students will be permitted to add this class only until **September 13, 2019**.

## PREREQUISITES:

Not open to first year students.

## COURSE MATERIALS:

### 1. NEW YORK TIMES:

<http://libguides.lib.rochester.edu/az.php?q=new%20york%20times>, directly  
select and access the database "New York Times ProQuest".

### 2. STRONGLY RECOMMENDED Wilensky & Teitelbaum, **ESSENTIALS OF HEALTH POLICY & LAW (NEW 4<sup>th</sup> edition)**

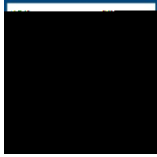
- o NOTE: To save \$, you can read this **for free** either in print through the library's Reserve Desk **2019.docx**



**LATE ASSIGNMENTS:**

Written case questionnaires are due at noon before class starts on the due date. Late assignments will be marked down for the first 2 weeks after the deadline. Assignments

disability, please contact the Office of Disability Resources. The access coordinators in the Office of Disability Resources can meet with you to discuss the barriers you are experiencing and explain the eligibility processprocess



## COURSE ASSIGNMENTS

<u>Assignments</u>	<u>Points/Percentage</u>	<u>Due Dates</u>
In class case briefs (3; drop 1 lowest)	20	TBA
Voting exercises	10	9/9, 9/11
Case brief questionnaire I (Jacobson)	10	9/18
Case brief questionnaire II (Lopez)	10	10/2
Case brief questionnaire III (Hobby Lobby)	15	10/23
Case brief questionnaire IV (Sutton)	15	11/13
Case brief questionnaire V (Miller/Baby K)	15	11/25
Advance Directive	5	12/2
100		

### 1. VOTING VALUES IDENTIFICATION, CANDIDATE STANCES, AND REGISTRATION (10 POINTS)

In these 2 5 point assignments, you will be required to identify your political preferences, to identify national candidate positions on a health law issue, to register to vote, and to develop a 'get out the vote' message and strategy.

### 2. IN CLASS CASE BRIEFS (3 10 POINT ASSIGNMENTS)

During three unannounced class sessions, each student will write and turn in case briefs; i.e. answers to questions about the assigned case. These in class assignments are worth 10% each. Students may drop one assignment during the semester to allow for unanticipated absences. Your total grade for the in class assignments will be the sum of the top 2 out of the 3 grades.

### 3. CASE BRIEF QUESTIONNAIRES (5 ASSIGNMENTS; 2 10 POINT, 3 15 POINT)

Reading legal documents is a skill that requires practice. The 5 case brief questionnaires will provide you with questions to facilitate a close reading and understanding of the different components of primary material, and I expect to see gradual improvement over the course of the semester in your analysis.

### 4. ADVANCE DIRECTIVES (5 POINTS)

Health care and the law intersect markedly at the end of life. Students will be asked to read the New York State advance directives law, and using a guided document from an insurance company, reflect on their own values and fill out 3 legally valid advance directives.







## READING ASSIGNMENTS

### PART I LEGAL FOUNDATIONS

(Last updated 11/14/2019 9:19 AM)

#### Overview of the course; introductions; syllabus; and hot topics in the news

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Assignment for First Class: Find & read a news article about healthcare that interests you.  
Some sources:  
Healthcare Law in the Newsin

**ALS:** Listen: Podcast, "Second Language" on the *Reply All* program, starting at 16:01 minutes. <https://www.gimletmedia.com/reply-all/88-second-language#episode-player> (about 15 minutes)

**ASPERGERS:** Read: Baron Cohen. "Is Asperger syndrome/high functioning autism necessarily a disability?" (In Reading Assignments folder)

**DWARFISM:** Read: *Passing My Disability On to My Children*, <http://nyti.ms/2cnFENI>

**ADHD** A Diagnosis Can Give Students Extra Test Time (Money Helps) (PDF in Reading Assignments folder on Blackboard)

Reading

In class we will view a video: Frontline's The [Vaccine War](#) (53 minutes)

**Legal Skill: How to Analyze A Case Using rules of judicial interpretation**

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The purpose of this class

- ☒ *Sunrise* – Hospital won
  - ' b/c **all** 3 statute provisions must be met together (“and”)
- ☒ *Lopez Soto* – Patient won
  - ' b/c all 3 statute provisions are “disjunctive” and can be read separately (“or”)

## PART II HEALTHCARE SYSTEM & FINANCING

### Overview of the U.S. Health Care System

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RECOMMENDED: Wilensky, Chapter 4, Overview of the United States Healthcare System  
Key Facts About the Uninsured

### Health reform: An historical perspective (Dr Ted Brown)

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Bruce Vladeck “Universal Health Insurance in the United States: Reflections on the Past, Present, and the Future,” American Journal of Public Health, 93 (2003), pp. 16 19  
Brown, Medicare for All  
Trump on Medicare for All

### Government Health Insurance Programs: Medicaid, Medicare and CHIP<sup>3</sup>

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RECOMMENDED: Wilensky, Chapter 11, Government Health Insurance Programs: Medicaid, CHIP and Medicare

### Patient Protection and Affordable Care Act (“Obamacare”) (Sebelius) (Heavy Reading)

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From the SCOTUS<sup>4</sup> blog: Sebelius in Plain English, parts [1](#) and [2](#).  
Go to Blackboard/Class Activities/ACA and Sebelius folder for instructions and group assignments  
Go to Blackboard/Reading Assignments/Part 2 Healthcare/ ACA and Sebelius for the actual readings – everybody read the green files, and then read the Excerpt to which you have been assigned

In class: In your assigned groups, fill out the template questionnaire for your excerpt

## PART III HEALTHCARE ACCESS AND DISCRIMINATION

### Patient Protection and Affordable Care Act & Freedom of religion (Hobby Lobby) (HOMEWORK DUE)

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Burwell v. Hobby Lobby Stores, Inc.

### The Contraceptive Mandate: Hobby Lobby and Legal Responses

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Trump Administration Rolls Back Birth Control Mandate

<sup>3</sup> Allow extra time for reading this chapter – it is very dense with many new concepts

<sup>4</sup> SCOTUS = Supreme Court of the United States

Doubtful Science Behind Arguments to Restrict Birth Control Access  
Contraception New Laws Reading Focus Questions

**Regulation of Abortion**

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Roe v. Wade

Casey v Planned Parenthood

Whole Women's Health v Texas

This class will be cover some of the most recent abortion cases, including *Whole Women's Health*, which includes explanations of Roe v Wade, and Casey v. Pennsylvania. See separate document on Abortion Reading Focus Questions.

For the curious: There is terrific

Can Reproductive Trans Bodies Exist?

## **PART IV BIOETHICS AND THE LAW**

### **The Doctrine of Informed consent**

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Schloendorff v. Society of New York Hospital, 211 NY 125, 129 130, N.E. (1914)

Salgo v. Leland Stanford Jr. University Board of Trustees, 154 Cal App2d 560, 317 P2d 170 (1957).

Natanson V. Kline. 354 P.2d 670 (Kan. 1960).

### **Decision making in health care – the babies cases**      **HOMEWORK DUE**      (Guest Dr Margie Shaw)

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Miller ex rel. Miller v. HCA, Inc., 118 SW 3d 758 (2003).

In The Matter Of Baby "K", 16 F.3d 590; 1994 U.S. App. Lexis 2215; 3 Am. Disabilities Cas. (BNA) 128.

### **Advance Directives (Guest Dr David Kaufman)**      **HOMEWORK DUE**      (Draft Adv Directive)

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NYS Family Health Care Decisions Act