Colorado School of Public Health
University of Colorado at Denver
Department of Health Systems, Management, & Policy

HSMP 6607 - Current Legal Issues in Health Care

Spring 2014

Instructor: Erica W. Chavez, JD, MPH
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Class Schedule: Wednesdays 5:30 – 7:20 pm

I do not have set office hours. I am available to meet with students by appointment.

Required Texts

Showalter, Stuart J. The Law of Healthcare Administration. Health Administration Press, 6th ed., 2012. (“Showalter”) * Note – you may also use the 5th edition of this text

I will also assign other supplemental reading, such as articles and issue briefs, which I will make available on Canvas or through email.

Learning Objectives

Current Legal Issues in Health Care (HSMP 6607) discusses public health and health care administration legal issues in the United States. The course offers graduate students knowledge of guiding jurisprudence and policy that shape the current health care system. This course emphasizes interdisciplinary discussion in order to develop the necessary tools that the student will use to analyze current issues in health care and public health with a rooted framework. The course is divided into three sections: 1) public health law and regulations, 2) the law of health care administration, and 3) health reform and access to care.

Public Health Law and Regulation – Students will be able to discuss foundational issues that drive public health law and policy, including: Constitutional underpinnings, regulation, rights, tort, and liberty interests.

Legal Issues in Health care Administration – The law of health care administration runs parallel with public health law in order to analyze public health foundations in practice. Students will understand general legal and regulatory principles affecting how health care institutions are operated and the legal implications of management decisions.
Health Reform and Access to Care – Students will better understand the legal implications of the Patient Protection and Affordable Health Care Act and its implementing regulations for both public health and the health care delivery system.

Core Competencies

The course will fulfill the following core competencies for Health Systems, Management and Policy:

CR-HSMP 4: Identify and interpret public health laws, regulations, and policies related to specific health programs and the delivery of health services.

CR-HSMP 6: Assess and explain the effects of policy development and implementation at all levels (federal, state, local) on the practice of public health.

CR-HSMP 8: Demonstrate an understanding of the relationship of public health to the health care delivery system and the economic factors influencing components of the delivery system. (Explanation: Components of the delivery system include organization, management, financing, and resources (workforce, facilities, technology, and knowledge).

Grading

Grades for the course will be based on two writing assignments (30%), a final examination (55%) and class participation (15%).

Writing Assignments: Each student will complete two writing assignments (2 page maximum) based on subject matter learned in Part I: Public Health Law and Regulation and Part II: Legal Issues in Managing Healthcare Organizations. The writing assignments are due on March 5 and April 23. Further instructions on the writing assignments will be discussed in class and provided on Canvas.

Final Examination: The final examination will contain some cumulative material. Exam format will be a mixture of multiple choice, short answer, and essay questions. All lecture/class content and readings are fair content for the exams.

Class Participation: I expect students to attend all classes. If a student must miss a class, he or she must explain the absence. Three or more absences will result in the student’s grade being lowered by a half a letter grade. I expect students to be prepared and actively participate in class discussions.
**Classroom Expectations**

Class participation is an important component of this class. As such, I encourage everyone to be involved in class discussion and expect that each of us will be respectful of other people’s ideas to inspire dynamic, but civil, debate on potentially controversial topics.

**Course Policies**

All students are responsible for knowing and adhering to the academic integrity policies of the Honor Code of the Colorado School of Public Health. Violations of this policy include cheating, plagiarism, fabrication, misconduct of research, or illegal or unlawful acts. All incidents of academic misconduct will be subject to the procedures outlined in the Honor Code.


Students requesting accommodations for a disability will need to contact the Office of Disability Resources & Services (DRS) located in Building 500, Rm. W1103. The physical address is 13001 E. 17th Place, and the phone number is (303) 724-5640. Their staff will assist in determining reasonable accommodations as well as coordinating the approved accommodations.

**Computers:** Students may use computers during class. However, please limit use to taking notes or to access relevant course related content. Please turn off all cell phones and other communication devices during class.

**COURSE TOPICS AND READINGS**

**Class 1:** Course Overview, Introduction to the Legal System  
Jan. 22  No reading

**Part I:  Public Health Law and Regulation**

**Class 2:** Theory and Definition of Public Health Law and Public Health Regulations  
Jan. 29  Readings: Gostin, Chapters 1-2

**Class 3:** Constitutional Design: Rights Limitations and Powers  
Feb. 5  Readings: Gostin, Chapter 3; Chapter 4 (131-144)

**Class 4:** Public Health Governance  
Feb. 12  Readings: Gostin, Chapter 5

**Class 5:** Issues in Tort Law  
Feb. 19  Readings: Gostin, Chapter 6
Class 6: Health Communication and Behavior  
Feb. 26 Readings: Gostin, Chapter 9

**Part II: Legal Issues in Managing Healthcare Organizations**

Class 7: Organizational Structure of a Corporate Healthcare Institution  
Mar. 5 Readings: Showalter, Chapter 5 (5th edition Chapter 4)  
**Writing Assignment due for Part I: Public Health Law and Regulation**

Class 8: Institutional Liability and Negligence  
Mar. 12 Readings: Showalter, Chapter 4 (5th edition Chapter 3); Showalter, Chapter 6 (5th edition Chapter 5)

**SPRING BREAK**

Class 9: Regulating Quality of Care: Public and Institutional Oversight  
Mar. 26 Readings: Showalter, Chapter 8 (5th edition Chapter 7); Colorado Professional Review Act, C.R.S. § 12-36.5-102, *et seq.* Quality Management Functions, C.R.S. §25-3-109 (Statutes provided on Canvas)

Class 10: Surveillance and Health Information Management: HIPAA  
Apr. 2 Readings: Gostin, Chapter 287-312; Showalter, Chapter 15 (5th edition Chapter 14)

Class 11: Fraud Laws and Corporate Compliance  
Apr. 9 Readings: Showalter, Chapter 13 (5th edition Chapter 12)

Class 12: Access to Care and Emergency Care: EMTALA  
Apr. 16 Readings: Showalter, Chapter 9 (5th edition Chapter 8)

**Part III: Health Reform**

Class 13: Health Reform, Access to Care, and Public Health  
Apr. 23 Readings: As assigned  
**Writing Assignment due for Part II: Legal Issues in Managing Healthcare Organizations**
Class 14: Health Reform, Access to Care, and Public Health
Apr. 30 Readings: As assigned

Class 15: General Discussion; Final Examination Review
May 7

Class 16: Final Examination Due
May 14