

1-1-1991

The Law of Health Care Organization and Finance

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THE LAW OF HEALTH CARE ORGANIZATION AND FINANCE

Sixth Edition

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610 Opperman Drive
St. Paul, MN 55123
1-800-313-9378

Printed in the United States of America

ISBN: 978-0-314-18477-1



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CONSUMER RECYCLED PAPER



*To Donna Jo, Elena, Michael, Nicholas, Eva,
Robert and Hayden*

B.R.F.

To Nancy, T.J. and Kati

T.L.G.

To Bob, Emily, Kathleen, Colin, Nicholas and Zachary

S.H.J.

To Ruth, Jacob, Micah, and David

T.S.J.

To Jane, Mirra and Elana

R.L.S.

This book is also dedicated to the memory of Nancy Rhoden and
Jay Healey, great teachers, wonderful colleagues and
warm friends.

*

Preface

The speed at which the health care industry has changed over the past twenty years is staggering. It seems that every passing year and each new session of Congress results in increasingly complex regulations, expansive structural developments, and shifting public opinions regarding health care. 2008 political opinion polls rank health care as a top concern for voters. Economically, politically, and socially, health care is a driving force in many aspects of the contemporary American dialogue. Who has a right to health care? How should we pay for it? How can the health care system be improved? How can barriers to access be eliminated?

In some ways the dynamic nature of the industry poses problems for creating learning tools in forms such as a textbook. This 6th edition of *The Law of Health Care Organization and Finance*, however, incorporates current case law, statutes, and regulations in conjunction with insightful notes and hypothetical problems to provide a sophisticated, up-to-date inquiry into the field. Recent changes regarding ERISA, false claims, antitrust, the Medicare Modernization Act of 2003, and tax regulations are skillfully addressed in this newest edition. Derived from the comprehensive material contained in West's seminal casebook, *Health Law: Cases, Materials, and Problems*, this book is custom made for students of health law interested in the structure and finance of the modern health care enterprise.

This book begins with a broad introduction of essential topics and fundamental concepts of health law, theories of sickness and wellness, and the policy debates regarding each. It then addresses issues of quality control and regulation of health care. The book moves on to issues surrounding access to health care and the controls placed on the cost of care. Finally, it looks at the structure of the health care system including professional relationships, fraud and abuse, and antitrust problems.

The Law of Health Care Organization and Finance is uniquely broad enough to be used in courses outside of law schools and sufficiently detailed to provide meaningful instruction to future health law practitioners. By presenting nuanced notes and examples, this book offers realistic situations for students to begin grappling with problems similar to those they may encounter in practice. *Health Law*, 6th Edition, has also been divided into two other focused course books, one dealing with bioethics and the other with quality of care and liability.

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June, 2008

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Acknowledgements

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