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Fall 2016

### HSPM 7235A - Healthcare Law and Ethics

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**Georgia Southern University**  
**Giann-Ping Hsu College of Public Health**

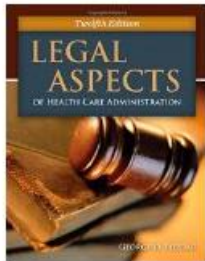
Healthcare Law and Ethics - HSPM 7235 A  
Fall 2016

<b><u>Instructor:</u></b>	<b>Julie Reagan, PhD, JD, MPH</b>
<b><u>Office:</u></b>	Hendricks Hall, Room #2011
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<b><u>Office Hours:</u></b>	Tuesday 10:00 a.m. to 12:00 pm; 2:00 to 5:00 p.m.
<b><u>Class Meets:</u></b>	Monday and Wednesday 2:30 to 3:45 p.m. Info Technology (IT) Building, Room 2205

**Prerequisites:** None

**Folio Address:** <https://georgiasouthern.desire2learn.com/d2l/home>.

**Catalog Description:** The purpose of this course is to introduce students to legal issues in public health and healthcare. Basic legal principles underlying the legal system, governmental regulation, development of legal rules, and how to interact effectively with the legal system as a public health practitioner will be explored. This course has two main purposes: first, to examine the legal context of the relationship between the individual and the community; and second, to understand public health regulation in the context of a market-driven system.



**Required Text:** Pozgar, George D. Legal Aspects of Health Care Administration. Jones & Bartlett Learning, 2016.

**Secondary Text:** Additional articles, supplemental materials, and URLs/website addresses will be supplied by the instructor during the course.

**Course Credit:** This is a three-credit hour course.

**Course Delivery Platform:** Face-to-face lecture. Class meetings will be a combination of lecture, class discussion, and active participation. Computer generated presentations utilizing Folio will be used to augment in-class lectures. You are encouraged to complete the recommended readings and activities (as listed in this syllabus and in Folio) prior to class lectures.

**JPHCOPH (College Level) Student Learning Outcomes:** At the completion of the M.H.A. degree program all students will be able to understand and apply concepts concerning:

1. Demonstrate proficiency and effectiveness in the communication of core public health principles and practices, both oral and written.
2. Demonstrate proficiency in the integration of the core public health disciplines (Biostats, Epid, Env Health, Hlth Policy/Mgt, & Social/Behav Sc) in practice and research.
3. Demonstrate proficiency in problem solving, critical thinking, and public health leadership.

**Health Policy and Management (Departmental Level) Student Learning Outcomes:** At the completion of the M.H.A. degree program all students will be able to understand and apply concepts concerning:

- I. Analyze and evaluate the financial management of health organizations including structuring, marketing, and governance.
- II. Evaluate the management of change in health organizations.
- III. Conduct and interpret relevant health administration research using appropriate research designs and analytic techniques.
- IV. Communicate health services administration principles and concepts to lay and professional audiences through both oral and written communication

**Program Competencies:** At the completion of the M.H.A. degree program all students will be able to (domains are listed first and competencies under each domain follow; established in Spring, 2015):

**I. COMPETENCY DOMAINS**

**A. Measurement and Analysis**

Measurement: Identify information needs, and gather and understand relevant data information in order to define a problem, to assess a situation, or to implement a set of metrics.

Analysis: Organize, manipulate and use information to assess performance, to identify alternative courses of action, to investigate hypotheses, or to accomplish other strategic goals.

**B. Communication**

Receive and convey information in ways that encourage continued dialogue among stakeholders. Effective communication involves strong written and oral transmission skills, responsive listening, and use of creative strategies for exchanging information.

### **C. Leadership**

Influence others to reach their highest level of effectiveness in achieving common goals, both as individuals and in teams. Establish direction and engage various constituencies to produce a shared vision of the future, motivating and committing them to action, and making them responsible for their performance.

### **D. Law and Ethics**

Establish high ethical standards, create a culture of shared ethical values and legal understanding, and transform those ideals into visions and expected behaviors.

### **E. Professional Development**

Required to excel professionally throughout one's career and to make meaningful contributions to the field.

## **II. COMPETENCIES BY DOMAINS**

### **Domain 1: Measurement and Analysis**

#### **Measurement:**

- A.1 Identify appropriate sources and gather information, effectively and efficiently.
- A.2 Appraise literature and data critically that **enhances community health**.
- A.3 Develop, understand and use data from performance, surveillance or monitoring systems.

#### **Analysis:**

- A.4 Financial analysis: Understand and explain financial and statement; prepare and manage budgets; and make sound long-term investment decisions.
- A.5 Statistical analysis: Understand and apply basic **biostatistical** methods relevant to **public health** practice.
- A.6 Policy analysis: Understand the policy-making process and the role of **public health politics**; assess a problem and identify and compare potential policy solutions; and understand and critically assess methods to evaluate policy impact.
- A.7 Economic analysis: Use basic microeconomic theory to understand how the incentives of consumers, providers, and payers affect behaviors, costs, and other outcomes; understand and apply basic econometric tools for the empirical study of issues in health economics.

- A.8 Operational analysis: Analyze, design, or improve an organizational process, including the use of quality management, process improvement, marketing and information technology principles and tools.
- A.9 **Population health assessment:** Understand and apply basic **epidemiologic** principles, measures, and methods to assess the health status of a population; identify risk factors in individuals and communities; evaluate the impact of population-based interventions and initiatives.
- A.10 Decision making: Implement a decision-making process that incorporates evidence from a broad analysis that includes uncertainty, risk, stakeholders, and organizational values.

### **Domain 2: Communication**

- B.1 Convey: Speak and write in a clear, logical, and grammatical manner in formal and informal situations; prepare cogent business presentations; facilitate an effective group process.
- B.2 Listen: Receive, process, and respond appropriately to information conveyed by others.
- B.3 Interact: Perceive and respond appropriately to the spoken, unspoken, or partly expressed thoughts, feelings, and concerns of others.

### **Domain 3: Leadership**

- C.1 Organizational vision: Through effective governance, establish an organization's values, vision, and mission; systematically enhance performance and human material and knowledge resources.
- C.2 Strategic orientation: Analyze the business, demographic, ethno-cultural, political, and regulatory implications of decisions and develop strategies that continually improve the long-term success, viability of the organization and focus on **community health status**.
- C.3 Accountability: Hold self and others accountable to standards of performance; encourage commitment to the long-term good of the organization.
- C.4 Change leadership: Energize stakeholders and sustain their commitment to the organization while adapting to changes in the **environmental factors**.
- C.5 Collaboration: Work collaboratively with others as part of a team or group, demonstrating commitment to the team's goal and encouraging individuals to put forth their best effort.
- C.6 Organizational awareness: Understand and learn from governance structures, formal and informal decision making structures, and power relationships in an organization, industry, or community.

#### **Domain 4: Law and Ethics**

- D.1 Use legal reasoning as a tool for analysis, communication, strategy and planning.
- D.2 Behave ethically and promote standards of ethical behavior throughout **public** and healthcare organizations and professional communities.
- D.3 Develop an understanding of healthcare state and federal legislation as it affects healthcare organizations.

#### **Domain 5: Professional Development & Self-Awareness:**

- E.1 Actively seek feedback from others, reflecting and learning from successes and failures of professionals in **public health and healthcare**.
- E.2 Develop an accurate view of own strengths and developmental needs, including the impact one has on others.

#### **Course Learning Objectives:**

Upon completion of this course, students should be able to:

1. Describe the basics of the American legal system, including the sources of law and the three branches of government. (A6, D1, D3)
2. Understand the constitutional foundation of public health measures in the U.S. and be able to describe legal theories applicable to public health regulation of individual behavior. (A6, D1, D3)
3. Describe the current structure of the U.S. healthcare system and how it has evolved over time through reform efforts. (D1, D3)
4. Demonstrate skill and proficiency of legal research methods. (A1, A2, D1, D3)
5. Compare and contrast Medicare and Medicaid, including how these laws have evolved over time. (A6, A9, D1, D3)
6. Recognize the structure and provisions of the Affordable Care Act and its impact on our U.S. healthcare system. (D1, D3)
7. Understand proper medical record information management, privacy, and confidentiality requirements of state and federal laws. (D1, D3)
8. Understand how the laws of contracts, intentional torts, negligence, and criminal law apply to the healthcare system. (D1, D3)
9. Describe the liability issues encountered by physicians and corporate healthcare institutions. (C6, D1, D3)
10. Identify the various laws and government regulatory programs applicable to labor relations. (D1, D3)
11. Describe ethical principles applicable to government public health programs and the healthcare industry. (D1, D2, D3)
12. Demonstrate the ability to identify core concepts of health law by conducting legal research and writing a legal memorandum. (B1, D1, D3)

13. Demonstrate oral communication skills by participating in class activities involving health law topics. (B1, B2, B3, D1, D3, E1, E2)

**Assessment of Student Learning:**

- **Readings & Assignments:** Textbook reading assignments are indicated in the course schedule below and in Folio. Additional assignments specific to each lecture will be posted in modules in Folio. Please follow the instructions for assignment completion posted within each module. **You are responsible for any additional materials provided online, so please check Folio regularly.**
- **Exams:** A total of 4 exams will be administered. Each exam will be worth 20% of the final grade. Exams may be any combination of true/false, multiple choice, and short answer essay questions. Exams will be given in class and will be open-book. Notes, notebooks, and textbooks are allowed. Computers or other digital technology will not be allowed. The final exam will be comprehensive.
- **Quizzes:** Quizzes will be given over the duration of the semester. Each quiz is associated with a specific module. The quizzes will be available online in Folio at least one week in advance of the date of the associated module. Each quiz will have 10 true/false and/or multiple choice questions. They are open book -- you may use your notes, textbooks, and other materials during the quizzes. The two lowest scoring quizzes will be dropped. You may not work together or confer with one another while taking quizzes. The quizzes (combined) are worth 10% of the final grade.
- **Legal Research & Memorandum:** You will be required to conduct legal research and draft a legal memorandum on an assigned health law topic. The research and written memorandum is worth 10% of the total grade. Specific instructions will be provided in class.
- **In-Class Participation:** Class participation is an integral part of the learning process. This course requires substantial and informed student participation. General discussion of theory and practice is encouraged and expected of all students. At a minimum, being informed requires class engagement, completion of assigned readings and projects, and attention to healthcare news. Thoughtful participation is important and will be considered for the final grade calculation.
- **Attendance Policy:** Federal regulations require attendance to be verified before distribution of financial aid allotments. Thus, attendance will be verified at the first class meeting. Students not attending the first class will be dropped from the class. Regular attendance throughout the semester is expected and will be considered for final grade calculations. A sign-in sheet will be available at each class.

**Instructor Response Times:**

- Email: within 24 hours (expect longer response times on weekends & holidays)
- Exams & quizzes: within 1 week
- Memorandum: within 2 weeks

**Grading:**

<i>Assignment</i>	<i>Weight (%)</i>
Exam 1	20
Exam 2	20
Exam 3 (Final)	20
Quizzes (Combined)	10
Legal Memorandum	10
<u>Final Exam</u>	<u>20</u>
Total	100

**Grading Scale:**

90-100%	=	A
80-89%	=	B
70-79%	=	C
60-69%	=	D
0-59%	=	F

**Make-up Exams and Late Assignments:** Late assignments will not be excused, and make-up exams will not be provided, except in cases of illness, injury, or extenuating circumstances. In such circumstances, or if you need additional time to satisfactorily complete any course requirement, please consult with the instructor within a reasonable amount of time.

Except in cases of extenuating circumstances and instructor approval, any assignment turned in late will be lowered one letter grade for each day the assignment is late.



### Course Schedule, Topics and Assignments

<b>Week</b>	<b>Dates</b>	<b>Topics</b>	<b>Module</b>	<b>Textbook Readings</b>	<b>Quizzes</b>
<b>1</b>	Mon 8/15	Course Orientation Introduction to Health Law	Orientalion 1	Chap. 2, pp. 15-22	None
	Wed 8/17	Constitutional Law	2	Chap. 2, pp 22-23	Quiz 1
<b>2</b>	Mon 8/22	Constitutional Law, cont.			
	Wed 8/24	The Legislative Branch	3	Chap. 2, pp. 22-23	Quiz 2
<b>3</b>	Mon 8/29	The Executive Branch	4	Chap. 2, p. 23, 25-28	Quiz 3
	Wed 8/31	The Judicial Branch	5	Chap. 2, 23- 25	Quiz 4
<b>4</b>	Mon 9/5	Labor Day – No Class		None	None
	Wed 9/7	You're A Health Law Expert		None	None
<b>5</b>	Mon 9/12	<b>Exam 1</b> (Modules 1-5)		None	None
	Wed 9/14	Legal Research and Drafting the Legal Memorandum	6	None	None
<b>6</b>	Mon 9/19	Healthcare Ethics	7	Chapter 3	Quiz 5
	Wed 9/21	Tort Law -- Negligence	8	Chapter 4	Quiz 6
<b>7</b>	Mon 9/26	Tort Law -- Intentional Torts	9	Chapter 5	Quiz 7
	Wed 9/28	Criminal Aspects of Healthcare	10	Chapter 6	Quiz 8
<b>8</b>	Mon 10/3	Contract Law	11	Chapter 7	Quiz 9
	Wed 10/5	Medical Staff Organization & Physician Liability	12	Chapter 10	Quiz 10
<b>9</b>	Mon 10/10	Corporate Liability	13	Chapter 9	Quiz 11
	Wed	Nursing & The Law	14	Chapter 11	Quiz 12

	10/12				
<b>10</b>	Mon 10/17	Labor Relations	15	Chapter 20	Quiz 13
	Wed 10/19	<b>Exam 2</b> (Modules 7-15)		None	None
<b>11</b>	Mon 10/24	Patient Consent	16	Chapter 13	Quiz 14
	Wed 10/26	National Health Insurance & Managed Care	18	Chapter 24	None
<b>12</b>	Mon 10/31	Medicare	19	None	None
	Wed 11/2	Medicaid	20	None	None Memorandums due
<b>13</b>	Mon 11/7	Legal Reporting Requirements	17	Chapter 14	Quiz 15
	Wed 11/9	Medical Records	21	Chapter 15	Quiz 16
<b>14</b>	Mon 11/14	End-of-Life Issues	22	Chapter 18	None
	Wed 11/16	Patient Rights & Responsibilities	23	Chapter 19	None
<b>15</b>	Mon 11/21	Thanksgiving Holiday			
	Wed 11/23	Thanksgiving Holiday			
<b>16</b>	Mon 11/28	<b>Exam 3</b> (Modules 16-23)			
	Wed 11/30	Final Exam Review			
<b>17</b>	Mon 12/5	<b>Final Exam</b> 3 pm to 5 pm (Comprehensive)			

**Disclaimer:** The contents of this syllabus are as complete and accurate as possible. The instructor reserves the right to make any changes necessary to the syllabus and course material. The instructor will make every effort to inform you of changes as they occur. It is the responsibility of the student to know what changes have been made in order to successfully complete the requirements of the course.

**Academic Integrity:** Students are expected to follow the guidelines outlined in the *Student Conduct Code 2013-2014* policy regarding academic dishonesty. Any student found in violation of academic honesty will receive a grade of 'F' for the course. It is the student's responsibility to become familiar with the *Student Conduct Code*.

Students are also expected to follow the guidelines set forth in the JPHCOPH Student Handbook.

- GSU Student Conduct Code: <http://deanofstudents.georgiasouthern.edu/conduct/wp-content/uploads/sites/3/2013-2014-SCC-8.19.13.pdf>.
- JPHCOPH Student Handbook: <https://docs.google.com/a/georgiasouthern.edu/file/d/0B2ms15eoGveqOHIEUW53X0ZS WVE/edit>.

### **Texting and Use of Cell Phones (and Other Technologies)**

Please do not text in class or use your cell phone during class! Texting during class (or in a meeting) is disruptive and rude...at least to me. My preference is that you put cell phones away during class meetings so they are not a source of temptation.

**Academic Misconduct:** Academic misconduct according to GSU's policy includes (but is not limited to):

#### *Cheating:*

- a. Submitting material that is not yours as part of your course performance;
- b. Using information or devices that are not allowed by the faculty;
- c. Obtaining and/or using unauthorized materials;
- d. Fabricating information, research, and/or results;
- e. Violating procedures prescribed to protect the integrity of an assignment, test, or other evaluation;
- f. Collaborating with others on assignments without the instructor's consent;
- g. Cooperating with and/or helping another student to cheat; and/or
- h. Demonstrating any other forms of dishonest behavior.

#### *Plagiarism:*

Plagiarism is defined as "appropriating and putting forth as one's own the ideas, language, or designs of another" (The Living Webster, 1975), and it is strictly forbidden. Written and oral presentations must be a student's own work. Students plagiarizing or cheating in any form will face disciplinary action which could result in failure of this course or suspension or expulsion from the University. Copying from written materials, presentations, websites, etc. without source acknowledgement and reference is plagiarism. *Read it, appreciate it, learn from it, and make sure you properly cite the source – and then reflect on it with your own thoughts and words!*

Plagiarism according to GSU's policy includes (but is not limited to):

- a. Directly quoting the words of others without using quotation marks or indented format to identify them;
- b. Using sources of information (published or unpublished) without identifying them;
- c. Paraphrasing materials or ideas without identifying the source;
- d. Unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic material.

If you are uncertain about what constitutes plagiarism, please contact the instructor. If you are accused of either cheating or plagiarism, the policy, as per the Student Affairs website (<http://deanofstudents.georgiasouthern.edu/conduct/resources/faculty/academic-dishonesty/>), will be enforced.