College of Public Health, HPM
Health Care Law, Regulation and Ethics
PHC#6420-901
COPH Room 2016
Tuesday, 6:00-8:50

Spring 2008
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Furrow, Greaney, Johnson, Jost, and Schwartz.

Supplemental Readings: Supplemental readings will be assigned periodically during the course
and will be available through links on Blackboard.

Blackboard: Blackboard will be used for course announcements, communications, and any
additional assignments.

Instructor Availability: I can be reached by email or phone and am available to meet with
students at the convenience of the student.

General Course Description:

This course surveys current legal and ethical issues from the perspectives of health care
administrators, practitioners, and patients. The course examines legal principles relevant to the
business of health care, to administrative and practitioner liability, and to patient autonomy. In
doing so, it also explores the ethical principles that lie at the core of health care debates, and
considers whether certain trends in health care (for example, in financing) should result in a
reconsideration of those principles.

The course relies primarily on legal texts (judicial opinions, statutes) and class discussion based
on case vignettes is a significant part of the class. Students are expected to participate in class
discussion.

Grading will be based on two major examinations (a mid-term and a final), brief course papers,
and class discussion.

Course Objectives:

1. To acquaint students with significant health care law issues and their resolution.

2. To give students an understanding of the interplay between individual and societal
   values and health care law.
3. To assist students in understanding key policy issues in health care and the ways in which the law shapes resolution of those issues.

4. To enable students to read primary legal documents, for example, judicial opinions and statutes, making them better consumers of legal advice.

5. To give students an understanding of legal reasoning.

**Course Topics and Weekly Readings:**

**January 8**  
Course Overview/Overview of Legal System/Reading Court Opinions

**January 15**  
The Role of "Disease" in the Law/Licensing of Health Care Professionals

| Text: Problem: The Couple's Illness | 9 - 10 |
| Text: Introduction and Katskee v. Blue Cross | 1 - 9 |
| Text: Enthoven: What Medical Care Is... | 10 - 14 |
| Text: Licensing of Health Care Professionals | 114-115 |
| Text: In re Wilson | 115-117 |
| Text: Hoover v. AHCA and Notes and Questions | 117-126 |

**Blackboard:** Readings on discipline and licensing laws

**January 22**  
Introduction to Malpractice/Standards of Care/Health Care Professionals As Malpractice Defendants

| Text: Problem: Patient’s Choice | 292 |
| Text: The Problem of Medical Error | 27-44 |
| Text: The Professional - Patient Relationship | 294-295 |
| Text: Dingle v. Belin and Notes | 295-303 |
Text: Hall v. Hilbun and Notes and Questions 185-202
Text: Practice Guidelines and Proof of Negligence 204-211
Text: Problem: Evidentiary Hurdles 211-217
Blackboard: Readings on Malpractice Reform Efforts

January 29  Liability, Financial Incentives, and Managed Care

Text: Wickline v. State 232-241
Text: Muse v. Charter 448-450
Text: Physicians as Advocates 241-242
Text: Bush v. Dake 602-604
Text: Introduction to ERISA 644-646
Text: ERISA Preemption 670-677
Text: Pegram v. Herdrich 660-669
Blackboard: AETNA Health, Inc. v. Davila

February 5  Professional Staff Issues/Introduction to Antitrust Law

Text: Notes 810-812
Text: Mateo-Woodburn v. FCH and notes 818-824
Text: Mahan v. Avena St Lukes and Notes 824-828
Text: Problem: Dr. Bennett 829-830
Text: Potvin v. Met Life and Notes 830-834
Text: Wright v. Shriner’s 837-841
Text: National Labor Relations Act 841
Text: Amerihealth and United Food…Union 850-853
Text: Introduction to Antitrust Law 1046-1051
Blackboard: Reading on physicians and unionization

February 12  Antitrust Law

Text:  In Re Michigan State Medical Society and notes  1051-1057
Text:  Wilk v. AMA and notes  1072-1074
Text:  Arizona v. Maricopa County Medical Society  1078-1085
Text:  U.S. DOJ and FTC Statements  1086-1093
Text:  FTC/Med South  1093-1101
Text:  Physician Unions  1101-1105
Text:  Hospital Corporation of America  1113-1124
Text:  Notes on mergers  1129-1133

Blackboard: Future of antitrust law as applied to health care

February 19  Access and Discrimination Law: Common Law, EMTALA and the Americans with Disabilities Act

Text:  Problem: HIV-Positive Physician  331-332
Text:  Access to health care/obligation to provide care  528-529
Text:  Williams v. United States  534-535
Text:  ADA/Rehab Act Section 504  551-552
Text:  Bragdon v. Abbott  555-561
Text:  Howe v. Hull and notes  552-554
Text:  Title VI Civil Rights Act  561-565
Text:  Estate of Mauro v. Borgess Medical Center  858-864
Text:  EMTALA  538-541
Text:  Matter of Baby K  1334-1339
February 26  MID-TERM EXAM (CLOSED BOOK/NO NOTES)

March 4  Review of Mid-Term Exam/Taxation

Text:  Forms of Business Enterprises  868-870
Text:  Manhattan Eye, Ear, Throat…  886-894
Text:  Integration and New Organizational Structures  906-911
Text:  Utah County v. Intermountain Health Care  920-927
Text:  IHC Health Plan Cases  933-943
Text:  Redlands Surgical v. IRS  953-961
Text:  Inurement/Private benefit  961-967

Blackboard: Health care tax credits: An alternative…

March 11  SPRING BREAK/NO CLASS

March 18  Informed Consent

Text:  Problem  378-379
Text:  Canterbury v. Spence and notes  358-369
Text:  Tests of Competency to Consent to Treatment  1381-1384
Text:  President’s Commission  1384-1385
Text:  Johnson v. Kokemoor and notes  369-379
Text:  Moore v. Regents  392-400
Text:  Note 4  400
Text:  Nuremberg Code  1515-1517
Text:  Federal Research Regulations  1524-1529
Text:  Grimes v. Kennedy Krieger  1529-1539
March 25  Abortion and Reproductive Rights

Text: Legal Recognition of the Beginning of Life 1144-1152

Text: Roe v. Wade 1156-1159

Text: Planned Parenthood v. Casey 1162-1173

Text: Stenberg v. Carhart and notes 1173-1185

Blackboard: Gonzales v Carhart

Text: RU-486 1190-1192

Blackboard: FDA decision on morning-after pill

April 1  Surrogate Parenting; Genetics

Text: Problem 1209-1210

Text: Uniform Parentage Act 1215-1218

Text: Davis v. Davis and notes 1224-1235

Text: Matter of Baby M and notes 1235-1239

Text: Johnson v. Calvert 1242-1247

Text: Prato-Morrison v. Doe 1250-1254

Text: In re A.C. and notes 1265-1278

Text: Cloning 1258-1264

Text: Genetics 1287-1295

Text: Safer v. Pack 1295-1299


President’s Veto Message
April 8  Right to Die; Physician-Assisted Suicide

Text:  Problem  1315-1316

Text:  Development of “Brain Death” Definition  1317-1320

Text:  In re T.A.C.P.  1325-1328

Text:  Use of Neonates as Donors  1328-1334

Text:  Cruzan v. Director, Missouri Dep’t of Health and notes  1349-1358

Text:  Advance Directives  1389-1403

Text:  Conservatorship of Wendland  1417-1427

Text:  Guardianship of Schiavo  1433-1438

Blackboard:  Terri’s Law

Text:  Washington v. Glucksberg; Vacco v. Quill  1471-1485

Text:  Oregon’s Death with Dignity Act  1493-1500

April 15  Fraud and Abuse

Text:  False Claims  976

Blackboard:  DHS/DOJ 2005 Health Care Fraud Report

Text:  US v Krizek and notes  977-991

Text:  US v Greber  1011-1014

Text:  Qui Tam Actions  1003-1004

Text:  US v Strauss  991-999

Text:  Stark I and Stark II  1034-1038

Text:  US v Stark  1017-1022

April 22  Confidentiality/HIPAA

Text:  Problem: The Tour Bus  356
Grading

Grades will be based on the following:

Occasional short papers and assignments (20 percent).

A mid-term examination (35 percent)

A final examination (45 percent).

Examinations will be closed book. The format of the examination will be discussed during the course of the semester. Examinations will be given only at the scheduled time. PLEASE DO NOT ASK FOR AN EXCEPTION.

Grading Percentages:

The University’s recommended grading scale will be used as follows:

97-100 points = A+
94-96 points = A
90-93 points = A-
87-89 points = B+
84-86 points = B
80-83 points = B-
77-79 points = C+
74-76 points = C
73 and <= C- through F

Grades will be submitted electronically as required by the University.

Attendance

Attendance will be taken at the beginning of each class. If a student knows in advance that class will be missed, it is requested that the instructor be notified
prior to the class. Absent medical cause, more than two absences from class will be taken into consideration in grading.

**Students with Disabilities:** It is the policy of the University of South Florida to accommodate students with disabilities pursuant to federal and state law. Any student with a disability who requires special accommodation should inform the instructor at the beginning of the course.

**Religious Observances:** In accordance with University policy, students are expected to notify the instructor if they intend because of religious observances to be absent for a class or scheduled examination. No student shall be compelled to attend class or sit for an examination at a day or time prohibited by his or her religious belief.