Instructor: Tina Batra Hershey, JD, MPH
Office: 130 DeSoto Street, A746 Crabtree Hall
Email: tbh16@pitt.edu – Please be certain to use this email address.
Phone: 412.383.2229
Fax: 412.383.2228
Office Hours: By appointment
Class Schedule: Class meets each Tuesday from 1:00 – 2:55 pm
Location: A 622 Crabtree Hall

Course Description and General Introduction

The purpose of this course is to introduce students to the legal and ethical issues impacting the administration and delivery of health care services. With the increasing intersection between the delivery of health care and the law, health care executives and others involved in the administration and delivery of health care services are likely to encounter a wide range of legal and regulatory issues, particularly as the Affordable Care Act is implemented. As a required course for MHA students, this course provides information critical to the administration of health care services and forms a foundation of knowledge and skills in this area.

This course is designed to provide students with the practical knowledge needed to identify legal issues inherent in health care administration and to understand the legal ramifications of administrative and management decisions. Through lecture and class discussion, five main subject areas are presented: (1) the American legal system, (2) legal issues in managing health care organizations, (3) regulating quality of care, (4) ramifications of health care reform, and (5) ethics in health administration. Specific course topics include: sources of law, the court system and legal procedures, professional and institutional liability, governmental regulatory methods, antitrust law, corporate compliance programs, emergency care, issues concerning informed consent, credentialing of medical professionals, confidentiality of health information, termination of care, and health care reform, as well as the foundation of ethics, and the external, organizational and personal influences on ethics.

Course Objectives

Upon completion of this course the student should be able to:

1. Discuss the legal principles governing health care administration
2. Describe the ethical principles impacting health care administration
3. Identify potential legal and ethical ramifications of health care management and administrative decisions
4. Recognize and interpret the governing laws, policies, and ethical considerations under which health care administrators work
5. Analyze health reform issues and articulate their implications
6. Identify issues which warrant seeking the assistance of legal counsel

Relationship to CAHME Requirements

This is a required course for the Master of Health Administration (MHA) Program which is accredited by the Commission on Accreditation of Healthcare Management Education (CAHME). As such, the following Pitt Healthcare Management Competency Model (PHMCM) competencies are included in this course:
<table>
<thead>
<tr>
<th>Pitt Healthcare Management Competency Model</th>
<th>Competency Level</th>
<th>Teaching Methods (e.g., Reading, Lectures, Guest Speakers, Class Discussions, Presentations, Field Experiences, Simulation, Consulting Project)</th>
<th>How Will You Assess? (e.g. weekly participation score, debate, policy memo, business plan, term paper, multiple choice exam, short-answer exam)</th>
<th>Learning Objectives</th>
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<tbody>
<tr>
<td>Cross Cutting</td>
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<tr>
<td>Analytical Thinking</td>
<td>Advanced</td>
<td>Lectures, assigned reading, class discussions/debates, analysis of legal cases, group exercises, weekly journal</td>
<td>Weekly reading quizzes, exams, paper, participation scores</td>
<td>1-6</td>
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<tr>
<td>Communication</td>
<td>Intermediate</td>
<td>Class discussions/debates, group exercises</td>
<td>Weekly journal, participation scores</td>
<td>1, 5</td>
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<tr>
<td>Self-Actualization</td>
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<tr>
<td>Self-Development</td>
<td>Basic</td>
<td>Class discussions/debates, analysis of legal cases, group exercises, weekly journal</td>
<td>Weekly journal, participation scores</td>
<td>1-3, 5-6</td>
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<tr>
<td>Management</td>
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<tr>
<td>Human Resources Management</td>
<td>Intermediate</td>
<td>Lectures, assigned reading, class discussions/debates</td>
<td>Weekly reading quizzes, exams, participation scores</td>
<td>3-4, 6</td>
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<tr>
<td>Contextual-Environmental Understanding</td>
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<tr>
<td>Organizational Awareness</td>
<td>Intermediate</td>
<td>Lectures, assigned reading, class discussions/debates, weekly journal</td>
<td>Weekly reading quizzes, exams, participation scores</td>
<td>3-6</td>
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<tr>
<td>Strategic Orientation</td>
<td>Basic</td>
<td>Lectures, assigned reading, class discussions/debates, weekly journal</td>
<td>Weekly reading quizzes, exams, participation scores</td>
<td>3-6</td>
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Teaching
- Lower-Level Methods 60%
- Higher-Level Methods 40%

Assessment
- Lower-Level Methods 55%
- Higher-Level Methods 45%
Required Text:
The Law of Healthcare Administration, 7th Ed.
J. Stuart Showalter
© 2014 Health Administration Press
Foundation of the American College of Healthcare Executives

Additional readings may be provided in class or via email.

Course Readings and Classroom Expectations

Course readings for each week are outlined below and may be supplemented and/or changed as deemed appropriate. Each student is expected to read the materials and be prepared to discuss them in class. At times we will be discussing sensitive and controversial issues – please be respectful of the opinions of others and engage in civil discussion and debate.

Computers are to be used for class purposes only, not for surfing the Web. Please turn off cellphones prior to class. If you cannot turn your phone off, please set it to vibrate rather than ring.

Assignments and Grading

1) Attendance and Class Participation (10%): Students are expected to attend every lecture. One unexcused absence is permitted; thereafter, one percentage point will be deducted from the final grade. Excused absences are those that are approved by the professor prior to their occurrence for unavoidable conflicts. Students are also expected to participate in class discussions, debates, and group exercises.

2) “On Deck” Participation (20%): While participation by all students is encouraged each week, to facilitate discussion and development of students’ ability to articulate legal issues and analysis, each week 2-3 students will be “on deck” to lead class discussion. When “on deck,” the student is expected to read the materials closely, come prepared with 3-5 discussion questions, and be prepared to discuss the readings, including any cases (using the case analysis format described in class) or articles in great detail.

3) Weekly Reading Quizzes (15%): 11 weekly reading quizzes will be given as indicated in the syllabus below. These quizzes will consist of 10 multiple choice and true/false questions taken directly from the assigned reading. Only 10 quizzes will count towards the final grade (the lowest grade will be discarded).

4) Weekly Journal (15%): Students are required to keep a weekly journal related to the legal issues affecting the health care industry or delivery of services. Examples of relevant entries include: discussion of the Affordable Care Act, changes to the Medicare or Medicaid programs, recent healthcare fraud settlements, pending or adjudicated cases (e.g., UPMC/Highmark litigation), pending or passed legislation directly impacting health care. The journal should include a copy of the article, as well as a short discussion or summary of the article (at least 3-5 sentences in length). Each entry must demonstrate the student’s understanding of the health law and/or ethics issues involved. Journals will be
collected at the end of the semester for grading purposes; however, the journal must be brought to class each week. Journal entries and/or article summaries must be at least 3-5 sentences in length and must demonstrate the student’s understanding of the health law and/or ethics issues involved.

Each week, I will call on several students to share their journal entries with the class. A deduction of 1 point will be made to the final grade if a student is unable to share his/her journal entry when called upon. The journal will be collected at the end of the semester for grading purposes.

5) Midterm Exam (20%): This exam will cover the first half of the semester and consist of short and long answer essays. Please see syllabus below for date. The midterm exam will be take home and the use of books/notes will be allowed.

6) Final Exam (20%): This exam will cover the second half of the semester and consist of multiple choice and short/long answer essay. The exam will be administered on the last day of class and will be closed book/closed notes (no computers).

Students Grades for the course will follow the letter format.

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<thead>
<tr>
<th>Grade Range</th>
<th>Letter Grade</th>
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<tr>
<td>98 - 100%</td>
<td>A+</td>
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<tr>
<td>94 - 97%</td>
<td>A</td>
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<tr>
<td>90 – 93%</td>
<td>A-</td>
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<tr>
<td>88 - 89%</td>
<td>B+</td>
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<tr>
<td>84 - 87%</td>
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<td>80 – 83%</td>
<td>B-</td>
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<td>78 - 79%</td>
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<td>74 – 77%</td>
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<td>70 – 73%</td>
<td>C-</td>
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<td>68 – 69%</td>
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<td>64 - 67%</td>
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<tr>
<td>60 – 63%</td>
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<tr>
<td>&lt; 60%</td>
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Academic Integrity

All students are expected to adhere to the school’s standards of academic honesty. Any work submitted by a student for evaluation must represent his/her own intellectual contribution and efforts. The Pitt Public Health policy on academic integrity, which is based on the University policy, is available online at [http://www.publichealth.pitt.edu/Portals/0/Main/Prospective%20Students/Academics/Pitt%20Public%20Health%20Academic%20Handbook%20-%20Part%20IV%20F_AY2013-14.pdf](http://www.publichealth.pitt.edu/Portals/0/Main/Prospective%20Students/Academics/Pitt%20Public%20Health%20Academic%20Handbook%20-%20Part%20IV%20F_AY2013-14.pdf). The policy includes obligations for faculty and students, procedures for adjudicating violations, and other critical information. Please take the time to read this policy.

Students committing acts of academic dishonesty, including plagiarism, unauthorized collaboration on assignments, cheating on exams, misrepresentation of data, and facilitating dishonesty by others, will receive sanctions appropriate to the violation(s) committed. Sanctions include, but are not limited to, reduction of a grade for an assignment or a course, failure of a course, and dismissal from Pitt Public Health.

All student violations of academic integrity must be documented by the appropriate faculty member; this documentation will be kept in a confidential student file maintained by the Pitt Public Health Office of Student
Affairs. If a sanction for a violation is agreed upon by the student and instructor, the record of this agreement will be expunged from the student file upon the student’s graduation. If the case is referred to the Pitt Public Health Academic Integrity Hearing Board, a record will remain in the student’s permanent file.

Accommodation for Students with Disabilities:
If you have any disability for which you are or may be requiring accommodation, you are encouraged to notify both your instructor and the Office of Disability Resources and Services, 216 William Pitt Union at 412-648-7890 or TTY 412-383-7355 as early as possible in the academic term. This office will verify your disability and help you to arrange for reasonable accommodations for your full participation in this course.

COURSE SYLLABUS

WEEK 1: August 26, 2014

I. Course Overview, Introduction to the Legal System and Healthcare Management Ethics
   1. Course objectives, procedures and requirements
   2. Introduction to the Anglo-American Legal System
   3. How to read a legal opinion
   4. Introduction to Healthcare Management Ethics

II. Required Readings
   1. Course Syllabus
   2. Showalter: Chapters 1 and 2 (pp. 1-56)
   5. American College of Healthcare Executives Code of Ethics

WEEK 2: September 2, 2014 READING QUIZ

I. Health Reform and Access to Care
   1. Understanding the American health care system
   2. A brief history of health reform
   3. Overview of Affordable Care Act (ACA)
   4. ACA Supreme Court decisions
   5. ACA implementation issues

II. Admission and Discharge
   1. Pre-reform principles: admission and discharge
   2. Admission and treatment of mentally ill patients
   3. Discharge from the hospital
   4. Utilization review

III. Required Readings
   1. Showalter: Chapter 3 (pp. 57-102)
2. Focus on Health Reform: National Health Insurance-A Brief History of Reform Efforts in the US (Kaiser Family Foundation, March 2009)

WEEK 3: September 9, 2014 READING QUIZ

I. Contracts and Intentional Torts
   1. Contracts and intentional torts as bases for liability
   2. Elements of a contract
   3. Physician – patient relationship
   4. Liability for breach of contract and breach of warranty
   5. Intentional torts

II. Required Readings
   1. Showalter: Chapter 4 (pp. 103-130)
   2. Mead v. Legacy Health System
   3. Roux v. Leach

Week 4: September 16, 2014 READING QUIZ

I. Negligence
   1. Duty
   2. Standards of care
   3. Breach of duty
   4. Injury and causation
   5. Defenses
   6. Liability for acts of others
   7. Countersuits by physicians
   8. Reforming the tort system

II. Required Readings
   1. Showalter: Chapter 5 (pp.131-168)
   2. Harris v. Kreutzer
   3. Readings on CourseWeb

Week 5: September 23, 2014 READING QUIZ

I. Organization and Management of the Corporate Healthcare System
   1. Formation and nature of corporations
   2. Responsibilities of governing boards
   3. Responsibilities of management
4. Management’s role in employment law issues
5. Piercing the corporate veil
6. Multi-institutional systems and corporate reorganization
7. Alternative corporate strategies
8. Collaborative strategies with physicians
9. Ethics of management

II. Required Readings
1. Showalter: Chapter 6 (pp. 169-206)
2. Dombroski v. WellPoint, Inc.

Week 6: September 30, 2014 READING QUIZ

I. Liability of the Health Care Organization
1. Respondeat superior vs. independent contractor status
2. Erosion of physicians’ independent contractor status
3. Erosion of captain-of-the-ship and borrowed servant doctrines
4. Apparent agency
5. Corporate liability

II. Required Readings
1. Showalter: Chapter 6 (pp. 207-242)
2. Hannola v. City of Lakewood
3. John Steinberg and Jane Steinberg, as administrators of the Estate of Shannon Steinberg, Deceased v. Dr. Ward Dunseth, Dr. Jana Petra, and Passavant Area Hospital, Defendants, and Dr. James Drennan, Defendant-Appellee

Week 7: October 7, 2014 READING QUIZ

I. Medical Staff Privileges and Peer Review
1. Medical staff organization and appointment
2. Due process and equal protection requirements
3. Standards for appointment
4. Peer review and professional staff discipline
5. Other medical staff issues

II. Required Readings
1. Showalter: Chapter 8 (pp. 243-290)
2. Johnson v. Grays Harbor Community Hospital

Week 8: October 14, 2014 NO CLASS; TAKE HOME MIDTERM EXAM DUE
Week 9: October 21, 2014 READING QUIZ

I. Health Information Management
   1. HIPAA and the HITECH Act
   2. Legal requirements
   3. Form and content of records
   4. Access to health information
   5. Use of health records in legal proceedings
   6. Federal government’s access to protected health information
   7. State open-meeting and public record laws

II. Required Readings
   1. Showalter: Chapter 9 (pp. 291-362)
   2. DHHS HIPAA Case Examples

Week 10: October 28, 2014 READING QUIZ; IN CLASS DEBATE

I. Emergency Care
   1. Need for emergency care facilities
   2. Duty to treat and aid
   3. Duty to exercise reasonable care
   4. Good Samaritan statutes

II. Consent for Treatment and Withholding Consent
   1. Types of Consent
   2. Role of healthcare institution in consent cases
   3. How “informed” must consent be?
   4. Consent of spouse or relative
   5. Life-or-death decisions
   6. Incompetent adults
   7. Minors
   8. Ethical issues

III. Required Readings
   1. Showalter: Chapter 10 and 11 (pp. 333-418)
   2. Fraticelli-Torres v. Hospital Hermanos
   3. Additional Materials on CourseWeb

IV. Debate

Week 11: November 4, 2014 READING QUIZ

I. Competition and Antitrust Law
   1. The Sherman Act
   2. The Clayton Act
3. The Federal Trade Commission Act
4. Jurisdiction, exemption and immunity
5. Sanctions and enforcement
6. Rule-of-reason analysis and per se violations
7. Applications to health care

II. Required Readings
1. Showalter: Chapter 13 (pp. 447-480)

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Week 12: November 11, 2014 READING QUIZ

I. Fraud Laws and Corporate Compliance
1. The enforcement climate
2. False Claims Act
3. Anti-Kickback Statute
4. The Stark Self-Referral Law
5. Foreign Corrupt Practices Act
6. Corporate Compliance Programs

II. Required Readings
1. Showalter: Chapter 13 (pp. 431-462)

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Week 13: November 18, 2014 GUEST LECTURER; GROUP EXERCISE

I. Taxation of Healthcare Institutions – Guest Lecturer: George Huber, JD
1. Nature of a charitable corporation
2. Definition of a charity
3. Federal tax issues
4. State and local property taxes

II. Required Readings
1. Showalter: Chapter 12 (pp. 419-446)
2. Readings on CourseWeb

III. Group Exercise
Week 14: November 25, 2014 NO CLASS

Week 15: December 2, 2014 READING QUIZ; WEEKLY JOURNALS TURNED IN

I. Issues of Reproduction and Birth
   1. Sterilization
   2. Wrongful birth and wrongful life
   3. Other reproduction issues
   4. Abortion
   5. Hospitals’ role in reproduction issues

II. Required Readings
    1. Showalter: Chapter 14 (pp. 463-502)
    2. Readings on CourseWeb

Week 16: December 9, 2014 FINAL EXAM

- In class, closed book/notes, no computers allowed
- Multiple choice and/or short essays