



PPD 513: LEGAL ISSUES IN HEALTH CARE DELIVERY
Fall 2014, VKC 201, 2 Units, Section 51291

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CLASS DATES & TIMES

- **THURSDAYS, AUGUST 28 – DECEMBER 4. 6:00 P.M. – 7:50 P.M.**

COURSE DESCRIPTION

This course seeks to develop an understanding of the fundamental principles of law that affect virtually every professional engaged in the delivery, organization, or coverage of health care, and aims to facilitate sound clinical and business decision making, as well as help avoid potentially costly violations.

To facilitate appreciation of health law as it is developing, we will consider cutting-edge issues of interest to health care providers and health care institutions alike. The course will consist of lectures, readings, presentations, and discussions. Class discussions will be based primarily on required readings, materials distributed by the Instructor, and that which is presented during lecture.

It is expected that all students will actively participate in class discussions. Students are expected to read and analyze materials assigned in advance of each lecture and be prepared to discuss them. Students will be evaluated on their ability to identify and discuss legal problems and their relationship to health care management, delivery and policy.

LEARNING OBJECTIVES

Upon completing this course, the student will be able to:

1. Gain an appreciation for, and comfort with, the unsettled and dynamic nature of health law.
2. Develop executive or managerial level skills to quickly identify and deal with legal issues in your current and future positions in health care leadership.
3. Develop skills to analyze a health related contract from a legal perspective.
4. Develop an in-depth, working knowledge of one significant area of health law that applies to your current or intended responsibilities or interests.

REQUIRED TEXTBOOKS

Health Law: Cases, Materials and Problems

West Publishing (7th Ed. 2013), Furrow, Barry R., et al.

ISBN-10: 0314265090

ISBN-13: 978-0314265098

COURSE NOTES

Additional resources may be provided on Blackboard, by email, or during class. As with any graduate class, in response to questions and discussion, the **schedule may be modified**. Your participation in email discussion well in advance of the first module will enable us to support your learning in those areas of health law that are of particular interest.

STATEMENT FOR STUDENTS WITH DISABILITIES

Any student requesting academic accommodations based on a disability is required to register with Disability Services and Programs (DSP) each semester. A letter of verification for approved accommodations can be obtained from DSP. Please be sure the letter is delivered to me (or to TA) as early in the semester as possible. DSP is located in STU 301 and is open 8:30 a.m.–5:00 p.m., Monday through Friday.

Website: http://sait.usc.edu/academicsupport/centerprograms/dsp/home_index.html.

Telephone: (213) 740-0776, **TDD:** (213) 740-6948, **Fax:** (213) 740-8216, **Email:** ability@usc.edu.

STATEMENT ON ACADEMIC INTEGRITY

USC seeks to maintain an optimal learning environment. General principles of academic honesty include the concept of respect for the intellectual property of others, the expectation that individual work will be submitted unless otherwise allowed by an instructor, and the obligations both to protect one's own academic work from misuse by others as well as to avoid using another's work as one's own. All students are expected to understand and abide by these principles. *SCampus*, the Student Guidebook, (www.usc.edu/scampus or <http://scampus.usc.edu>) contains the University Student Conduct Code (see University Governance, Section 11.00), while the recommended sanctions are located in Appendix A.

Students will be referred to the Office of Student Judicial Affairs and Community Standards for further review, should there be any suspicion of academic dishonesty. The Review process can be found at:

<http://www.usc.edu/student-affairs/SJACS/>. Information on intellectual property at USC is available at:

<http://usc.edu/academe/acsen/issues/ipr/index.html>.

EMERGENCY PREPAREDNESS/COURSE CONTINUITY IN A CRISIS

In case of a declared emergency if travel to campus is not feasible, USC executive leadership will announce an electronic way for instructors to teach students in their residence halls or homes using a combination of Blackboard, teleconferencing, and other technologies. Please activate your course in Blackboard with access to the course syllabus. Whether or not you use Blackboard regularly, these preparations will be crucial in an emergency. USC's Blackboard learning management system and support information is available at blackboard.usc.edu.

PPD 513 COURSE COMPETENCY OUTLINE

COMPETENCY	BLOOMS TAXONOMY LEVEL	DATE(S)	METHOD	ASSESSMENT
DOMAIN 1: Knowledge of Health Care Environment				
1.1 Demonstrate knowledge of established and evolving issues in health care, and the ability to apply this knowledge to diverse health organizations	Analyzing	Every Class	Case briefs and related policy discussion, weekly exercises	Team presentations, case briefs, contract analysis, final paper
DOMAIN 2: Critical Thinking and Analysis				
2.1 Demonstrate the ability to understand a situation, issue or problem by breaking it into smaller pieces and tracing its implications in a step-by-step manner	Evaluating	Every Class	Case briefs and related policy discussion, weekly exercises	Team presentations, case briefs, contract analysis, final paper
2.3 Demonstrate the ability to consider business, demographic, ethno-cultural, political, and regulatory implications of decisions, and to develop strategies that improve the long-term success and viability of the organization	Evaluating	Every Class	Case briefs and related policy discussion, weekly exercises	Team presentations, case briefs, contract analysis, final paper
DOMAIN 3: Business and Management Knowledge				
3.3 Understand and use the formal and informal-decision-making structures in health care organizations and the health care industry, and the ability to analyze and improve an organization's processes	Analyzing	Every Class	Case briefs and related policy discussion, weekly exercises	Team presentations, case briefs, contract analysis, final paper
DOMAIN 4: Policy and Community Advocacy				
4.1 Understand the legislative environment and the organizational implications related to health policy at the state, local and federal levels	Analyzing	Every Class	Case briefs and related policy discussion, weekly exercises	Team presentations, case briefs, contract analysis, final paper
4.2 Align one's own and the organization's priorities with the needs and values of the community	Analyzing	Every Class	Case briefs and related policy discussion, weekly exercises	Team presentations, case briefs, contract analysis, final paper
DOMAIN 5: Communication				
5.1 Demonstrates the ability to facilitate a group, and to prepare and present cogent business presentations	Analyzing	Every Class	Case briefs and related policy discussion, weekly exercises	Team presentations, case briefs
5.2 Demonstrates the ability to persuade others to support a point of view, position, or recommendation, while assessing and	Analyzing	Every Class	Case briefs and related policy discussion,	Team presentations, case briefs

responding to the feelings and concerns of others			weekly exercises	
DOMAIN 6: Leadership				
6.1 Demonstrates leadership characteristics including speaking and acting as an ethical professional and accepting accountability for the impact of decisions on others	Analyzing	Every Class	Case briefs and related policy discussion, weekly exercises	Team presentations, case briefs
6.2 Demonstrates the ability to work as a team member and to support and value diverse opinions and perspectives	Analyzing	Every Class	Case briefs and related policy discussion, weekly exercises	Team presentations, case briefs
6.3 Understands how to establish a compelling organizational vision and goals for an organization	Applying	Every Class	Case briefs and related policy discussion, weekly exercises	Team presentations, case briefs, contract analysis, final paper

COURSE REQUIREMENTS

CLASS PREPARATION AND PARTICIPATION (10%)

Cogent, insightful, succinct, and active class participation based on careful preparation and relevant professional experience should focus on the assigned cases (whether or not briefed) and readings, legal reasoning, health policy, and the impact of health law on the administration, delivery, and financing of care. Please share your special knowledge and experience with the class as appropriate. **Note:** Throughout the assigned Text, skip (i.e. do not review or prepare) “Review Problems” unless assigned via Blackboard, by email, or in class. **For team assignments, ALL team members must participate in assigned chapter discussion and be prepared to answer questions from classmates and instructor.**

CASE BRIEFS (40%)

a. **Purpose:** Briefs (1) facilitate comprehension and appreciation of case law, (2) develop skills in identifying and framing issues, (3) promote precise, self-disciplined reasoning and drafting, and (4) enable you to effectively lead class legal discussions and defend your views. Students who have prepared a brief on a particular case should be prepared to lead the class discussion of the case and its policy ramifications (along with anyone else who has prepared a brief on the same case).

b. **Due Dates:** See Weekly Schedule for Due Dates. Each student is to draft four (4) case briefs of one to three pages each. Each case brief is worth 10% of your grade.

i. **Brief #1:** Case: Katskee v. Blue Cross/Blue Shield of Nebraska (page 17)

ii. **Briefs #2 and #3:** Due as specified by Team assignment (see Weekly Schedule). The **team** will brief all cases in the chapter sections assigned, and present them during class. **Each student** will then turn in one brief from each chapter for their individual grade (select the same case brief for the entire team). I am particularly interested in your individual take on the analysis and public policy implications of the case.

iii. **Brief #4:** Case: US v. Krizek (Pages 1075 and 1084. Brief both cases. Will count as one brief)

c. **Directions for Format of Case Briefs:** Each brief should identify the case name and citation, e.g., Hall v. Hilbun, 466 So.2d 856 (Miss. 1985), should be divided into six parts, and should include at least the following information:

- i. **Facts:** A statement of the procedural facts, followed by a brief summary of the relevant evidentiary facts of the case that gave rise to the litigation.
- ii. **Issue:** A statement clearly identifying the issue or question presented. (Is the question a question of fact or a question of law, or a mixed question of fact and law?)
- iii. **Rule (of Law):** Succinct statement of the rule of law (common law, statutory law, or constitutional law) that expressly or impliedly governs the case. Include all the elements of the rule, ideally in your own words. If known, briefly state the reason or policy behind the rule.
- iv. **Analysis:** Application of (all elements of) the rule of law to the facts of the case;
- v. **Conclusion:** Succinct statement of the conclusion, decision, or holding. Who prevailed in the litigation and what occurred procedurally as a result? Did the holding modify or extend the existing rule? Are there any significant dicta (statements of the court that are not essential to the holding)?
- vi. **Public Policy:** Is the case wisely decided? Does the decision uphold or extend a sound health policy or public policy? Why or why not? What are the legal and policy ramifications?

d. **Recommendation:** Very valuable information on legal reasoning, a discussion of the case method, directions on how to draft a brief, and a sample brief can be found in the first three steps of a free online workshop at www.LawNerds.com. Reviewing this information in detail prior to briefing any case will enable you to draft cogent, useful briefs and will save you a great deal of time.

e. **Brief Grading Criteria:** The grading criteria are listed below so you can self-check prior to submission.

Case Brief Element	Guideline	Points
Formatting / Presentation	One to two pages in 12-point Times New Roman double spaced, both margins justified, emailed in Word format. Each component's material is logically organized and presented in a clear, concise manner	0 - 1
Case Name and Citation	Complete case name and properly formatted citation appear at the top of the case brief	0 - 1
Procedural/Evidentiary Facts	Facts presented are relevant to the issue being examined by the court and are logically organized	0 - 1
Issue	A well crafted, grammatically correct question identifying the issue being examined by the court	0 - 1
Rule	Rule of law that expressly or impliedly governs the case is succinctly paraphrased rather than quoted and is relevant to the issue presented. Include <u>all</u> the elements of the rule	0 - 1
Analysis	The court's reasoning is presented in a clear and logical fashion, leading the reader to an understanding how the court applied (all elements of) the rule of law to the facts of the case	0 - 1 - 2
Conclusion	A succinct statement of the conclusion, decision, or holding, leading the reader to an understanding of	0 - 1

	who prevailed in the litigation, what occurred procedurally as a result, and the effect of the holding on the existing rule. Students should comment on any significant dicta	
Public Policy	A succinct statement of what impact, if any, the decision has on health policy or public policy. Is the case wisely decided? Does the decision uphold or extend a sound health policy or public policy? Why or why not? What are the legal and policy ramifications?	0 - 1 - 2
	TOTAL POINTS ACHIEVED (10 Points Available)	

CONTRACT ANALYSIS (10%)

Each student is to draft and present a paper (in Memo Form) of not less than three and not more than seven pages analyzing a health care contract assigned by Instructor. Students should also be prepared to discuss their analysis in class.

- a. **Purpose** -- The purpose of this assignment is to familiarize the student with the fundamental elements of contracts generally and with health care contracts specifically, and the basic principles of contract analysis.
- b. **Details** – Students are to identify key elements/provisions that present a high risk to the organization and suggest alternative solutions or language to mitigate that risk. Students should also point out key elements/provisions that are particularly beneficial to the organization and ought to be protected during contract negotiations. Where applicable, discuss any policy implications raised by the contract provision.

FINAL PAPER (40%)

Each student is to draft a final paper of not less than seven pages and not more than 10 pages on a topic of significant interest to the student or the student’s employer, demonstrating an in-depth knowledge of the particular area of health law (including applicable federal and state statutory, regulatory, and case law) as well as related health policy and ethical considerations. Reference material will be recommended on an individual basis based on the topic of each student’s final paper.

- a. **Law** - For issues arising under federal law, special attention should be given to applicable federal statutes, regulations, and administrative interpretations, and to decisions of the U.S. Supreme Court and the 9th Circuit Court. For issues arising under state laws, those planning to pursue their careers in California should focus primarily on any California statutes, regulations, and administrative interpretations and any California cases addressing the issue, while anyone planning a career in another state may also consider any relevant authorities in that state. If appropriate the paper may compare and contrast the applicable authorities in multiple states.
- b. **Topic** - Topics and research materials for the final paper should be discussed in advance with the Instructor. Please propose a topic that interests you and will be of maximum value for your present or future responsibilities. Be sure to discuss your proposed topic with Instructor in advance to assure selection of a topic that will return maximum value for your investment of time in view of your specific learning objectives for this course and your career goals.

FINAL GRADE DETERMINATION

ASSIGNMENT	% OF GRADE	DUE DATES
Class Preparation and Participation	10%	Weekly
Case Briefs	40%	See Weekly Schedule

Contract Analysis	10%	October 2, 2014
Final Paper	40%	December 4, 2014
TOTAL	100%	

USC GRADING POLICY

GRADE	CRITERIA
A	Work of excellent quality
B	Work of good quality
C	Minimum passing for graduate credit
D	Failed in courses for graduate credit
E	Failed

ASSIGNMENT SUBMISSION POLICY

- All students are required to have email capability and should consult **Blackboard** and their email regularly for up-to-date information.
- Each written assignment is to be in 12-point Times New Roman double spaced, both margins justified, in Word format.
- Each assignment is to be submitted electronically through **Blackboard** no later than the start of class on the Due date, as noted in each assignment.
- Each student must have a copy of his/her case briefs available during class to facilitate active participation in class discussion.

ADDITIONAL POLICIES

Makeup Work: Due to the condensed nature of the course, absence from class is highly discouraged and should be limited to emergency situations. In such cases, student is responsible for notifying Instructor and arranging for makeup assignment. At the discretion of Instructor, make up work will be assigned.

Initial Information: Upon registering or as soon thereafter as practicable, please email the following information to the Instructor at oyaga@usc.edu. Using 3 bullet points briefly describe your career goals, your own specific learning objectives for the course, and attach a resume.

Incomplete (IN) is assigned when work is not completed because of documented illness or other “emergency” occurring after the twelfth week of the semester (or the twelfth week equivalent for any course that is scheduled for less than 15 weeks).

Registrar’s Note: Recommended definition of emergency: “A situation or event which could not be foreseen and which is beyond the student’s control, and which prevents the student from taking the final examination or completing other work due during the final examination period. Also note that as defined above, a student may not request an IN before the end of the twelfth week (or twelfth week equivalent for any course scheduled for less than 15 weeks); the rationale is that the student still has the option to drop the course until the end of the twelfth week (or twelfth week equivalent). The grade of IN exists so there is a remedy for illness or emergency which occurs after the drop deadline.

Marks of IN must be completed within one year from the date of the assignment of the IN. If not completed within the specified time limit, marks of IN automatically become marks of IX (expired incomplete) with the exception of thesis, dissertation, and non-letter-graded courses, and are computed in the GPA as a grade of F (zero grade points). A student may petition the Committee on Academic Policies and Procedures (CAPP) for an extension of time to complete an Incomplete. Extensions beyond the specified time limit are rarely approved, particularly if the student has enrolled in subsequent

PPD 513 WEEKLY SECTION COURSE OUTLINE

DATE	TOPIC
Thursday, Aug 28	READ: Chapter 1. Cost, Quality, Access, and Choice DUE: Brief #1 (ALL) Katskee v. BX/BS at page 17
Thursday, Sept 4	READ: Chapter 2. Quality Control Regulation: Licensing Health Care Professionals DUE: Brief #2 (Team A) + Present chapter and lead class discussion
Thursday, Sept 11	READ: Chapter 3. Quality Control Regulation of Health Care Institutions DUE: Brief #2 (Team B) + Present chapter and lead class discussion
Thursday, Sept 18	READ: Chapter 4. The Professional-Patient Relationship DUE: Brief #2 (Team C) + Present chapter and lead class discussion
Thursday, Sept 25	READ: Chapter 5. Liability of Health Care Professionals DUE: Brief #2 (Team D) + Present chapter and lead class discussion
Thursday, Oct 2	READ: Chapter 6. Liability of Health Care Institutions DUE: Brief #2 (Team E) + Present chapter and lead class discussion DUE: CONTRACT ANALYSIS (ALL)
Thursday, Oct 9	READ: Chapter 8. Duties to Treat DUE: Brief #3 (Team A) + Present chapter and lead class discussion
Thursday, Oct 16	READ: Chapter 9. Private Health Insurance and Managed Care: Liability and State and Federal Regulation DUE: Brief #3 (Team B) + Present chapter and lead class discussion
Thursday, Oct 23	READ: Chapter 10. Public Health Care Financing Programs: Medicare and Medicaid DUE: Brief #3 (Team C) + Present chapter and lead class discussion
Thursday, Oct 30	READ: Chapter 11. Professional Relationships in Health Care Enterprises DUE: Brief #3 (Team D) + Present chapter and lead class discussion

<p>Thursday, Nov 6</p>	<p>READ: Chapter 15. Reproduction and Birth DUE: Brief #3 (Team E) + Present chapter and lead class discussion</p>
<p>Thursday, Nov 13</p>	<p>(Online Class due to USC Football Home Game) READ: Chapter 13. Fraud and Abuse DUE: Brief #4 (ALL) US v. Krizek at page 1075 AND US v. Krizek at page 1084</p>
<p>Thursday, Nov 20</p>	<p>READ: Chapter 7. Health Care Cost and Access: The Policy Context</p>
<p>Thursday, Nov 27</p>	<p style="text-align: center;">THANKSGIVING HOLIDAY – NO CLASS</p>
<p>Thursday, Dec 4</p>	<p>BROWSE ONLY: Chapter 16, 17, 18, 19. DUE: FINAL PAPER (ALL)</p>

APPENDIX A: ACADEMIC DISHONESTY SANCTION GUIDELINES

Violation	Recommended Sanction for Undergraduates*
Copying answers from other students on any course work. **	F for course.
One person allowing another to cheat from his/her exam or assignment.	F for course.
Possessing or using material exam (crib sheets, notes, books, etc.) which is not expressly permitted by the instructor.	F for course.
Continuing to write after exam has ended.	F for course.
Taking exam from room and later claiming that the instructor lost it.	F for course and recommendation for further disciplinary action (possible suspension).
Changing answers after exam has been returned.	F for course and recommendation for further disciplinary action (possible suspension).
Fraudulent possession of exam prior to administration	F for course and recommendation for suspension.
Obtaining a copy of an exam or answer key prior to administration	Suspension or expulsion from the university; F for course
Having someone else complete course work for oneself.	Suspension or expulsion from the university for both students; F for course.
Plagiarism – Submitting other’s work as one’s own or giving an improper citation.	F for course.
Submission of purchased term papers or papers done by others.	F for the course and recommendation for further disciplinary action (possible suspension).
Submission of the same assignment to more than one instructor, where no previous approval has been given.	F for course.
Unauthorized collaboration on an assignment.	F for the course for both students.
Falsification of information in admission applications (including supporting documentation).	Revocation of university admission without opportunity to reapply.
Documentary falsification (e.g., petitions and supporting materials; medical documentation).	Suspension or expulsion from the university; F for course when related to a specific course
Plagiarism in a graduate thesis or dissertation.	Expulsion from the university when discovered prior to graduation; revocation of degree when discovered subsequent to graduation. ***

* Assuming first offense

** Exam, quiz, tests, assignments or other course work.

*** Applies to graduate students