

PPD-513 Legal Issues in Health Care Delivery

Section: 51349

Fall 2013—Thursdays—6:00pm to 9:20pm

Location: RGL 101

Instructor: Ralph Oyaga, Esq., MBA

Office: TBD

Office Hours: By Appointment

Contact Info: Oyaga@usc.edu
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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 materials distributed by the Instructor, required readings 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

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

Recommended Preparation: [PPD 509](#) or substantial prior work experience in health care organizations. Open only to graduate students.

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.

Required Readings and Supplementary Materials

Health Law: Cases, Materials and Problems

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

ISBN-10: 0314265090

ISBN-13: 978-0314265098

Description and Assessment of Assignments

1. 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.**

2. Case Briefs (20%)

- 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** – Each student is to draft four (4) case briefs of one to two pages each. Each case brief is worth 5% of your grade.
 - i. **Brief #1:** Case: **Katskee v. Blue Cross/Blue Shield of Nebraska**
 - ii. **Briefs #2 and #3:** Due as specified by Team assignment (see **Course Schedule**). Each student is to draft two case briefs analyzing two cases selected from the assigned reading materials for their Team.
 - iii. **Brief #4:** Case: To Be Assigned By Instructor
- 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.
- 3. Contract Analysis (30%).** Each student is to draft and present a paper 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/describe:
 - i. The contract’s parties (or type of healthcare entity).
 - ii. The contract’s subject matter, purpose, and consideration (what is being paid and what is being received for that payment).
 - iii. Which state’s law governs the contract?
 - iv. Any provision regarding dispute resolution such as use of a lawsuit, arbitration or mediation.
 - v. Any provisions raising a significant health policy concern.
- 4. 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.

Grading Breakdown

Assignment	Points	% of Grade
Class Preparation and Participation	10	10
Case Briefs	20	20
Contract Analysis	30	30
Final Paper	40	40
TOTAL	100	100

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 in Word format to oyaga@usc.edu no later than the start of class on the Due date, as noted in each assignment.
- Each student must have a copy (electronic or hardcopy) 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 bullet points briefly describe your own specific learning objectives for the course. Describe your career goals, and attach a resume (scheduling a 10 minute phone introductory call is highly recommended).

Course Schedule: A Weekly Breakdown

Week # (Dates)	Topics/Daily Activities	Readings and Homework	Deliverable/ Due Dates
Week 1 10/17	Introduction to Course Introduction to Health Law and Policy Team Exercise: Organizational Analysis	Text -- Chapter 1	Brief #1: <u>Katskee</u>
Week 2 10/24	Regulation of Health Care Professionals and Institutions	Text – Chapter 2 Text – Chapter 3	Topic for Final Paper + Team A Brief #2 & 3
Week 3 10/31	Health Care Costs and Access, the Policy Context ACA, EMTALA	Text – Chapter 7 Text – Chapter 8	Team B Brief #2 & 3
Week 4 11/07	Private Health Insurance and Managed Care: State and Federal Regulation Public Health Care Programs: Medicare and Medicaid	Text – Chapter 9 Text – Chapter 10	Contract Analysis + Team C Brief #2 & 3
Week 5 11/14	Professional Relationships in Health Care Enterprises Structure of the Health Care Enterprise	Text -- Chapter 11 Text -- Chapter 12	Team D Brief #2 & 3
Week 6 11/21	Fraud and Abuse Antitrust	Text – Chapter 13 Text -- Chapter 14	Team E Brief #2 & 3
Week 7 12/05	Legal, Social and Ethical Issues (browse for discussion only) Summary of Class and Discussion	Text – Chapter 16 (browse) Text – Chapter 17 (browse) Text – Chapter 18 (browse)	Final Paper + Brief #4

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 and contact information for DSP: http://sait.usc.edu/academicsupport/centerprograms/dsp/home_index.html, (213) 740-0776 (Phone), (213) 740-6948 (TDD only), (213) 740-8216 (FAX) 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.

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.