

# USC Price

Sol Price School  
of Public Policy

## PPD 513: LEGAL ISSUES IN HEALTH CARE DELIVERY

2 Units

Fall 2015, Section 51290R

Wednesdays 6:30pm – 8:20pm

Location: VKC 260

**Instructor: Ralph Oyaga, Esq., MBA**

**Office Hours:** By Appointment

**Contact Info:** (661) 313-4869, [oyaga@usc.edu](mailto: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. 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 class 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:

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

**Prerequisite(s):** 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, the **schedule may be modified**.

### Required Textbook:

Health Law: Cases, Materials and Problems

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

ISBN-10: 0314265090      ISBN-13: 978-0314265098

## PPD 513 COURSE COMPETENCY OUTLINE

	<b>BLOOMS TAXONOMY LEVEL</b>	<b>DATE(S)</b>	<b>METHOD</b>	<b>ASSESSMENT</b>
<b>DOMAIN 1: Knowledge of Health Care Environment</b>				
<b>1.1</b> 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
<b>DOMAIN 2: Critical Thinking and Analysis</b>				
<b>2.1</b> 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
<b>2.3</b> 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
<b>DOMAIN 3: Business and Management Knowledge</b>				
<b>3.3</b> 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
<b>DOMAIN 4: Policy and Community Advocacy</b>				
<b>4.1</b> 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
<b>DOMAIN 5: Communication</b>				
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 responding to the feelings and concerns of others	Analyzing	Every Class	Case briefs and related policy discussion, weekly exercises	Team presentations, case briefs
<b>DOMAIN 6: Leadership</b>				
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

## Description and Assessment of Assignments

### Class Preparation and Participation

Cogent, insightful, succinct, and active class participation based on careful preparation and relevant professional experience should focus on the assigned cases. Please share your special knowledge and experience with the class as appropriate. **Note: For team assignments, ALL team members must participate in assigned chapter discussion and be prepared to answer questions from classmates and instructor.**

### Case Briefs

Each student is to draft four (4) case briefs of one to two pages each. See Course schedule for due dates. Upload to BlackBoard (Turnitin Assignment). 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). **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](http://www.LawNerds.com)

### **Brief Grading Rubric: (10 Points Available per Brief)**

<b>Brief Element</b>	<b>Guideline</b>	<b>Points</b>
Formatting / Presentation	Student's Name and Course Section Number on upper right hand corner. Case Title. One to two pages in 12-point Times New Roman single spaced, both margins justified. Material is logically organized.	0-1
Facts	Facts presented are relevant to the issue being examined by the court.	0-1
Issue	A well crafted, grammatically correct question identifying the issue being examined by the court.	0-1
Rule	Rule of law (include all elements) that governs the case is succinctly paraphrased or quoted and is relevant to the issue presented.	0-2
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.	0-2
Conclusion	A succinct statement leading the reader to an understanding of who prevailed in the litigation, what occurred procedurally as a result, and the effect of the holding on the existing rule.	0-1
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?	0-2

### **Contract Analysis**

This is a TEAM assignment. Each Team is to draft and present a paper of not less than two 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.

### **Final Paper**

Each student is to draft a final paper of not less than five 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.

**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.

### **Grading Breakdown**

<b>Assignment</b>	<b>% of Grade</b>
Class Preparation and Participation	10%
Contract Analysis	20%
Case Briefs	30%
Final Paper	40%
<b>Total</b>	<b>100%</b>

### **Assignment Submission Policy**

- All students are required to consult **Blackboard** and email regularly for class updates.
- Turn in all work in 12-point Times New Roman, single spaced, both margins justified.
- Submit through **BlackBoard** no later than the start of class on the Due date.
- 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:** Each student shall bring to the first meeting a list (bullet points) to be shared with the rest of the class describing (a) past healthcare industry experience, (b) present healthcare industry experience, including the segment of the industry (pharma, health plan, provider, etc.), and (c) future healthcare career goals.

## Course Schedule: A Weekly Breakdown

Week 1 08/26	Introduction to Health Law. Brief #1 (ALL) Jacobson v. Massachusetts at page 74. Team exercise. Review of Syllabus and Assignments. Discussion of Final Paper topics.
Week 2 09/02	READ: Chapter 1. Cost, Quality, Access, and Choice DUE: (Team A) Brief #2 + Present chapter and lead class discussion
Week 3 09/09	READ: Chapter 2. Quality Control Regulation: Licensing Health Care Professionals DUE: (Team B) Brief #2 + Present chapter and lead class discussion
Week 4 09/16	READ: Chapter 3. Quality Control Regulation of Health Care Institutions DUE: (Team C) Brief #2 + Present chapter and lead class discussion
Week 5 09/23	READ: Chapter 4. The Professional-Patient Relationship DUE: (Team D) Brief #2 + Present chapter and lead class discussion
Week 6 09/30	READ: Chapter 5. Liability of Health Care Professionals DUE: (Team E) Brief #2 + Present chapter and lead class discussion
Week 7 10/07	READ: Chapter 6. Liability of Health Care Institutions DUE: (Team F) Brief #2 + Present chapter and lead class discussion
Week 8 10/14	DUE: CONTRACT ANALYSIS (ALL) READ: Chapter 13. Fraud and Abuse DUE: (ALL) Brief #4 US v. Krizek at page 1075
Week 9 10/21	READ: Chapter 8. Duties to Treat DUE: (Team A) Brief #3 + Present chapter and lead class discussion
Week 10 10/28	READ: Chapter 9. Private Health Insurance and Managed Care: Liability and State and Federal Regulation DUE: (Team B) Brief #3 + Present chapter and lead class discussion
Week 11 11/04	READ: Chapter 10. Public Health Care Financing Programs: Medicare and Medicaid DUE: (Team C) Brief #3 + Present chapter and lead class discussion
Week 12 11/11	READ: Chapter 11. Professional Relationships in Health Care Enterprises DUE: (Team D) Brief #3 + Present chapter and lead class discussion
Week 13 11/18	READ: Chapter 15. Reproduction and Birth DUE: (Team E) Brief #3 + Present chapter and lead class discussion
Week 14 11/25	READ: Chapter 12. The Structure of the Health Care Enterprise DUE: (Team F) Brief #3 + Present chapter and lead class discussion
Week 15 12/02	DUE: (ALL) FINAL PAPER READ: Chapter 7. Health Care Cost and Access: The Policy Context

## Statement on Academic Conduct and Support Systems

### Academic Conduct

Plagiarism – presenting someone else’s ideas as your own, either verbatim or recast in your own words – is a serious academic offense with serious consequences. Please familiarize yourself with the discussion of plagiarism in *SCampus* in Section 11, *Behavior Violating University Standards*<https://scampus.usc.edu/1100-behavior-violating-university-standards-and-appropriate-sanctions/>. Other forms of academic dishonesty are equally unacceptable. See additional information in *SCampus* and university policies on scientific misconduct, <http://policy.usc.edu/scientific-misconduct/>.

Discrimination, sexual assault, and harassment are not tolerated by the university. You are encouraged to report any incidents to the *Office of Equity and Diversity* <http://equity.usc.edu/> or to the *Department of Public Safety* <http://capsnet.usc.edu/department/department-public-safety/online-forms/contact-us>. This is important for the safety whole USC community. Another member of the university community – such as a friend, classmate, advisor, or faculty member – can help initiate the report, or can initiate the report on behalf of another person. *The Center for Women and Men* <http://www.usc.edu/student-affairs/cwm/> provides 24/7 confidential support, and the sexual assault resource center webpage [sarc@usc.edu](mailto:sarc@usc.edu) describes reporting options and other resources.

### Support Systems

A number of USC’s schools provide support for students who need help with scholarly writing. Check with your advisor or program staff to find out more. Students whose primary language is not English should check with the *American Language Institute* <http://dornsife.usc.edu/ali>, which sponsors courses and workshops specifically for international graduate students. *The Office of Disability Services and Programs* [http://sait.usc.edu/academic-support/center-programs/dsp/home\\_index.html](http://sait.usc.edu/academic-support/center-programs/dsp/home_index.html) provides certification for students with disabilities and helps arrange the relevant accommodations. If an officially declared emergency makes travel to campus infeasible, *USC Emergency Information* <http://emergency.usc.edu/> will provide safety and other updates, including ways in which instruction will be continued by means of blackboard, teleconferencing, and other technology.