

Upper Iowa University  
HSA 385 – Legal Issues Related to Health Services Organizations  
Term 2: October 28 – December 16, 2009  
Syllabus

Instructor:  
P. Greg Gulick, JD, MHA

**Location/Program**

Upper Iowa University – Madison Center  
4601 Hammersley Road, Madison, WI 53711

**Course Identification**

Legal Issues Related to Health Services Organizations, HSA 385, 3 credits

Course description: An examination of the legal issues related to the operation of health services organizations, including contracts, licensure, informed consent, tort, medical staff appointments and an overview of the legal system as it relates to health services delivery.

Prerequisite: PS 100

**Term Information**

Term 2, October 28 – December 16, 2009  
Wednesday evenings from 5:30pm to 9:30pm

**Instructor Information**

Greg Gulick earned his JD with a specialization in health law from Indiana University School of Law and a Masters Degree in Healthcare Administration from Indiana University. Greg is also a few credits away from earning his MBA with a specialization in International Business from Marquette University Graduate School of Management.

Greg works as an attorney for Assurant Health in Milwaukee. Assurant Health is a health insurance company and is a subsidiary of Assurant, Inc., a Fortune 500 company publicly traded as “AIZ.” Greg also owns a consulting firm, Gulick Global Solutions, and consults with healthcare organizations and other companies that wish to outsource or do business in the global economy.

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UIU email is pending.

### **Course Textbook**

Pozgar, George D. *Legal Aspects of Health Care Administration, Tenth Edition*  
Sudbury, MA: Jones and Bartlett Publishers, Inc., 2007.  
MBS Direct at 800-325-3252 or [www.uiu.edu](http://www.uiu.edu) or [www.mbs.direct.net](http://www.mbs.direct.net)

### **Course Objectives**

- A. Define and explain health law as it relates to health administration.
- B. Critically analyze the legal risks faced by a variety of health professionals.
- C. Define and evaluate the role of quality care in patient safety.
- D. Describe and explain how health law impacts caregivers in an institutional setting.
- E. Evaluate how the organizations of the U.S. government and the various federal administrative departments are relevant to the health care industry today.

### **Skills**

Through class discussion, and scheduled examinations, students are expected to be able to understand, discuss, apply, and write about legal and ethical issues found in health service organizations as described in the goals for the HSA major. In addition, through case studies, students are expected to identify legal issues and offer suggestions on how the issues can be resolved.

### **Exams and Course Work**

There will be 2 exams associated with this course, a Mid-Term Exam in Week 4 and a Final Exam in Week 8. The Final Exam is not cumulative, so the material on the Mid-Term Exam will not be tested on the Final Exam. Exams will be multiple-choice, with a few short essays and one longer essay, not to exceed 1 page.

There will be one quiz associated with this course on acronyms used in the healthcare industry. It is important to be able to understand these acronyms when they are used, so you will be tested on them.

There will be 2 Case Studies, which are short (less than a page) scenarios in which you are presented with various facts and incidents where you will be expected to identify the legal issues. These are take-home projects and the write-up should not exceed 2-3 pages, double spaced. More instruction on how to write-up case studies will be provided in class.

Finally, Class Participation counts towards your grade in this course. My role as the instructor is to facilitate classroom discussion to get everybody thinking about legal issues in the healthcare industry. It is expected that all class participation will be respectful and insightful.

**Citations:** Encyclopedia of any kind, including the very popular Wikipedia, are not primary sources and should not be cited or used in constructing academic papers at the graduate or undergraduate level. They can, however, be useful to help gather some background information and to point the way to more reliable sources.

### **Readings and Assignments and Exam Schedule**

## **Week 1 – 10/28/09 - The U.S. Healthcare System**

Class 5:30 – 9:30

### Read:

Chapter 1 – Historical Perspective (10 pages)

Familiarize yourself with the issues surrounding healthcare reform (some resources are suggested below):

<http://www.healthreform.gov/>

[http://www.whitehouse.gov/issues/health\\_care/](http://www.whitehouse.gov/issues/health_care/)

### Week 1 Objectives:

- Understand how the U.S. Healthcare industry is unlike any other healthcare system in the world, and how it is unlike any other industry in the U.S.
  - Understand the issues being raised in the healthcare reform debate and how this will impact the laws that regulate the Healthcare industry.
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## **Week 2 – 11/04/09 – The U.S. Legal System and Tort Law**

Class 5:30 – 9:30

### **Case Study 2 Assigned – Due on 11/18/09**

### Read:

Chapter 2 – Introduction to Law (11 pages)

Chapter 3 – Tort Law (29 pages)

Chapter 6 – Civil Procedure and Trial Practice (25 pages)

Chapter 12 – Patient Consent (18 pages)

### Week 2 Objectives:

- Understand basic legal principles, such as the difference between civil and criminal law and the U.S. court system.
  - Be able to identify possible legal risks in a healthcare setting.
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## **Week 3 – 11/11/09 – Tort Law (Professional Liability) Continued ...**

Class 5:30 – 9:30

### Read:

Chapter 9 – Nursing and the Law (28 pages)

Chapter 10 – Liability by Departments and Healthcare Professionals (29 pages)

Chapter 18 – Professional Liability Insurance\* (7 pages)

Chapter 22 – Tort Reform\* (10 pages)

\*optional

Week 3 Objectives:

- Identify the risks to healthcare professionals and the standards they are held to (and judged by).
  - Articulate ways that these risks can be mitigated in a healthcare setting.
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**Week 4 – 11/18/09 – EXAM 1 & Introduction to Healthcare Law**

Class 5:30 – 9:30

**EXAM 1 – Chapters 1, 2, 3, 6, 9, 10, 12, 18, 22  
Case Study 1 DUE**

Read:

Chapter 4 – Criminal Aspects of Health Care (16 pages)

Chapter 11 – Information Management and Health Care Records (21 pages)

Chapter 13 – Legal Reporting Requirements (9 pages)

Week 4 Objectives:

- Understand the difference between Healthcare Law and Tort Law
  - Be able to identify the major regulations that impact the healthcare industry.
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**Week 5 – 11/25/09 – Corporate Healthcare Law**

Class 5:30 – 9:30

Read:

Chapter 5 – Contracts and Anti-Trust (20 pages)

Chapter 7 – Corporate Structure and Liability (28 pages; focus on pages 133-147)

Chapter 8 – Medical Staff (34 pages)

Chapter 20 – Employment, Discipline, and Discharge\* (12 pages)

\*optional

Week 5 Objectives:

- Compare and contrast professional liability and corporate liability.
  - Understand and articulate the importance of a contract and why they should be used.
  - Understand the challenges associated with medical staff issues and employment issues.
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## **Week 6 – 12/02/09 – Health Insurance & Quality of Care**

Class 5:30 – 9:30

### **Case Study 2 Assigned – Due 12/16/09**

#### **Read:**

Chapter 21 – Managed Care and Organizational Restructuring (10 pages)

Chapter 23 – Patient Safety & Zero Tolerance (2 pages)

Additional Readings will be Assigned

#### **Week 6 Objectives:**

- Understand the role of the health insurance industry in healthcare and the various types of health insurers.
  - Understand how health insurers are regulated and how they interact with healthcare organizations.
  - Understand the importance of patient safety initiatives.
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## **Week 7 – 12/9/09 – Bioethical Issues**

Class 5:30 – 9:30

### **QUIZ – Healthcare Acronyms**

#### **Read:**

Chapter 14 – Issues of Procreation\* (17 pages)

Chapter 15 – Patient Rights and Responsibilities (13 pages)

Chapter 16 – HIV/AIDS (11 pages)

Chapter 17 – Healthcare Ethics (32 pages)

\*optional

#### **Week 7 Objectives:**

- Explore the ethical issues associated with healthcare and healthcare administration.
  - Spot issues associated with bioethical matters and derive strategies for addressing these matters.
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## **Week 8 – 12/16/09 – FINAL EXAM & Telemedicine, E-Health, Current Issues in Healthcare Law**

Class 5:30 – 9:30

Readings TBD

**FINAL EXAM – Chapters 4, 5, 7, 8, 11, 13, 15, 16, 17, 21, 23  
Case Study 2 DUE**

Week 8 Objectives:

- Explore some interesting new developments in healthcare administration and healthcare law.

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**Attendance/Discussion**

Students are strongly encouraged to attend class on a regular basis. Classroom attendance will not be graded. However, class participation will be 10% of the final grade, and exam questions will be drawn from classroom lectures and discussions.

**Grading Criteria**

Each student's final grade will be determined as follows:

11/18/09 Exam 1	30%
12/16/09 Exam 2	30%
Case Study Write-Ups (2 @ 10% each)	20%
Quiz – Week 7	10%
Class participation	<u>10%</u>
	100%

A =	93 to 100%
A- =	90 to 92%
B+ =	87 to 89%
B =	83 to 86%
B- =	80 to 82%
C+ =	77 to 79%
C =	73 to 76 %
C- =	70 to 72%
D+ =	67 to 69%
D =	63 to 66%
D- =	60 to 62%
F =	59% and below

**Missed Assignments and Exams**

If you miss an assignment or an exam, please contact the instructor as soon as possible. Case Studies are due on Exam days (by design), so I would expect that you are in attendance on Exam days.

**UPPER IOWA UNIVERSITY'S STANDARD GRADING SYSTEM**

**A** = Excellent: all work shows exceptional understanding of material, participates in class in a way that benefits all learners, logical, clear, and insightful written and oral work, incorporates knowledge from other sources and moves easily to the next level of understanding, works well beyond minimum requirements

**B** = Superior: understanding of material is good to very good, class participation demonstrates good grasp of material, good oral and written skills, produces more than the minimum requirements, quality of all work is high

**C** = Average: satisfactory understanding of the material, submits only the minimum requirements, communicates adequately in oral and written formats, and displays an adequate understanding of all basic concepts

**D** = Passing: quality and quantity written and oral work is below average and barely acceptable

**F** = Failure: quality and quantity written and oral work are unacceptable

### **CHEATING, ACADEMIC DISHONESTY AND PLAGIARISM**

Because cheating, academic dishonesty and plagiarism are affronts to the University community as a whole and a denial of the offender's own integrity, they will not be tolerated. Cheating includes but is not limited to:

- the use of unauthorized books, notes or other sources in the giving or securing of help in an examination or other course assignments,
- the copying of other students' work or allowing others to copy your work,
- the submission of work that is not your own or allowing others to submit your work as theirs,
- the submission of the same work for two or more classes without the approval of any instructors involved.

Academic dishonesty includes, but is not limited to:

- sharing academic materials knowing they will be used inappropriately,
- having access to another person's work without permission,
- providing false or incomplete information on an academic document,
- changing student records without approval.

Plagiarism includes, but is not limited to:

- the presentation of another's published or unpublished work as one's own,
- taking words or ideas of another and either copying them or paraphrasing them without proper citation of the source,
- using charts, graphs, statistics or tables without proper citation.

Detected cheating, academic dishonesty, or plagiarism will result in consequences that may, at the instructor's discretion, include course failure. In addition, an offender may be reported to the Senior Vice President for the Extended University, the Dean of the Extended University, or designee for possible disciplinary action, which may include suspension or dismissal from the University. Upper Iowa University may make use of various plagiarism detection services. Individuals, by enrolling in courses offered by the University, consent to submission by the University of course-related assignments to such services and the retention of a copy of such assignments by the service. (EU Catalog, pg. 87)

**Student Withdrawal:** If you wish to withdraw prior to the last day of the fifth week of the term, you must complete a course withdrawal from in the UIU Madison office.

**Special Needs:** If you require accommodation for special needs, please provide documentation to your academic advisor.

I reserve the right to make changes to anything contained in this Syllabus, although I will give advance notice of any change.