

V 8/17/2016

Heath Care and the Law

University of Rochester
Fall 2016

Instructor: Molly McNulty, J.D.

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Office hours: Monday & Wednesday, 5:15 – 6:00 pm, Or by appointment

Credit hours: 4 credit hours

Time: Mondays and Wednesdays, 6:15 – 7:30pm

Place: Goergen 109

COURSE DESCRIPTION

This course provides an introduction to the legal foundations of health care in America. It is the responsibility of the American government to promote and protect the health and welfare of the public while respecting the interests, and upholding the rights, of the individual. The content of this course addresses how the law balances these collective and individual rights. The material covers a broad range of legal issues in medical care, including autonomy, privacy, liberty, and proprietary interests, from the perspective of the provider(s) and the patient.

The course is divided roughly into two parts.

Part I: This first part of this course will explain (and provide the opportunity for students to practice) the skills necessary to read, understand, and analyze legal documents (legislation and legal opinions) affecting individual and public health in America. The content will include the structure of

government, the foundations of health law, and an introduction to legal thinking. This portion of the course will also provide a survey of a variety of topics that involve the intersection of health care and the law.

Part II: The remainder of the course will provide the student continued opportunity to practice the skills developed in the first part of the course. The content will focus on issues around public health and protection of individual rights; regulation of individual decision-making; and the Patient Protection and Affordable Care Act.

COURSE OBJECTIVES:

Upon completion of this course students will have a general understanding of the role of governments and law in promoting and protecting health, including the functions of courts, legislatures, and administrative agencies in relation to health care law and policy; understand the relationship between the legal system, health care providers, and patients; be able to identify and analyze legal issues in health care; and be able to effectively communicate, both orally and in writing, the interpretive understanding of a case, statute, and complex regulatory scheme.

Specific learning objectives include the ability to:

1. Distinguish and discuss the role of the federal government and the various state governments in promoting and protecting the health of citizens;
2. Identify, distinguish, and discuss the relationship between community health issues and individual health issues;
3. Describe the evolution of the role of the physician and the patient in health care decisions;
4. Identify and analyze legal issues in health care; and
5. Communicate the interpretive understanding of a case or statute, or a complex regulatory scheme, both orally and in writing.

ENROLLMENT:

Cap of 40 students.

ENROLLMENT DEADLINE:

Students will be permitted to add this class only until September 16, 2016.

PREREQUISITES:

Not open to freshmen.

COURSE MATERIALS:

No textbook is required.

All required reading material is available on the Blackboard site for this class either as a PDF file or as a link.

COURSE POLICIES AND PROCEDURES:

Class will begin and end promptly.

Class attendance is required and participation is expected. Attendance and informed participation in discussions and group work provide me with evidence that you completed assigned readings in advance and are engaged in the materials.

People often have strong responses to legal, ethical, and policy issues in health care. Disagreements are common. An important skill in legal and medical professions is the ability to discuss various viewpoints in an appropriate manner. Class comments and discussions must be relevant and respectful of others.

In addition, as a courtesy to fellow students and me, please note that pagers and cell phone must be turned to a silent mode during class. Please limit in class computer use to note taking. Checking mail and surfing the web are examples of behavior that are not courteous and may distract other students. Behaviors that distract others will result in decreased participation points.

ACADEMIC INTEGRITY

Written work must be original and students must cite all reference sources according to the Chicago Manual of Style. Academic integrity is expected. For guidance on academic integrity and plagiarism, please refer to the College Academic Honesty Website at <http://www.rochester.edu/College/honesty/>. If you have any questions about academic honesty, please do not hesitate to contact me.

LATE ASSIGNMENTS:

The late assignment policy does not apply to in class assignments. Students must complete in class assignments in class and hand them in before leaving the room.

If an out-of-class assignment will be late, the student must notify the instructor at least one day before the date that the assignment is due, explain the reason for lateness, and negotiate a new due date. In all other cases, late assignments will be graded down 5% for each day late.

FINAL GRADE SCALE

Grades for assignments for this course are assigned a numerical value. The final grade is comprised of the cumulative points earned.

A	=	93-100	(Superior)
A-	=	90-92	
B+	=	87-89	
B	=	83-86	(Above Average)
B-	=	80-82	
C+	=	77-79	
C	=	73-76	(Minimum Satisfactory Grade)
C-	=	70-72	
D+	=	67-69	
D	=	63-66	
D-	=	60-62	(Minimum Passing Grade)
E	<	60	(Failure)

AMERICANS WITH DISABILITIES ACT (ADA):

The University of Rochester is committed to providing equal educational and employment opportunities for individuals with disabilities, in accordance with state and federal laws and regulations, including the Americans with Disabilities Act (ADA) of 1991 and Section 504 of the Rehabilitation Act of 1973. To ensure equality of access for students with disabilities, the University provides reasonable accommodations, including auxiliary aids and modifications to courses, programs, services, activities or facilities. Exceptions will be made in those situations where the accommodation would fundamentally alter the nature of the program, cause undue hardship on the school, or jeopardize the health or safety of others.

Accommodations must specifically address the functional limitations of the disability.

The process of receiving accommodations begins with self-identification. When a student chooses to self-identify a disability, documentation should be sent to Learning Assistance Services, see, <<http://www.rochester.edu/College/las/>>.

COURSE ASSIGNMENTS

<u>Due Dates</u>	<u>Assignments</u>	<u>Percentage</u>
Unannounced	In-class exercises	40
9/19	Case brief questionnaire I	15
10/5	Case brief questionnaire II	20
12/7	Case brief questionnaire II	25

EVALUATION CRITERIA AND LEARNING ACTIVITIES

- There are no exams in this class or papers due.

1. **In-class assignments**

During five class sessions, each student will write and turn in answers to questions about the assigned material. The questions may ask the students to link the reading to the lecture and/or discussion. These in-class assignments are worth 10% each. Students may drop one assignment during the semester to allow for unanticipated absences.

2. **Case brief questionnaires**

Reading legal documents is a skill that requires practice. The case brief questionnaires will provide you with questions to facilitate a close reading and understanding of the different components of primary material.

TENTATIVE SCHEDULE OF TOPICS

Highlighted classes have guest speakers.

Asterisked classes have case questionnaires due at the beginning of class.

Wednesday, August 31, 2016	Introduction to the course
Wednesday, September 07, 2016	The relationship between health and the government
Monday, September 12, 2016	Interpreting health and illness
Wednesday, September 14, 2016	The law and government
Monday, September 19, 2016*	Physical & biological interventions to control infectious disease
Wednesday, September 21, 2016	Health reform: An historical perspective
Monday, September 26, 2016	Interpreting the law
Wednesday, September 28, 2016	An introduction to legal thinking
Monday, October 03, 2016	Legislation and judicial review
Wednesday, October 05, 2016*	State & Federal control over decisions affecting health
Monday, October 10, 2016	No class
Wednesday, October 12, 2016	No class
Monday, October 17, 2016	No class
Wednesday, October 19, 2016	Public Health Insurance Programs
Monday, October 24, 2016	Intellectual property law and health
Wednesday, October 26, 2016	Regulation of the profession and medical malpractice
Monday, October 31, 2016	The role of the doctor in regulating the profession
Wednesday, November 02, 2016	Transgender issues in health law
Monday, November 07, 2016	Public Health Insurance Programs
Wednesday, November 09, 2016	The Americans with Disabilities Act
Monday, November 14, 2016	Regulation of Abortion
Wednesday, November 16, 2016	Regulation of Abortion
Monday, November 21, 2016	Patient Protection and Affordable Care Act
Wednesday, November 23, 2016	No class
Monday, November 28, 2016	Patient Protection and Affordable Care Act
Wednesday, November 30, 2016	The Doctrine of Informed consent
Monday, December 05, 2016	Surrogate decision making in health care
Wednesday, Dec 07, 2016*	Surrogate decision making in health care
Monday, December 12, 2016	Decision making in health care