

Saint Leo University

HCA 333 Health Law

Course Description:

A basic study of the U.S. legal system and the issues involving the management and delivery of health care services. Emphasis is placed on law as it pertains to negligence, contracts, informed consent, confidentiality, labor relations, patient care, and reimbursement issues. Current medical and ethical questions are examined.

Prerequisite:

Junior Standing

Textbooks:

Furrow, B. R., Greaney, T. L., Johnson, S. H., Jost, T. S., & Schwartz, R. L. (2018). *HEALTH LAW: Cases, materials and problems* (8th ed.). St. Paul, MN: West Academic Publishing. ISBN: 9781683288091

Learning Outcomes:

1. Describe the structure of the U.S. legal system including types of law, the court system, and general legal procedure.
2. Describe and exhibit an understanding of the legal doctrines of contracting, torts, and negligence as pertaining to the medical professional.
3. Develop and exhibit an understanding of the health care institution as a corporation with respect to the health care corporate and institutional liability.
4. Develop and exhibit a general understanding of the institutional-patient relationship including admissions and discharge, emergency care, and medical records as pertains to legal implications.
5. Develop and exhibit an understanding of the legal doctrine of informed consent.
6. VALUES OUTCOME: Apply the core values of Community, Respect, Personal Development, Responsible Stewardship, and Integrity as they relate to end-of-life decisions.

Core Value:

Community: Saint Leo University develops hospitable Christian learning communities everywhere we serve. We foster a spirit of belonging, unity, and interdependence based on mutual trust and respect to create socially responsible environments that challenge all of us to listen, to learn, to change, and to serve.

Respect: Animated in the spirit of Jesus Christ, we value all individuals' unique talents, respect their dignity, and strive to foster their commitment to excellence in our work. Our community's strength depends on the unity and diversity of our people, on the free exchange of ideas, and on learning, living, and working harmoniously.

Personal Development: Saint Leo University stresses the development of every person's mind, spirit, and body for a balanced life. All members of the Saint Leo University community must demonstrate their commitment to personal development to help strengthen the character of our community.

Responsible Stewardship: Our Creator blesses us with an abundance of resources. We foster a spirit of service to employ our resources to university and community development. We must be resourceful. We

must optimize and apply all of the resources of our community to fulfill Saint Leo University's mission and goals.

Integrity: The commitment of Saint Leo University to excellence demands that its members live its mission and deliver on its promise. The faculty, staff, and students pledge to be honest, just, and consistent in word and deed.

Evaluation:

<u>Item</u>	<u>Percent of Grade</u>
Discussions	16% (8 @ 2% each)
Quizzes	42% (4 @ 10.5% each)
Position Papers	42% (4 @ 10.5% each)
Totals:	100%

Discussions:

Students will actively participate in modular discussions by contributing a response to each discussion question and responses to at least two other peers' responses for EACH module. Students should provide support for observations and conclusions including properly formatted text citations and references.

Quizzes:

This course contains four essay quizzes. Each quiz consists of two (2) moderate length essay questions. Each question is to be answered by a minimum 300-word response, with the total quiz length of no less than 600 words. You will have 120 minutes to complete the quiz. The quiz must be completed no later than Sunday at 11:59 PM EST/EDT of the module in which it is assigned.

Position Papers:

This course requires four short position papers (600-word minimum each). Each paper will require the student to read a scenario and then present (write) a position on that issue. All papers shall cite a minimum of three sources. One of the sources must be from the text, one must be an Internet source (with hyperlink), and the third may be the chosen by the student from any source (print, personal experience, Internet, learned treatise, journal, etc.). The student shall cite each source in APA format. The paper is due no later than Sunday 11:59PM EST/EDT of the module in which it is assigned.

Grading Scale:

Grade	Score (%)
A	94-100
A-	90-93
B+	87-89
B	84-86
B-	80-83
C+	77-79
C	74-76
C-	70-73
D+	67-69
D	60-66
F	0-59

Course Schedule:

Module 1 Health Law Course Overview

Objectives

At the conclusion of this module, students will be able to:

- Describe the common law and modern statutory law definition of "sickness" and explain how the definition affects treatment decisions.
- Set forth the distinctions between the corporeal body rights of the dead versus the corporeal body rights of the family members of the dead.
- Define "Intervention Medicine" and how the practice of this medicine fundamentally differs from traditional medicine.
- Analyze possible scenarios in which forced treatment MAY be an ethical choice for the modern medical provider. What variables must be considered?
- Distinguish the argument between compulsory vaccination and volunteer vaccination.
- Determine when and under what circumstances a quarantine is lawful.

Assignments

Items to be Completed:	Due No Later Than:
Read the assigned materials	
Post introduction to the class	Thursday 11:59 PM EST/EDT
Post initial response to the discussion question	Thursday 11:59 PM EST/EDT
Post responses to at least two classmates	Sunday 11:59 PM EST/EDT
Complete Essay Quiz	Sunday 11:59 PM EST/EDT

Module 2 Discipline/Alternative Medicine and Physicians

Objectives

At the conclusion of this module, students will be able to:

- Describe how the court adjudicates decisions by medical boards to discipline physicians when the medical community is divided about the efficacy and safety of the treatment.
- Set forth the distinctions between the primary medical issues reserved for the medical boards and the primary legal issues reserved for the court.
- Define "reliable, probative, and substantial evidence."
- Distinguish the primary characteristics of "traditional medicine" and "alternative medicine."

Assignments

Items to be Completed:	Due No Later Than:
Read the assigned materials	
Post initial response to the discussion question	Thursday 11:59 PM EST/EDT
Post responses to at least two classmates	Sunday 11:59 PM EST/EDT
Complete Essay Quiz	Sunday 11:59 PM EST/EDT

Module 5

Defenses to the Medical Malpractice Suit

Objectives

At the conclusion of this module, students will be able to:

- Describe the two fundamental schools of thought with the "Respectable Minority Rule" and the "Honest Error in Judgment Rule."
- Set forth the parameters of the defense of "Clinical Innovation" when a medical professional takes a non-standard approach to a course of treatment or procedure.
- Define what the courts describe as "Contributory Negligence by the Patient" and "Comparative Negligence by the Patient."
- Distinguish between the liability held by the medical professional as compared to the pharmaceutical companies when a patient has been harmed by a failure to inform regarding dangerous properties of a medication or procedure.

Assignments

Items to be Completed:	Due No Later Than:
Read the assigned materials	
Post initial response to the discussion question	Thursday 11:59 PM EST/EDT
Post responses to at least two classmates	Sunday 11:59 PM EST/EDT
Submit Position Paper	Sunday 11:59 PM EST/EDT

Module 6

Additional Defenses to the Medical Malpractice Suit

Objectives

At the conclusion of this module, students will be able to:

- Describe the American Medical Association's policy regarding productspecific prescription advertising directly to consumers.
- Set forth the parameters of physicians and managed care companies concerning warnings to patients in addition to the FDA required warnings.
- Define what the courts describe as the "common-law duty to warn" concerning prescription medications and to whom such a duty applies.
- Distinguish between the onset of injury from medical error and the time of the proximate cause of said injury.

Assignments

Items to be Completed:	Due No Later Than:
Read the assigned materials	
Post initial response to the discussion question	Thursday 11:59 PM EST/EDT
Post responses to at least two classmates	Sunday 11:59 PM EST/EDT
Submit Position Paper	Sunday 11:59 PM EST/EDT

Module 7

The Professional-Patient Relationship

Objectives

At the conclusion of this module, students will be able to:

- Describe what the medical community calls "ghost surgery."
- Set forth the distinction between express consent and implied consent from a patient to a physician.
- Define what variables the court examines when attempting to determine whether a third-party insurer relationship to a doctor and patient has created an inadvertent doctor-patient relationship.
- Distinguish between those actions that a PATIENT may take that could cause her medical professional to be relieved of some future liability and those actions that MAY NOT be used to limit liability.

Assignments

Items to be Completed:	Due No Later Than:
Read the assigned materials	
Post initial response to the discussion question	Thursday 11:59 PM EST/EDT
Post responses to at least two classmates	Sunday 11:59 PM EST/EDT
Submit Position Paper	Sunday 11:59 PM EST/EDT

Module 8

Life and Death Decisions/Right to Die

Objectives

At the conclusion of this module, students will be able to:

- Delineate between "biological death" and "brain death."
- Set forth the distinction between a terminal illness and an illness in which there is no expectation of recovery.
- Define the role of the surrogate decision maker in determining life and death medical decisions for another and enumerate those persons most likely to be given that role by the court.
- Distinguish between the rights of the patients WITH present decisional capability and patients WITHOUT present decisional capability.

Assignments

Items to be Completed:	Due No Later Than:
Read the assigned materials	
Post initial response to the discussion question	Thursday 11:59 PM EST/EDT
Post responses to at least two classmates	Sunday 11:59 PM EST/EDT
Submit Position Paper	Sunday 11:59 PM EST/EDT