

Fall 2015

# BA 6015

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*University of New Orleans*

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**UNO COURSE SYLLABUS**  
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**BA 6015 HEALTH CARE LAW AND ETHICS**

Location/Time: UNO Kirshman Hall 221  
August 24, 2015 – December 11, 2015  
6:00 p.m. - 8:45 p.m.

**Instructor:** Richard Ernest Santora  
**Phone No.:** (504) 569-7412  
**Fax No.:** (504) 569-7001  
**Email:** rsantora@uno.edu

**CATALOG DESCRIPTION:**

This is a comprehensive course, which addresses principles of health law and medical ethics. The course covers basic ethical principles and theories together with federal and state laws that regulate the practice of medicine, professional liability issues and examines constraints and opportunities created for health care entity managers by law and regulations.

**OVERALL OBJECTIVE:**

Students will be provided with a working knowledge of health law. They will learn about laws regarding fraud and abuse, and receive general information regarding laws controlling health care operations. They will also be given general instruction on legal terms, theories, and court procedures.

**SPECIAL COURSE OBJECTIVES:**

1. Understand the basics of legal procedure and litigation;
2. Become familiar with basic legal terms and theories of contract and tort law;
3. Become acquainted with federal and state law and regulations controlling health care;
4. Have an understanding of the legal issues to be considered in drafting health care contracts;
5. Learn about Qui Tam Actions (Qui Tam commonly known as a "whistleblower"), the Federal False Claims Act, fraud and abuse rules;
6. Learn about anti-trust laws and their effect on the business of health care; and

7. Learn what is the “corporate practice of medicine.”

### REQUIRED TEXTBOOK:

The textbook required is Legal Aspects of Healthcare Administration by George D. Pozgar, 12<sup>th</sup> Edition (without the access code). The examinations will be based *predominantly* on the textbook.

### COURSE REQUIREMENTS:

Each student is expected to have read the assigned text and assigned reading, if any, prior to class. Students are not expected to memorize statutes or regulations; however they should be generally familiar with them, having read them at least once.

### METHOD OF INSTRUCTION:

The method of instruction will include lectures, class discussion, and student presentations. The students will be grouped into teams for presentations.

Each student will prepare a research paper (on a different topic than the team presentation) and it must be no less than 5 typed pages, with the font size not to exceed 12 point, not more than 2 line spacing, and 1 inch margins. The 5 pages must be of text, excluding the title page, the table of contents, and any bibliography or reference page. Pages containing long quotes do not count as a typed page.

### METHOD OF EVALUATION:

<b>Class participation (attendance)</b>	<b>5%</b>
<b>Team presentations:</b>	<b>15 %</b>
<b>Research Paper:</b>	<b>20 %</b>
<b>Written Examination:</b>	<b>60 %</b> (based mainly on the textbook)

### CLASS SCHEDULE:

Each class will cover approximately two chapters. Please read chapters one and two for the first class on August 24, 2015.

### GRADES:

Final grades will not be given until all assignments are complete and have been delivered to the Instructor.

### **TEAM PRESENTATIONS SUGGESTED TOPICS:**

1. Amendments to medical staff and governing board bylaws - reasons for amendments, benefits with amendment and problems with amendment; or
2. Hospital's argument for removal of a physician from the medical staff who has (a) failed to keep up with his patients' medical records; (b) does the records in a manner which the medical staff believes is improper; or
3. The physician's argument for staying on the medical staff despite his failure to keep up with his medical record requirements; or
4. Preparation of a hospital / physician contract, provide the benefits to the physician and the benefits to the hospital, discuss the fraud and abuse and STARK considerations that have to be reviewed and are presented by the contractual provisions; or
5. Other topics suggested by the team, subject to the instructor's prior approval.

### **POSSIBLE TOPICS FOR RESEARCH PAPERS:**

1. Why a hospital should implement the corrective action procedures of the Health Care Quality Improvement Act (HCQIA); or
2. Anti-trust concerns for hospitals; or
3. The economic and legal considerations in recruiting physicians and medical directors; or
4. Medical staff issues in complying with Emergency Medical Treatment and Active Labor Act (EMTALA), such as:
  - paying for on-call coverage
  - paying for a medical director
  - providing insurance, malpractice or other
5. Other topics, subject to the instructor's prior approval.

### **ADDITIONAL RESOURCES:**

1. 42 U.S.C. §1320a-7a (civil fraud & abuse);
2. 42 U.S.C. §1320a-7b (criminal fraud & abuse);
3. 42 U.S.C. §1395nn (STARK “Ethics in Patient Referrals Act”);
4. 31 U.S.C. §3729-3733 (False Claims Act);
5. The Hanlester Network, et. al. vs. Scalala, 51 F.3rd 1390(9th Cir. 1995);
6. U.S. vs. Greber, 760 F.2nd 68 (3rd Cir. 1985);
7. Safe Harbors, 42 C.F.R. §1001.952(a)-(k);
8. Polk vs. Peters, 800 F.Supp. 1451(E.D. Tex. 1992);
9. 42 U.S.C. §1395DD (EMTALA) Emergency Medical Treatment and Active Labor Act;
10. Burditt vs. Department of Health & Human Services, 934 F.2nd 1362 (5th Cir. 1991);
11. Louisiana Revised Statutes, 46:1051-1077;
12. “Louisiana Medical Practice Act,” L.R.S. 37:1285;
13. “Louisiana Corporate Practice of Medicine Guidelines”;
14. 42 U.S.C. §1396(r);
15. 42 C.F.R. (Code of Federal Regulations) §483.1-483.65;
16. 42 U.S.C. §11101 et. seq. (Healthcare Quality Improvement Act of 1986)(HCQIA)
17. Cruzan vs. Director, Missouri Department of Health, 497 U.S. 261 (1990);
18. Planned Parenthood vs. Casey, 505 U.S. 833 (1992);
19. In re Patrick Burget, 800 F.2nd 1498 (9th Cir. 1986);
20. In re Patrick Burget, 486 U.S. 94 (1988);
21. Jefferson *Parish Hospital District No. 2 vs. Hyde*, 466 U.S. 2;

**Important Dates\***

Last day to adjust schedule w/out fee .... 08/18/2015  
 Semester Classes Begin ..... 08/19/2015  
 Last day to adjust schedule w/fee,  
 or withdraw with 100% refund ..... 08/25/2015  
 Last day to apply for December commencement 09/25/2015  
 Final day to drop a course or resign..... 10/14/2015  
 Mid-semester examinations ..... 10/05-10/09/2015  
 Final examinations..... 12/07-12/11/2015  
 Commencement ..... 12/18/2015

*\*Note: check Registrar’s website for Saturday and A/B sessions, and for items not listed here:  
<http://www.registrar.uno.edu>*

**Fall Semester Holidays**

Labor Day ..... 09/07/2015  
 Mid-semester break ..... 10/15-10/16/2015  
 Thanksgiving ..... 11/26-11/27/2015

**Withdrawal Policy – Undergraduate only**

Students are responsible for initiating action to resign from the University (withdraw from all courses) or from a course on or before dates indicated in the current Important dates calendar. Students who fail to resign by the published final date for such action will be retained on the class rolls even though they may be absent for the remainder of the semester and be graded as if they were in attendance. Failure to attend classes does not constitute a resignation. Check the dates on the Registrar’s website, <http://www.registrar.uno.edu>. Please consult The Bulletin for charges associated with dropping and adding courses.

#### Incomplete Policy – Undergraduate only

The grade of I means *incomplete* and is given for work of passing quality but which, because of circumstances beyond the student's control, is not complete. The issuance of the grade of I is at the discretion of the faculty member teaching the course. For all graduate and undergraduate students, a grade of I becomes a grade of F if it is not converted before the deadline for adding courses for credit (as printed in the Important Dates Calendar) of the next regular semester including summer semester.

#### Repeat Policy

When a student is permitted to repeat a course for credit, the last grade earned shall be the one which determines course acceptability for degree credit. A student who has earned a C or better in a course may not repeat that course unless, (1) the catalog description indicates that the course may be repeated for credit, or (2) the student's Dean gives prior approval for documented extenuating circumstances.

#### Graduate Policies

Graduate policies often vary from undergraduate policies. To view the applicable policies for graduate students, see the Graduate Student Handbook: <http://www.uno.edu/grad/documents/GraduateStudentHandbook2014.pdf>

#### Academic Dishonesty Policy

<http://www.uno.edu/student-affairs-enrollment-management/documents/academic-dishonesty-policy-rev2014.pdf>

#### Safety Awareness Facts and Education

Title IX makes it clear that violence and harassment based on sex and gender is a Civil Rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, etc. If you or someone you know has been harassed or assaulted, you can find the appropriate resources here: <http://www.uno.edu/student-affairs-enrollment-management/> UNO Counseling Services and UNO Cares

UNO offers care and support for students in any type of distress. Counseling Services assist students in addressing mental health concerns through assessment, short-term counseling, and career testing and counseling. Find out more at <http://www.uno.edu/counseling-services/>. First-year students often have unique concerns, and UNO Cares is designed to address those students succeed. Contact UNO Cares through <http://www.uno.edu/fye/uno-cares.aspx>.

#### Emergency Procedures

Sign up for emergency notifications via text and/or email at E2Campus Notification: <http://www.uno.edu/ehso/emergency-communications/index.aspx>. All emergency and safety procedures are explained at the Emergency Health and Safety Office: <http://www.uno.edu/ehso/>.

#### Diversity at UNO

As the most diverse public university in the state, UNO maintains a Diversity Affairs division to support the university's efforts towards creating an environment of healthy respect, tolerance, and appreciation for the people from all walks of life, and the expression of intellectual point of view and personal lifestyle. The Office of Diversity Affairs promotes these values through a wide range of programming and activities.

<http://diversity.uno.edu/index.cfm>

#### Learning and Support Services

Help is within reach in the form of learning support services, including tutoring in writing and math and other supplemental instruction. Visit the Learning Resource Center in LA 334, or learn more at <http://www.uno.edu/lrc/>.

#### Affirmative Action and Equal Opportunity

UNO is an equal opportunity employer. The Human Resource Management department has more information on UNO's compliance with federal and state regulations regarding EEOC in its Policies and Resources website: <http://www.uno.edu/human-resource-management/policies.aspx>