Health Law
Spring 2013
Law 233, Mon/Wed 4:00-5:15 PM
Hazel Hall 222
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Description: This course provides an overview of health law. Health law is an interdisciplinary area with principles ranging from tort law to constitutional law to government regulation. Economic theory and empirical analysis are valuable in understanding many of the current debates in health care law and public health. Throughout the course, we will also familiarize ourselves with key topics in health care policy and we will explore the impacts of some of these laws from an economic perspective. No prior knowledge of economics is required.

Readings: The required textbook is Health Care Law and Ethics, 7th edition by Hall, Bobinski, and Orentlicher (“Case book” or “CB”). Additional readings will be available on TWEN. Some of these will be articles from academic journals and law reviews. I will be modifying the readings and the course topics as the semester progresses in response to class interest. In each class, I may announce the reading assignment for the next class or two. Some changes may also be announced via email.

Grading: 20% Participation; 20% Presentation; 60% Final Exam or Research Paper

Participation (20%):
We will be examining cases as well as selected readings each week. Classes will involve a mix of lecture and discussion. Attendance is expected, and students should be prepared to answer questions in class.

Presentation (20%): You will be assigned to a small group to present an in-depth analysis of a topic in health law. Students writing a research paper may be able to do an individual presentation based on their own papers. Presentations will take place during the last sessions of the class.

Final Exam or Research Paper (60%):
You have the choice of either taking a final exam or writing a research paper (but not both). The final exam will be a 3-hour in-class exam to be administered on Wednesday, May 1. The exam may include a fact pattern, short answers, or essay questions.

The deadline to opt for writing a research paper in lieu of taking the exam is Friday, February 1. The research paper should be on an approved topic in health law, policy, or economics. A 1-page proposal outlining the topic, its importance, and how you will approach it is due by Friday, February 8. The final draft is due by Friday, May 10. There is no minimum or maximum requirement on the page length, as quality and
depth are preferred over mere quantity and breadth. However, a good paper generally can be argued in about 15-20 pages. The main text should be double spaced in 12-point Times New Roman font with 1-inch margins.

Laptop Policy: Laptops in class are allowed only for note-taking. In-class messaging, emailing, facebooking, shopping, surfing, gaming, etc. may result in participation grade deductions.

Schedule
(Subject to change)

I. Introduction

Jan 7  Introduction & Overview
Optional reading: skim first chapter of CB

II. The Provider-Patient Relationship

Jan 9  Duty to Provide Care
Read CB 104-109, 121-32, 146-71

Jan 14  Confidentiality
CB 173-96

Jan 16  Informed Consent
CB 197-243

III. Regulating Quality: Medical Malpractice and Provider Licensing

Jan 23  Medical Malpractice Overview
CB 273-316

Jan 28, 30, Feb 4  Medical Malpractice: Liability
CB readings TBA

Feb 6  Medical Malpractice Reform
CB 494-514 + readings

Feb 11, 13  Provider Licensing and Physician Unionization

IV. Health Care Costs, Health Insurance, and Health Reform

Feb 18, 20, 25  Health Care Costs, Rationing, and some economics

Feb 27, Mar 4, 6, 18, 20, 25  Health Insurance Regulation, Reform, and Obamacare
V. Additional Issues in Health Law

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