HEALTH LAW

Law 233
Spring 2014

(Revised 12/12/2013)

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Classes: Mon/Wed 4:00-5:20 PM, Hazel Hall 221

Description: This course provides an overview of health law and policy, a broadly interdisciplinary area with principles spanning tort, contract, regulation, and program evaluation. Throughout the course, we will familiarize ourselves with key topics in health care policy and we will explore the impacts of some laws from an economic perspective.

Office Hours: I am happy to meet with you at a mutually convenient time in my office (Room 312). Email me to confirm a time.

Required Texts:
- Medical Liability and Treatment Relationships, Hall, Bobinski, and Orentlicher, 3rd edition, 2013 (“CB” or “Course book”)
- Additional readings will be available on TWEN

Grading: Grades are based on the final exam, participation, and pop quizzes

Final Exam
The final exam will take place on Monday, May 12. It will be a 3-hour in-class exam.

Participation and Attendance
Participation is required. This includes attending class, being prepared to answer questions when asked, refraining from Internet and phone use during class, and being respectful of your classmates.

For one class session, you will be assigned to a small group to present or lead a debate on a specific topic in health law. More information will be distributed later.

Please consult the Academic Regulations regarding attendance. An attendance sheet will be circulated for you to sign at the beginning of each class. If you know you will be absent or unprepared for a class, send an email to me by 3 PM before the class meeting.

Final grades may be adjusted up or down by one-third (e.g., B+ becomes a A- or vice versa) based on your class participation.
Pop Quizzes
Pop quizzes may be administered at the beginning of class. Their content will be based on the assigned readings for the day, according to the most current schedule. Together, the pop quizzes may account for up to 20% of your grade.

Laptop, Phone, and Internet Policy: Laptops in class are allowed only for note-taking. In-class messaging, emailing, facebooking, shopping, surfing, gaming, etc. may result in course grade deductions, at my sole discretion.

Assignments: Below is a preliminary outline of the semester’s reading assignments. These page numbers are subject to change, depending on the pace of the course. You should be prepared to discuss the readings for the day, as well as any readings that were assigned for the previous class meeting. Check your email and TWEN for updates regarding the reading assignments and syllabus.

Preliminary Schedule

I. Introduction

Jan 6 Introduction & Overview CB 30-57

II. The Provider-Patient Relationship

Jan 8 Duty to Provide Care CB 67-91
Jan 13 Duty to Provide Care CB 92-105
Formation of Relationship CB 105-23
Jan 15 Formation (continued) CB 105-23
Termination CB 123-30
Jan 20 No class
Jan 22 Confidentiality CB 169-97
Jan 27 Informed Consent CB 197-226
Jan 29 Informed Consent CB 227-46

III. Regulating Quality: Medical Malpractice and Provider Licensing

Feb 3 Professional Licensure CB 130-43 + Folland excerpt
Feb 5 Medical Malpractice Overview CB 282-324
Feb 10 Standard of Care CB 324-58
Feb 12 Alternative Theories of Liability CB 386-413
Feb 17 Causation and Defenses CB 414-46
Feb 19 Vicarious & Institutional Liability CB 464-86; skim CB 487-504
Feb 24 No class. Makeup TBD
Feb 26 Medical Malpractice Reform CB 511-529 + additional readings

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IV. Health Economics, Health Insurance, and Health Reform

Mar 3    Health Care Costs
Mar 5    Health Insurance Overview

Mar 10-16    Spring Recess

Mar 17    Private Health Insurance
Mar 19    ERISA Preemption
Mar 24    Medicare and Medicaid
Mar 26    Fraud and Abuse
Mar 31    Health Reform: Comparative Systems
Apr 2    Health Reform: The Massachusetts Experience
          Debate: Group 1

V. Public Health

Apr 7    State Emergency Response & Disease Eradication
          Debate: Group 2
Apr 9    HIV/AIDS surveillance
          Debate: Group 3
Apr 14   Regulation of Pharmaceuticals
          Debate: Group 4
Apr 16   Regulation of Obesity
          Debate: Group 5
Apr 21   TBA

May 12   Exam