Course casebook: Health Law, cases, Materials, Problems, Furrow et al., American Casebook Series, West, 7th Edition, 2013; previous editions not acceptable; study the Notes, but not the Problems, for assigned cases.

Topics for Classes 1-3

Defining health, health care, and illness, public health, practice of medicine, licensure and discipline, ancillary providers, alternative medicine, quality and regulation, accreditation.

Pages 17 Katskee, 74 Jacobson, 90 Williams, 93 Hoover, 115 Ruebke, 124 Sermchief, 161 Mauceri, 162 Fairfax, state laws for practice of medicine/nursing to be assigned.

Topics for Classes 4-6

Patients, entitlement to health care, informed consent, malpractice, liability, standards of care, reimbursement requirements versus professional obligations, patient behavior, physician-patient and hospital-patient relationships.

Pages 177 Esquivel, 182 White, 191 Kaplan, 196 Tunkl, 225 Johnson, 299 Hall, 419 Scott, 422 Burless, 430 Muse/

Topics for Classes 7-8

Payment and reimbursement programs, Medicare, health reform, Obamacare and “roll out” process.

Pages 761-765, 784-788, 789-811, 819-825, and other readings to be assigned including at http://www.hhs.gov/healthcare/index.html

Topics for Classes 9-10

Structure of hospitals, medical staff and provider and institutional relationships including governance, responsibility, remuneration, investment, contracting including employment versus independent contractor, discipline.

Pages 880 Sokol, 889 Mateo-Woodburn, 896 Mahan, 984 Berlin, 946 Stern, 966 Manhattan Eye & Ear

Topics for Classes 11-12

Enforcement and adjudication, including state oversight and federal oversight, anti-kickback, Stark, false claims, and differences between civil and criminal matters and various liability implications including regarding intent, motive, knowledge, recklessness, preponderance of evidence versus beyond a reasonable doubt, and strict liability.

Pages 1075 & 1084 Krizek, 1117 Greber, 1124 Starks, and other readings to be assigned including at https://oig.hhs.gov/

Topics for Class 13

Health information technology, patient information privacy and security, including HIPAA and HITECH Act HIPAA enforcement chapter co-authored by Professor Goldberg from e-Health, Privacy, and Security Law, Second Edition, published by BNA/ABA to be provided, and other readings to be assigned including at http://www.hhs.gov/ocr/privacy/

OR
Birth, life, and death, federal and state law and major judicial decisions, “pulling the plug”, “do not resuscitate” (DNR) orders, “living will”, “health care proxy” and “health care directive”, health care power of attorney, guardianship and conservatorship.

Readings to be assigned including from the course casebook and from internet resources.

Grading: 70% final term paper, 15-20 sheets minimum, 8-1/2 x 11, 12-point Times New Roman, double spaced, plus footnotes or endnotes, based upon an approved outline and to be received not later than July 11, 2014 via email to Professor Goldberg in Microsoft Word format (and suggested also, Adobe Acrobat format), and occasional brief home study assignment submissions of one or two pages; and 30% classroom attendance, preparation, and participation in discussions.

Goal: to provide an introductory foundation of knowledge and insights regarding laws affecting the delivery of and payment for health care in the United States of America.

ASG/tt