Legal Issues in Health Care  
Spring 2013, Course HLTM 477/577, Section 61  
John G. Rangos, Sr. School of Health Sciences and  
Center for Healthcare Ethics, McAnulty College of Liberal Arts  
Thursday evenings, 6 p.m. – 8:40 p.m.  
Room 323, Rangos School of Health Sciences Building

Instructor:  
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Course overview:  
This course will educate students intending to embark on a health-care related career on a wide-range of legal issues in the context of the health care industry. Topics will include practitioner licensing, HIPAA, professional liability lawsuits, and a general overview of the court system. Although not specifically covered in the text, the instructor will spend some time covering current relevant issues before the courts, particularly with regard to Pennsylvania law, such as corporate liability, tort reform, peer review privilege, and arbitration agreements in healthcare-related cases.

Materials:  
- Various handouts, including cases, statutes, and articles (to be provided)

Grading:  
*RSHS courses must be taken for a letter grade. The plus/minus grading system will not be used*  
Undergraduate: 250 points  
- Mid-term examination (February 28, 2013): 100 points  
  - 25 multiple choice/true-or-false (50 points)
2 essay questions (50 points)

Final examination (date TBD): 150 points

50 multiple choice/true-or-false (100 points)

2 essay questions (50 points)

Ph.D. students: 350 points

- Same as undergraduate process as noted above, plus:
  - Thesis/term paper (due by April 18, 2013, class): 100 points
    - Requires outside research/sources
    - 10 page minimum length (single-sided, double-spaced, Times New Roman or similar 12-point font)
    - Suggested topics (students may choose a different topic with instructor approval):
      - **Tort reform.** Should the United States congress and/or the Pennsylvania legislature pass a tort reform bill (i.e. placing “caps” on damages in civil lawsuits, limiting the types of cases that may be brought, etc.)? Why or why not? Should the issue of tort reform be left for the individual states to decide, and, if so, why? Describe the different types of proposed reforms and discuss why they should or should not be implemented.
      - **Corporate negligence.** Did the Pennsylvania Supreme Court’s decision in *Scampone v. Grane Healthcare* change the legal landscape for healthcare providers? If so, how? If not, why not? What implications does the case have on current healthcare companies and practitioners? How did that case change Pennsylvania tort law, if at all?
      - **Respondeat superior.** Do you agree or disagree with the doctrine of *respondeat superior* (i.e. “let the master answer” for the conduct of his/her employees/agents)? If so, discuss specific reasons as to why the doctrine is appropriate, how it impacts injured patients and the medical care providers who employ the person(s) who caused the injuries, and whether or not the doctrine should also serve to hold medical care providers liable for the intentional, harmful acts of their employees (i.e. assault/battery, rape/sexual assault, mental abuse). If not, discuss alternatives and give reasons why the doctrine should be abolished.
      - **Health Care Ethics and the Law:** Do you feel that current laws sufficiently address common ethical issues in the practice of healthcare? Should there be new laws enacted to address
common ethical issues that occur in the healthcare field, and if so, what laws should be enacted and why? Should the law stay away from addressing ethical issues? Why or why not?

Extra credit (undergraduates only): Choose one of the Ph.D. topics listed above and prepare a position paper. Minimum pages: 5. Maximum points: 20.

Class schedule/Reading assignments:

January 3, 2013
- Introduction
- Syllabus review
- Overview of legal system (handout)

January 10, 2013
- Assignment: Chapter 1
- Law and ethics, qualities of successful healthcare practitioners

January 17, 2013
- Assignment: Chapter 2
- Working in the field: licensure and certification, physician responsibilities, common types of practice organizations, managed care (HMOs/PPOs/PHOs), relevant legislation
- Non-book topic: Pennsylvania’s Peer Review Protection Act

January 24, 2013
- Assignment: Chapter 3; handout to be provided
- The law and the courts: criminal and civil liability, the basics of torts, the federal and state court systems, contracts

January 31, 2013
- Assignment: Chapter 4; handouts to be provided
- Standards of care; negligence; elements of a lawsuit
- Non-book topics: Pennsylvania’s corporate negligence doctrine; arbitration agreements

February 7, 2013
- Assignment: Chapter 5; handouts to be provided
- Defenses to liability lawsuits; risk management; liability insurance
- Non-book topic: tort reform
Guest speakers

February 14, 2013
- Assignment: Chapter 6
- Medical records; informed consent
- Mid-term review session

February 21, 2013
- Assignment: Chapter 7
- HIPAA; federal and state privacy laws; patients’ rights

February 28, 2013
- Mid-term examination

March 7, 2013 – Spring Break, no class

March 14, 2013
- Assignment: Chapters 8 and 9
- Physicians’ duties; public health laws; controlled substances; vaccination laws and issues
- Legal issues in the workplace; employee safety issues

March 21, 2013
- Assignment: Chapter 10
- Genetics; conception; adoption; surrogacy; children’s rights
- Guest speaker

March 28, 2013 – Easter Break, no class

April 4, 2013
- Assignment: Chapter 11
- Issues relating to death; planning documents including living wills, powers of attorney, DNR orders; organ donor issues; the grieving process
- Handout: The Absence of a HCPOA or Guardianship: Who Calls the Shots?

April 11, 2013
- Assignment: Chapter 12; handouts to be provided
- Health care costs; health care reform; quality of care
- Thesis/term paper due by this class
April 18, 2013
- Current issues in healthcare law (tort reform status, significant court decisions and legislative actions, and other legal updates)
- Final review

April 25, 2013 – Final Examination