

University of Florida
College of Public Health & Health Professions
HSA6427: Legal & Ethical Issues in Health Administration (3 Credits)
 Semester: Fall 2020
 Delivery Format: Online via Zoom

Instructor: Brian Boelens, JD
 Date & Time: Tuesdays 4:00-7:00 P.M.
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 Office Hours: Before or after class, or by appointment
 Preferred Course Communications: Email

Prerequisites: Enrollment in the MHA program, or consent of the instructor.

Course Overview

This class is designed to provide a general introduction to the legal and ethical environment of health services administration. The course will cover a variety of ethical and legal issues facing health service administrators including the government regulation of healthcare false claims, fraud and abuse and antitrust compliance and litigation, informed consent, hospital and provider individual and corporate negligence, general contract law, the legal basis for hospital governance, and the principals and basis for health care malpractice insurance.

Course Objectives and Competencies

| MHA Competency | Course Objective | Assessment |
|---|---|--|
| Perform environmental scans and needs assessment in support of program and organizational development. (Focus on legal environmental scan) | Characterizes and interpret how the legislature, judiciary and executive branches of government individually and collectively through a system of checks and balances influences and responds to legal trends in the health care environment | Case Studies Exam |
| Interpret, monitor, and comply with laws and regulations that protect health practitioners, organizations, and the public (HEC-2) | Interpret specific judicial responses to legislative and constitutional laws governing healthcare facilities and providers. Interprets certain laws and regulations affecting health care organizations and health care professionals Characterizes how the legal system operates | Case Studies Exam |
| Model professional values and ethics | Analyze bioethical and ethical issues and incorporate these principles in decision making. | Ethics Projects: Taking sides Mock Trial Simulation |

| | | |
|---|--|--|
| Apply effective and appropriate oral and written communication vehicles | Analyze the rule of law or judicial reasoning used to defend court rulings. Debate controversial legal or ethical issues. | Mock Trial Simulation Ethics Projects Case Studies |
| Utilization of effective group processes to hold team members accountable individual and collectively for results | | Mock Trial Simulation Ethics Projects Case Studies |

DESCRIPTION OF COURSE CONTENT

Assigned Readings and Class Schedules: The assigned readings should be completed by the start of class as the class discussions will build upon the material from the text and require student participation at a level only possible by reading the materials before class. Please note that this schedule is subject to change due to the availability of the College of Law's courtroom.

| Week | Date(s) | Topic(s) | Class/Readings/Assignments |
|------|---------|---|--|
| 1 | 9/01/20 | Introduction and Governmental Separation of Powers | <ol style="list-style-type: none"> 1. Introduction and review of class objectives 2. FIRAC: How and why to brief a case: Distribute Assignment 1 3. Introduction to government regulation of healthcare law: Class discussion of Florida constitutional amendments designed by the Florida Trial Lawyers and the Florida Medical Association (On Canvas). |
| 2 | 9/08/20 | Regulatory Control of the Healthcare System: False Claims | <ol style="list-style-type: none"> 1. In Class FIRAC Assignment and Discussion & Assignment 1 due 2. <u>Read</u>: Chapter 14 pp. 1023-1053, read very carefully <i>U.S v. Krizek</i> and <i>U.S ex rel Mikes v. Straus</i> 3. <u>Ethics</u>: Issue 6.1: Is an Individual Mandate to Purchase Health Insurance Fair? |

| Week | Date(s) | Topic(s) | Class/Readings/Assignments |
|------|----------|---|--|
| 3 | 9/15/20 | Regulatory Control of the Healthcare: Fraud and Abuse and Anti-Trust | <ol style="list-style-type: none"> 1. <u>Read</u>: Chapter 14 pp. 1053-1094; Chapter 15 pp. 1095-1119. 2. Review and discuss <i>FTC v. Indiana Federation of Dentists</i> and <i>Oksanan v. Page Memorial Hospital</i> 3. <u>Ethics</u>: Issue 5.1: Is the Use of Medical Tools to Enhance Human Beings Morally Troubling? 4. Assignment 2 Distributed |
| 4 | 9/22/20 | No Class Meeting – Court-Ordered Mediation | <ol style="list-style-type: none"> 1. <u>Read</u>: Briefs of Petitioner and Respondent in <i>Weaver v. Myers</i> (Canvas) 2. <u>Watch</u>: Oral Argument Before the Florida Supreme Court: https://wfsu.org/gavel2gavel/viewcase.php?eid=2404 |
| 5 | 9/29/20 | The Professional-Patient Relationship: The Contract Between Patients and Physicians | <ol style="list-style-type: none"> 1. Assignment 2 Due: Briefing and Arguing Cases: <i>NME Properties v. Rudich</i>. 2. <u>Read</u>: Chapter 4 pp. 195 – 230. 3. <u>Ethics</u>: Issue 1.1: Is Patient Autonomy the Central Value in Making Medical Decisions? |
| 6 | 10/06/20 | The Professional-Patient Relationship: Informed Consent | <ol style="list-style-type: none"> 1. <u>Read</u>: Chapter 4 pp. 230 – 276; 283-288 2. <u>Ethics</u>: Issue 2.2: Should Physicians be Allowed to Assist in Patient Suicide? |
| 7 | 10/13/20 | The Professional-Patient Relationship: Confidentiality and Disclosure in the Physician-Patient Relationship | <ol style="list-style-type: none"> 1. <u>Read</u>: Chapter 4 pp. 289 - 326 2. <u>Ethics</u>: Issue 1.2: May Surrogate Decision Makers Terminate Care for a Person in a Persistent Vegetative State? |
| 8 | 10/20/20 | Introduction to Litigation and Healthcare: Healthcare Professionals | <ol style="list-style-type: none"> 1. <u>Read</u>: Chapter 5 pp. 327-380. Be prepared to discuss in detail <i>Hall v. Hilbun</i>, <i>Mastro v. Brodie</i> (Canvas) 2. <u>Mock Trial</u>: Meeting with Plaintiff Team |
| 9 | 10/27/20 | Litigation and Healthcare: Healthcare Professionals Defenses To A Lawsuit | <ol style="list-style-type: none"> 1. <u>Read</u>: Chapter 5 pp. 381-421. 2. <u>Read</u>: <i>McKenna</i> and <i>Beck</i> cases (Canvas) 3. <u>Mock Trial</u>: Meeting with Defense Team |
| 10 | 11/03/20 | Litigation and Healthcare: Healthcare Institutions | <ol style="list-style-type: none"> 1. <u>Read</u>: Chapter 6 pp. 437-468 2. <u>Read</u>: <i>Juliana v. Shands</i> and <i>Jones v. Tallahassee Mem'l</i> (Canvas) 3. <u>Ethics</u>: Issue 6.4 Should Vaccination for HPV be Mandated for Teenage Girls? |

| Week | Date(s) | Topic(s) | Class/Readings/Assignments |
|------|----------|---|---|
| 11 | 11/10/20 | Insurance Companies, Healthcare Professionals and Institutions: Who pays who? Professional Relationships in the Healthcare Organization | 1. <u>Read</u> : Chapter 6 pp. 539-552 2. <u>Ethics</u> : Issue 6.2: Is There an Ethical Duty to Provide Health Care to Undocumented Immigrants? |
| 12 | 11/17/20 | Legal Aspects of the Healthcare Professional-Patient Relationship | 1. <u>Read</u> Chapter 12 pp. 850-864; 878-882. 2. <u>Ethics</u> : Issue 6.5: Should There Be a Market in Human Organs? |
| 13 | 11/24/20 | Optional Review for Final & Mock Trial | |
| 14 | 12/01/20 | Final Exam | |
| 15 | 12/08/20 | Mock Trial | |

Course Materials

Furrow, Barry et. al. Health Law, Cases, Materials, and Problems, sixth edition. St. Paul: West, 2001. ISBN: 0314-15154-0 (We purposefully use the older edition to save students money, please let the instructor know if you have any difficult procuring the book).

ACADEMIC REQUIREMENTS AND GRADING

- Attendance and Participation:** Each class meeting will consist of discussion about the assigned topic, the readings and student opinions. We expect students to engage in discussion and debate with their fellow students. Therefore, it is mandatory that you attend class. Due to the high value we place on participation, class discussion will constitute 10% of your grade. Participation will be based on the quality of your comments during general class discussion as well as on the presentation of any other assignments described below. Quality participation is demonstrated through an understanding of the assigned readings and exercises and contributions to the learning experience of other members of the class.
- Assignment 1:** Distributed 09/01/20, Due 09/08/20; FIRAC a case (10% of Final Grade)
This assignment shall not exceed 2 typed pages
- Assignment 2:** Distributed 9/15/20, Due 9/29/20; Briefing & Arguing a Case (10% of Final Grade)
This assignment shall not exceed 2 typed pages
- Ethics Projects and in-class activities:** Each student team will be assigned different sides of chapters to study and interactively present opposing sides of ethical issues located on canvas. The ethics presentations contribute 15% towards your final grade.
- Mock Trial:** Each student will be assigned a role as a participant in a medical malpractice lawsuit to develop and present during a mock trial simulation. The possible roles will include lawyers for the patient and hospital, and fact/expert witnesses. The mock trial constitutes 30% of your grade for the course.
- Final Exam:** A closed-book exam covering the assigned readings and lecture material. The final exam constitutes 35% of your final grade for the course.

Grading for all written assignments will be based on the quality of your reasoning, the coherency of your arguments, and the clarity with which you present your position. Excellent spelling and syntax are expected. All late assignments will be penalized; substantially late assignments will not be accepted.

Grading

Point system used (*i.e.*, how do course points translate into letter grades).

Example:

| | | | | | | | | | | | | |
|----------------------|---------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------------|
| Points earned | 93-100 | 90-92 | 87-89 | 83-86 | 80-82 | 77-79 | 73-76 | 70-72 | 67-69 | 63-66 | 60-62 | Below 60 |
| Letter Grade | A | A- | B+ | B | B- | C+ | C | C- | D+ | D | D- | E |

Please be aware that a C- is not an acceptable grade for graduate students. The GPA for graduate students must be 3.0 based on 5000 level courses and above to graduate. A grade of C counts toward a graduate degree only if based on credits in courses numbered 5000 or higher that have been earned with a B+ or higher.

| | | | | | | | | | | | | | | | | |
|---------------------|----------|-----------|-----------|----------|-----------|-----------|----------|-----------|-----------|----------|-----------|----------|-----------|----------|-----------|------------|
| Letter Grade | A | A- | B+ | B | B- | C+ | C | C- | D+ | D | D- | E | WF | I | NG | S-U |
| Grade Points | 4.0 | 3.67 | 3.33 | 3.0 | 2.67 | 2.33 | 2.0 | 1.67 | 1.33 | 1.0 | 0.67 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

More information on UF grading policy may be found at:

<http://gradcatalog.ufl.edu/content.php?catoid=10&navoid=2020#grades>

Exam Policy:

The final exam will be cumulative and cover all assigned readings and material discussed in class. The exam will be closed book. Students will have the three hours to take the exam. Students who have attended class, read and understood the course readings/discussions, and diligently studied the course material throughout the semester will be prepared for the exam.

Policy Related to Make up Exams or Other Work:

As a graduate level course, make up exams and late assignments will not be accepted, absent extreme circumstances. Prior approvals are also required unless impossible as well as appropriate documentation of the emergency causing the conflict. Late assignments not meeting the above criteria will not be accepted or graded.

Policy Related to Required Class Attendance

Please note, all faculty are bound by the UF policy for excused absences. Excused absences must be consistent with university policies in the Graduate Catalog (<http://gradcatalog.ufl.edu/content.php?catoid=10&navoid=2020#attendance>). Additional information can be found here: <https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>

Online Synchronous:

Our class sessions may be audio visually recorded for students in the class to refer back and for enrolled students who are unable to attend live. Students who participate with their camera engaged or utilize a profile image are agreeing to have their video or image recorded. If you are unwilling to consent to have your profile or video image recorded, be sure to keep your camera off and do not use a profile image. Likewise, students who un-mute during class and participate orally are agreeing to have their voices recorded. If you are not willing to consent to have your voice recorded during class, you will need to keep your mute button activated and communicate exclusively using the "chat" feature, which allows students to type questions and comments live. The chat will not be recorded or shared. As in all courses, unauthorized recording and unauthorized sharing of recorded materials is prohibited.

STUDENT EXPECTATIONS, ROLES, AND OPPORTUNITIES FOR INPUT

Expectations Regarding Course Behavior

Active participation in each class is expected. Students who participate in an informed, considerate manner receive credit toward his/her participation grade for the course. Cell phone use, browsing memes, and shopping for great deals during class is strongly discouraged. The course is designed to facilitate frequent debate, challenge viewpoints, and provide public speaking confidence. This requires genuine listening, respect for opposing viewpoints, and a willingness to disagree gracefully. Students who exhibit contrary behavior will be asked to leave class for the class period.

Communication Guidelines

For course questions, please email the instructor or see the instructor immediately after class. If the inquiry requires significant time, the instructor will arrange time to meet with the student before the next class week.

Academic Integrity

Students are expected to act in accordance with the University of Florida policy on academic integrity. As a student at the University of Florida, you have committed yourself to uphold the Honor Code, which includes the following pledge:

“We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honesty and integrity.”

You are expected to exhibit behavior consistent with this commitment to the UF academic community, and on all work submitted for credit at the University of Florida, the following pledge is either required or implied:

“On my honor, I have neither given nor received unauthorized aid in doing this assignment.”

It is your individual responsibility to know and comply with all university policies and procedures regarding academic integrity and the Student Honor Code. Violations of the Honor Code at the University of Florida will not be tolerated. Violations will be reported to the Dean of Students Office for consideration of disciplinary action. For additional information regarding Academic Integrity, please see Student Conduct and Honor Code or the Graduate Student Website for additional details:

<https://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/>

<http://gradschool.ufl.edu/students/introduction.html>

Please remember cheating, lying, misrepresentation, or plagiarism in any form is unacceptable and inexcusable behavior.

Online Faculty Course Evaluation Process

Students are expected to provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but students will be given specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.

Policy Related to Guests Attending Class:

Only registered students are permitted to attend class. However, we recognize that students who are caretakers may face occasional unexpected challenges creating attendance barriers. Therefore, by exception, a department chair or his or her designee (e.g., instructors) may grant a student permission to bring a guest(s) for a total of two class sessions per semester. This is two sessions total across all courses. No further extensions will be granted. Please note that guests are **not** permitted to attend either cadaver or wet labs. Students are responsible for course material regardless of attendance. For additional

information, please review the Classroom Guests of Students policy in its entirety. Link to full policy: <http://facstaff.phhp.ufl.edu/services/resourceguide/getstarted.htm>

SUPPORT SERVICES

Accommodations for Students with Disabilities

If you require classroom accommodation because of a disability, you must register with the Dean of Students Office <http://www.dso.ufl.edu> within the first week of class. The Dean of Students Office will provide documentation to you, which you then give to the instructor when requesting accommodation. The College is committed to providing reasonable accommodations to assist students in their coursework.

Counseling and Student Health

Students sometimes experience stress from academic expectations and/or personal and interpersonal issues that may interfere with their academic performance. If you find yourself facing issues that have the potential to or are already negatively affecting your coursework, you are encouraged to talk with an instructor and/or seek help through University resources available to you.

- The Counseling and Wellness Center 352-392-1575 offers a variety of support services such as psychological assessment and intervention and assistance for math and test anxiety. Visit their web site for more information: <http://www.counseling.ufl.edu>. On line and in person assistance is available.
- You Matter We Care website: <http://www.umatter.ufl.edu/>. If you are feeling overwhelmed or stressed, you can reach out for help through the You Matter We Care website, which is staffed by Dean of Students and Counseling Center personnel.
- The Student Health Care Center at Shands is a satellite clinic of the main Student Health Care Center located on Fletcher Drive on campus. Student Health at Shands offers a variety of clinical services. The clinic is located on the second floor of the Dental Tower in the Health Science Center. For more information, contact the clinic at 392-0627 or check out the web site at: <https://shcc.ufl.edu/>
- Crisis intervention is always available 24/7 from:
- Alachua County Crisis Center: (352) 264-6789

<http://www.alachuacounty.us/DEPTS/CSS/CRISISCENTER/Pages/CrisisCenter.aspx>

Do not wait until you reach a crisis to come in and talk with us. We have helped many students through stressful situations impacting their academic performance. You are not alone so do not be afraid to ask for assistance.

Inclusive Learning Environment

Public health and health professions are based on the belief in human dignity and on respect for the individual. As we share our personal beliefs inside or outside of the classroom, it is always with the understanding that we value and respect diversity of background, experience, and opinion, where every individual feels valued. We believe in, and promote, openness and tolerance of differences in ethnicity and culture, and we respect differing personal, spiritual, religious and political values. We further believe that celebrating such diversity enriches the quality of the educational experiences we provide our students and enhances our own personal and professional relationships. We embrace The University of Florida's Non-Discrimination Policy, which reads, "The University shall actively promote equal opportunity policies and practices conforming to laws against discrimination. The University is committed to non-discrimination with respect to race, creed, color, religion, age, disability, sex, sexual orientation, gender identity and expression, marital status, national origin, political opinions or affiliations, genetic information and veteran status as protected under the Vietnam Era Veterans' Readjustment Assistance Act." If you have questions or concerns about your rights and responsibilities for inclusive learning environment, please see your instructor or refer to the Office of Multicultural & Diversity Affairs website: www.multicultural.ufl.edu
