Instructor: James McGrath, J.D., M.P.H., LL.M  
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Office hours: before class (not usually after, but negotiable) by appointment, and other times by appointment.


Course description: An exploration of the laws and regulations that inform health care decisions, relationships among professionals and patients as well as the management aspects of health care delivery.

The course is an overview of the major issues in health care law, professional liability, negligence, healthcare institution management, taxation, antitrust law, corporate compliance programs, admission and discharge issues, consent, reproductive law matters, medical records and medical staff privileges.

Because health care entities generally have access to legal counsel, the goal of the course is not to create practitioners of health care law. It is to equip health care executives with the knowledge and skills to recognize legal issues that arise in health care practice, to be prepared to evaluate situations that may have legal implications, and to have an understanding of the implications of health care law on their decision-making.

Grading: Your final grade will be based on your mid-term and final examination. You may choose to complete a paper or a group project for a grade instead of taking the mid-term examination. If you like, you can take the mid-term and complete either a paper of group project, and your highest grade of either the paper, project, or mid-term will be applied to your final grade.

Course requirements:

Readings. Students are responsible for reading all assignments, and coming to class prepared to discuss what they have already read. The study of law is inherently reading-intensive; the compressed course schedule allowed of the summer will emphasize these requirements. Time spent in reading to prepare for class will enhance understanding of the classroom discussion and reduce the time needed for exam preparation.
Exams: There will be one final examination comprised of short answer and multiple-choice questions worth seventy-five percent of your grade.

For the remaining twenty-five percent of your grade you have three options: Choose one of these:

1. A mid-term examination (one hour) on June 24, 2010 consisting of short essays and multiple-choice questions; OR

2. A paper due at the beginning of class June 29, 2010 with the following requirements:

   It must be your own original work, related to our course material that explores a sub-topic that is not covered in our text. The paper can be on a cutting edge news topic, an actual event at your place of employment, a recent case, or other topic with consent of the instructor.

   This paper should be of professional quality commensurate with the advanced degree you are seeking and must be no less than five and no more than ten pages with the following requirements:

   Your paper should be double-spaced, on 8 1/2" x 11" white paper. Please do not single-space your work, or customize the spacing of the lines of your papers to try to cram more words on a page. Please use a 12 pt. font such as Times or New Times Roman. Use one-inch text margins all around, on the left and right sides, and on the top and bottom of the page. This standard page would contain approximately twenty-four lines of text, depending on the pagination defaults of your software and printer. Page numbers must appear on each page, but you may suppress pagination on the first page (note that the manner in which you code your document’s pagination.

   Please left-justify your paper, with the characters lined up along only the left-hand margin. Please do not fully-justify your paper. Please fasten the pages together with one staple in the upper left-hand corner. Please do not use paper clips to bind your papers; they invariably fall off. There is no need for a fancy cover or any binding. Just staple the pages together so none get lost, please. OR you may choose:

3. A group project to be presented in class with the following requirements:

   A group of no more than four students must prepare and present on a sub topic that is concerned with one of the following assignments:

   Emergency Care (Class discussion Thursday, June 24, 2010)

   Consent for Treatment (Class discussion Tuesday, June 29, 2010)
Fraud, Abuse and Corporate Compliance Programs (Class discussion Thursday, July 1, 2010)

Family Planning, or Health Information Management (Class discussion Tuesday, July 6, 2010)

Your presentation should relate to one of these topics, but must explore a sub-topic that is not covered in our text. Topics must be approved by me. The presentation may be on a cutting edge news topic, an actual event at a group member’s place of employment, a recent case, or other sub-topic with my consent.

The presentation should be professional, with the group’s choice of any visual aids. Each group member must contribute relatively equally in preparing the presentation, although not all group members will be required to take part in the actual presentation of the material. Each group member will rate their own performance in the project, as well as the performance of the other group members.

Your presentation may be made on the night that the related topic is being discussed in class, or on July 1 or July 6. In planning your presentation, consider that you will be teaching the class on a subject on which they will not likely have much background.

Attendance and Participation: Students are expected to attend class and to be prepared to participate in class discussions. Attendance will be taken and will be considered in the determination of borderline grades. Additionally, class attendance is important, as during class I will provide much of the information that will be covered on the exams. However, you are NOT required to notify me of reasons for your absences. PLEASE do not call my office to tell me you will not be present that night. You are responsible for contacting a classmate to get any notes from the class you missed. However, if you have a serious illness or need to drop the class for an emergency reason, I will refer you to the appropriate academic department.

Cell Phones: Please turn all beepers, pagers and cell phones to silent or vibrate prior to the start of class. You may step out to take or return emergency calls only, and I will do likewise.
Class Schedule HCAD 5310

Summer 2010

1. Tuesday, June 8, 2010: The Anglo-American Legal System, Contract and Intentional Torts
   Readings: Text: Chapters 1 & 2

2. Thursday, June 10, 2010: Negligence
   Readings: Text: Chapter 3

3. Tuesday, June 15, 2010: Organization and Management of Corporate Healthcare
   Readings: Text: Chapter 4

4. Thursday, June 17, 2010: Liability of the Healthcare Institution
   Readings: Text: Chapter 5

5. Tuesday, June 22, 2010: Admission and Discharge, Medical Staff Appointments and Privileges
   Readings: Text: Chapters 6 & 7

6. Thursday, June 24, 2010: MIDTERM, Emergency Care
   Readings: Text: Chapter 8

7. Tuesday, June 29, 2010: Consent for Treatment and Withholding Consent Taxation of Healthcare Institutions
   Readings: Text: Chapters 9 & 10

8. Thursday, July 1, 2010: Antitrust Law Fraud, Abuse and Corporate Compliance Programs
   Readings: Text: Chapters 11 & 12

   Readings: Text: Chapters 13 & 14

10. Thursday, July 8, 2010: Wrap up, Final Examination