Pre-required Courses: BUS101 and HCA150

Course Objectives

1. Understand the complex relationship of healthcare, case law, and ethics as applicable to healthcare providers and organizations.
2. Develop and enhance the ability to use ethical reasoning to analyze complex legal and healthcare issues and regulations.
3. Compare and contrast how federal and state regulations affect payers, providers, and consumers of healthcare services across the care continuum.

Student Learning Outcomes

1. Students are expected to learn the material presented in class, by either student peers or professors, through pre-class reading and writing assignments, and self-study; this outcome will be assessed through graded assignments.
2. Upon successful completion of learning outcome 1, you will be able to understand the difference between Medicare and Medicaid, other payers of healthcare services, how case law affects public health and healthcare policy, and be able to justify case law, healthcare regulations, and professional duty through the application of ethical theory.

Skills Goals that Reflect Student Learning Outcomes

1. Upon successful completion of Student Learning Outcomes, you will be able to participate in healthcare delivery with a basic knowledge of government and commercial payers, healthcare laws affecting both administrative and clinical practice across the provider landscape, and participate in ethical discussions about healthcare and public health.

Course Requirements

1. Attendance is required and expected without an excused absence.
2. Successful completion of and/or participation in all required assignments, exams, in-class events, and discussions.
3. Respectful interaction with student and professor colleagues in all situations, especially when engaged in legal and ethical discussion and debate.

Grading

1. Virtual Blue Book (VBB) assignments (5pts max, each submission; 45 total points possible; completion of all assignments = 5 pt bonus)
a. VBBs will be graded based on structure (below) and strength of your arguments.
b. The expected length is approximately one to two pages, max.
c. You must submit a word document (no PDFs, please), either on the course website or to my email (llellis@icare-wi.org)
d. All VBBs are due by Sunday nights at 11:59pm so I can review them before class.
e. How to write a personal ethics-based journal entry
   i. State the topic about which you are writing and why you chose it. In other words, respond to the sense or feeling that something is wrong; identify your feelings and describe what is wrong. (1 point)
   ii. Identify the ethical problem or moral issue. (1 point)
   iii. Identify the different points of view on the topic, not just your view. (1 point)
   iv. Identify the different ethical principles, moral theory, etc., that you feel support the different points of views, including yours. (1 point)
   v. Determine a resolution/course of action. (1 point)

2. Midterm Paper, Due Week 7, Monday night by 11:59pm on 23 October 2017 (100 points, max)
   a. Grading will be based on your ability to clearly identify and develop your thesis, your ability to include relevant references, law, and/or case law, your ability to appropriately integrate ethical theory to analyze and support your views on your topic, your ability to write a solid conclusion, and the overall structure of your paper.
   b. Carroll University Grading Scale:

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<tr>
<th>Grade</th>
<th>Percentage</th>
<th>Points for paper/exam</th>
<th>Overall Course Points</th>
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<tr>
<td>A:</td>
<td>95% - 100%</td>
<td>95-100</td>
<td>285 points or more</td>
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<td>A/B:</td>
<td>90%-94%</td>
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<td>270-284 points</td>
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<td>D:</td>
<td>60% - 69%</td>
<td>60-69</td>
<td>180-209 points</td>
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<td>F:</td>
<td>59% and below</td>
<td>59 points or less</td>
<td>179 points or less</td>
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3. Debate, Week 12 (25 points, max)
   a. The class will be divided into teams and each team will debate legal/ethical issues in healthcare.
   b. Grading will be based on your ability to defend and support your team’s position; all team members will get the same grade.

4. Class Project (25 points, max)
   a. The class will divide up into groups of 2 to 4 students and develop class projects to present to each other. The projects may include, among other ideas, an idea for a Public Service Announcement, a novel healthcare policy for a particular health care delivery system (MCO, hospital, service area (physical therapy, nursing, ED, etc.)), a new undergraduate college course, etc. Refer heavily on the goals for this project (below).
   b. Goals:
i. Identify areas of importance in healthcare with wide-scale applicability to public health.

ii. Analyze one area of interest in which you feel some education, increased or decreased regulation, or other important interventions must occur and develop your ideas.

iii. Identify your audience and using an appropriate means, present your ideas to a group of investors (aka, your classmates).

iv. The class will vote on the presentation(s) they feel are the most relevant and the most well-developed.

c. Grading will be based on meeting the goals and intent of this project, your ability to all work collectively and equally on a group presentation, and the quality of your presentation (content and delivery). Every student in your group will receive the same points.

5. Final Exam (100 points, max)
   a. The final will be a combination of multiple choice and essay questions.
   b. You must arrive to class on time; the test starts promptly at 6pm and concludes at the end of our scheduled class time. If you arrive late, you will only have the remainder of the class time to complete your exam from when you arrived.
   c. Only one student is allowed to leave the exam room at a time.
   d. Academic honesty policy will be strictly enforced.

6. Late policy: Assignments will be accepted up to one week after the due date. All late assignments are subject to a 10% grade deduction.

7. The instructor and the University reserve the right to modify, amend, or change the syllabus (course requirements, grading policy, etc.) as the curriculum and/or program require(s).

8. Students with documented disabilities who may need accommodations, or any student considering obtaining documentation should make an appointment with Ms. Martha Bledsoe, Director of Services for Students with Disabilities, no later than the first week of class. She can be reached by calling 262-524-7335 or contacting her via email at mbledsoe@carrollu.edu.

9. The Carroll University Academic Integrity Policy is located in your student handbook (https://my.carrollu.edu/ICS/Departments/Student_Affairs). I encourage you to familiarize yourself with it. If a student violates this policy in any way, I reserve the right to impose a sanction of failure on the assignment/assessment or failure in the course. If you have questions about appropriate citations, please ask.
PART I: FUNDAMENTALS OF HEALTH LAW AND ETHICS

WEEK 1 – 12 SEPTEMBER 2017

Introduction to Health Law and Ethics

A. Review of syllabus, course goals, assignments/exams/EXPECTATIONS

B. Week 1 – Pre-class assignment


Introduction to health law and policy

i. Healthcare systems overview
ii. Titles XVIII and XIX: Medicare and Medicaid
iii. Block grants (CHIP)

Law/Case law:

i. Health Maintenance Organization Act
ii. Accountable Care Organizations and the Affordable Care Act
iii. US Health Care System v. Krizek

Introduction to ethics and bioethics

i. Moral foundations
ii. Moral principles
iii. Moral theories

Class discussion: What is Justice?

i. Justice theories

WEEK 2 – 19 SEPTEMBER 2017

Week 2 – Pre-class assignment:

i. Virtual BlueBook journal entry case review (due Sunday night prior to class)
   
   TOPIC: What is Justice?

   Write a personal reflection of your views of justice. You may reflect upon any discussion we had during week 1 and/or your readings for week 2 (below), or reflect upon an issue of your choice with respect to the ethical construct of justice.


B. HEALTHCARE ETHICS

i. Bioethics v public health ethics
1. *Individuals v populations*
2. *Moral considerations*
3. *Public accountability*
4. *Paternilism*
5. *Social justice*
6. *Moral theory*

ii. Ethics of health care
   1. *Principlism*
      a. *Respect for autonomy*
      b. *Non-malfeasance*
      c. *Beneficence*
      d. *Paternilism*
   2. *Utilitarianism*
   3. *Deontology*

iii. Class discussion: Healthcare Ethics
   1. *The Tragedy of the Commons*
   2. *Quarantine and Civil liberties*
      a. *RN with Ebola*
      b. *Small pox and NY Burroughs*

iv. Case law:
   1. *Jacobson v. Massachusetts, 1905 (Police power and the limitations of public health powers)*

3. **WEEK 3 – 26 SEPTEMBER 2017**

   **A. Week 3 pre-class assignment:**
   
   i. Virtual BlueBook journal entry case review (due Sunday night prior to class)
   **TOPIC: Mandatory vaccination**

   Write a personal reflection on your views of mandatory vaccination. Defend your position using ethical reasoning and/or law or case law, as relevant.

   ii. The Constitution of the United States, in entirety (book provided in class)


B. The Declaration of Independence and why it’s important

C. The US Constitution and Bill of Rights
   i. Implications for Health Care and Health Law

D. The framework of the Federal and State governments
   i. Lay of the land
   ii. US legal system
   iii. US justice system
   iv. Regulations and policy making authorities and agencies
   v. Examples of relevant case law
      1. Prince v. Massachusetts, 1944 (1st Amendment)
      2. DeShaney v. Winnebago County Social Services Department (14th Amendment)

E. Legal system of civil liability: Tort Law (or When Someone is Responsible for Someone Else’s Injury or Harm)
   i. Definition of Torts
      1. Negligent v intentional torts
      2. Strict liability for products
      3. Tort liability for health care professionals/systems
      4. Tort reform proposals
   ii. Tort law v criminal law v contract law (overview)
   iii. Case law
      1. Jones v. Chicago HMO (Institutional negligence)
      2. Van Horn v. Chambers (Professional duty to non-patients)
   iv. Tort reform proposals/alternatives

F. Class discussion
   i. To what extent are existing governmental institutions capable of creating social policy to guide medicine and science?
   ii. Legal cases involve winning or losing, a binary process that does not accommodate the realities of either complex or simple situations and controversies. If legislatures avoid scientific issues, are courts the “right” places in which to competently create relevant laws?

4. WEEK 4 – 3 OCTOBER 2017

A. Week 4 – Pre-class assignment:
   i. Virtual BlueBook journal entry case review (due Sunday night prior to class)
Topic: Write a personal reflection on the types of duties a professional has to their patients and non-patients. Do you agree or disagree and why? How does your view impact your current or future career?


B. History of Federal Legislation (1973-Present)

i. The following pre-ACA laws will be discussed:
   1. *ERISA,*
   2. *EMTALA,*
   3. *ADA,*
   4. *HIPAA,*
   5. *GINA,*
   6. *HITECH,*
   7. *Anti-Kickback, Stark Laws, FWA (Fraud, Waste and Abuse)*

ii. The Affordable Care Act
   1. *The Act itself*
   2. *The ACA with respect to pre-existing legislation*
   3. *The ACA with respect to future legislation*

C. Overview of the US healthcare system

i. Providers of healthcare services
   1. *Hospital systems*
   2. *Provider groups*
   3. *Individual physicians, physician extenders, and other healthcare providers (PT, OT, etc.)*

ii. Payers of healthcare services
   1. *Commercial health insurers*
   2. *Accountable Care Organizations*
   3. *Government Managed Care Organizations*
   4. *Employer Health Plans*

D. Class Discussion: Healthcare Ethics

i. The right to Health v. the right to Healthcare: is there a distinction?

ii. How are patient rights supported or reduced by insurers requiring prior authorization for services?
iii. Hobby Lobby: Should businesses be required to include contraceptives in their employee health insurance?
iv. What is a health professional’s ethical responsibility for prescribing/dispensing oral contraceptives or OTC anti-conception medication?
v. Pre-existing conditions: What about the pre-existing condition of not seeking out health care or being accountable for your own health (e.g., smoking, poor nutrition, etc.)?

PART II: HEALTH LAW, POLICY AND ETHICS ACROSS THE CARE CONTINUUM

5. WEEK 5 – 10 OCTOBER 2017

A. Week 5 – Pre-class assignment:
   i. Virtual BlueBook journal entry case review (due Sunday night prior to class)
      Topic: Write a personal reflection on the right to health care and access to healthcare, supporting your personal view with ethical or legal perspectives.

B. History of Planned Parenthood and Sterilization with respect to Healthcare Law

C. Case Law: Pregnancy/Contraception/Alternative Pregnancies/Abortion/Sterilization/Genetic Engineering
   i. Johnson v. Calvert (Surrogacy)
   ii. Litowitz v. Litowitz (Frozen embryos)
   iii. Roe v. Wade (Abortion)

D. Class discussion
   i. When should the moral status of a fetus be recognized?
   ii. Does one need to balance the moral status of the mother with that of the fetus?
   iii. Describe the ethical issues related to voluntary sterilization of vulnerable women.
6. WEEK 6 – 17 OCTOBER 2017 (NO CLASS – FALL BREAK)

7. WEEK 7 – 24 OCTOBER 2017 (MIDTERM PAPER DUE BY MONDAY NIGHT, 11:59PM, 23 OCTOBER 2017)

A. Week 5 – Pre-class assignment:
   i. Virtual BlueBook journal entry case review (due Sunday night prior to class)
      
      Topic: Write a personal reflection on one of the discussion points listed for last week (section D). Please include your personal views as well as the ethical and legal supporting arguments/justification.

B. History of neonatal screening: Right to refuse versus Opt-out
   i. Case Law: Beleno v. Texas State Department of State Health Services (Use of genetic information from neonatal screen results without informed consent)

C. Neonatal/Children/Young Adult/Emancipated minors
   i. Wrongful life v. Wrongful death
   ii. Abortion v. Infanticide
   iii. Right to allow to die (impaired infant)
   iv. Right to refuse treatment (minors)
   v. Minors: Consent v. assent
   vi. Emancipation of a minor
   vii. Infants as organ donors
   viii. Separation of conjoined twins
   ix. Babies and children as research subjects

D. Medical ethics cases/Case Law:
   ii. The case of Emma Ogden

E. Class discussion
i. What is the difference between wrongful life and wrongful death suits and what is the ethical justification for each?

ii. Baby Doe and cases of futile care v. Complicated medical issues; how does that impact using infants as organ donors?

iii. Discuss emancipation of minors versus minors having the right to refuse treatment.

iv. What ethical issues would you cite to support or deny the involvement of children in research?

8. WEEK 8 – 31 OCTOBER 2017: DEATH AND DYING

A. Week 8 – Pre-class assignment:

i. Virtual BlueBook journal entry case review (due Sunday night prior to class)
   Topic: Write a personal reflection on one of the topics discussed last class, including, but not limited to, the discussion points listed for last week (section E). Please include your personal views as well as the ethical and legal supporting arguments/justification.


B. Death and dying

i. Definition of death

ii. Advanced directives

iii. Loss of competency and activated Power of Attorney v. Guardianship

iv. Futile care

v. Brain death

vi. Death in minors and refusal of care

vii. Physician assisted dying

viii. Coma/locked-in syndrome

C. Palliative Care v. Hospice

D. Case Law

i. Washington v. Glucksberg (right to physician assistance in dying)

ii. Griswold v. Connecticut (right to privacy)
iii. In re Quinlan (right to die)
iv. Cruzan v. Director, Missouri Department of Health (right to die)
vii. Texas v. Munoz (right to die when pregnant)

E. Class discussion

i. What is the difference between killing and assisting death?
ii. What is the definition of futile care? Does the definition change depending on the age of the patient or their circumstances?
iii. How do you understanding of killing v. assisting death and futile care influence your views on the case law cases (section D) discussed in class?

PART III: UNIQUE TOPICS IN HEALTH LAW AND ETHICS

9. WEEK 9 – 7 NOVEMBER 2017—UNIQUE TOPICS IN HEALTH LAW

A. Week 9– Pre-class assignment:

i. Virtual BlueBook journal entry case review (due Sunday night prior to class)
   Topic: Write a personal reflection on one of last week’s topics, including, but not limited to, the discussion points listed for last week (section E). Please include your personal views as well as the ethical and legal supporting arguments/justification.


B. Unique topics in health law

i. Personalized medicine
   1. Health literacy (professionals and consumers) and informed consent
   2. Genetics v. Genomics v. Pharmacogenomics
   3. Health care coverage
   4. HIPPA
5. Research data banks and responsibility to de-identify

ii. Alternative and Complementary Medicine
   1. Definitions and examples
   2. Clinical practice guidelines
   3. Medicare and Medicaid payment coverage

iii. Human subject research
   1. History
   2. Current policy
   3. Institutional review boards

C. Medical ethics cases/Case Law

i. The Belmont Report

ii. The case of Henrietta Lacks

iii. The Tuskegee Syphilis Study

iv. Vaccinations and human subject research
   1. Hepatitis
   2. Polio

v. National vaccine injury compensation program

vi. State vaccination exemptions

vii. The Genetic Information and Non-Discrimination Act of 2008 and the ACA

D. Class Discussion

i. Discuss the impact personalized medicine has on consumers? What if the consumers are socioeconomically advantaged versus disadvantaged?

ii. How should alternative and complementary medicine methods be provided to consumers of health care...or should they not be allowed as treatment modalities?

iii. Given the history of human subject research, should research studies identify genes that, if present, may influence the development of disease or be a target for medications to prevent disease, is there a responsibility to de-identify data and notify relevant individuals?

iv. Should health care professionals be required to receive vaccinations in order to continue employment?

v. Should vaccinations for children be mandatory?

10. WEEK 10 – 14 NOVEMBER 2017

A. Week 10 – Pre-class assignment:

i. Virtual BlueBook journal entry case review (due Sunday night prior to class)
Topic: Write a personal reflection on one of the discussion points listed for last week (section D). Please include your personal views as well as the ethical and legal supporting arguments/justification.


B. Health Care Issues in the Chronically Ill and Disabled

i. Social justice and disability

ii. Organ transplants

iii. Involuntary commitment

iv. Integration of acute/primary care and mental/behavioral health

C. Relevant Regulations/ Law/ Case Law

i. Americans with Disabilities Act (ADA)

ii. O’Connor v. Donaldson (commitment standards)

iii. Mental Health Parity and Addiction Equity Act (MHPAEA)

D. Class discussion

i. Based on your understanding of social determinants of health, how does the current system of organ allocation support the concept of justice in resource allocation?

ii. What are your ethical and legal concerns regarding the decision to determine someone is incompetent and involuntarily commit them to an inpatient psychiatric ward?

iii. How does the mental health parity and Addiction Equity Act promote social justice with respect to allocation of resources?

11. WEEK 11 – 21 NOVEMBER 2017

A. Week 11: Pre-class assignment

i. Virtual BlueBook journal entry case review (due Sunday night prior to class)
Topic: Write a personal reflection on one of the discussion points listed for last week (section D). Please include your personal views as well as the ethical and legal supporting arguments/justification.


B. Healthcare Professionals

i. Professional code of conduct
ii. Credentialing and continuing education
iii. Competency and remediation
iv. Right to refuse treatment
v. Provider-patient relationship
vi. Informed consent
vii. Quality measures
   1. MACRA
   2. HITECH and state HIEs

C. Healthcare Systems

i. Payer
   1. HIPAA and the Health Insurer v. Provider
   2. HEDIS
   3. Leveraging reimbursements (Commercial v. Government funding)
   4. Compliance with federal and state contracts

ii. Hospitals/provider groups
   1. Patient satisfaction
   2. Cost transparency
   3. Provider performance
   4. Compliance department
i. How do you define quality in healthcare?
ii. Are HEDIS/P4P measures appropriate means of identifying quality outcomes?
iii. What is the relationship between all players and payers and how does this harm affect patient outcomes?

12. WEEK 12 – 28 NOVEMBER 2017 (IN-CLASS DEBATE, FINALIZE PROJECTS)

13. WEEK 13 – 5 DECEMBER 2017 (CLASS PROJECTS: PRESENTATIONS)

14. WEEK 14 – 12 DECEMBER 2017 (IN CLASS REVIEW/SPILLOVER FOR CLASS PROJECTS)

15. WEEK 15 – 19 DECEMBER 2017 (FINAL EXAM, 6PM)