NEW YORK UNIVERSITY
ROBERT F. WAGNER GRADUATE SCHOOL OF PUBLIC SERVICE

HPAM-GP 4853 (001)
Healthcare Law and Ethics

COURSE SYLLABUS
Spring 2014

Faculty: Julie Agris, PhD, JD, LLM
jla9@nyu.edu
Office Hours: Wednesdays 3:00-4:00 p.m.
Room 3045
PUCK BUILDING

Meeting Times: Wednesdays 4:55 – 6:35pm
March 24, 2014 – May 12, 2014

Location: Room 410
SILVER CENTER
100 Washington Square, East

Credits: 2 points
Pre-requisites: None

COURSE DESCRIPTION

This course explores the legal, policy and ethical issues encountered by health care professionals in the continuously evolving health care system. Topics will include government regulation of health care providers, patient consent to and refusal of treatment, human reproduction issues, privacy and confidentiality, tax-exemption, antitrust, fraud and abuse, mental health issues and health information management. Students will gain the ability to analyze legal and ethical health care resources by engaging in interactive discussions and informative research.

LEARNING OBJECTIVES

Upon successful completion of this course, students will be able to:
• Describe the primary sources of law in the United States, the structure of the court systems and the usual procedural course of a lawsuit;
• Explain how contract law applies to the health care provider-patient relationship and how an intentional tort may arise in the health care context;
• Identify the basic elements of a medical malpractice case and the legal theories by which health care institutions have come to bear more liability for negligence that may occur under their supervision;
• Distinguish common law theories, state statutes, federal statutes and ethical mandates that bear on the obligations to treat and admit patients, particularly in emergency situations;
• Summarize the laws relating to medical staff appointments and privileges;
• Explain the legal, ethical and practical issues that might arise in challenging medical decision-making situations;
• Describe the standards for tax-exempt status and how a grant of that status might be challenged;
• Identify anti-trust laws, exceptions and applicability to health care entities;
• Explain the importance, complexity and evolving nature of healthcare fraud and abuse liability;
• Argue for and against current health law reform implementation proposals.

LEARNING METHODS

Teaching methods include:
• Knowledge transfer though assigned readings, lectures and in-class discussion
• Work/career simulation exercises through case studies (reading, analysis, in-class discussion and faculty feedback) and student team presentations
• Skill development though reflective learning and completion of a group presentation which critically evaluates the performance, completeness and transparency of a health law case.

This highly interactive elective will consist of brief faculty presentations, case studies, group discussion and selected readings. Students are expected to come to class prepared to participate in the discussion of major topics outlined for each course session. The course is of interest to all students pursuing a graduate degree and a career in public service or healthcare policy and management.

REQUIRED TEXTBOOKS AND JOURNAL ARTICLES


Book available for order at:
http://www.aspenpublishers.com/Product.asp?catalog_name=Aspen&product_id=0735577676&cookie_test=1
CLASS TOPICS AND READINGS

March 26 - Session 1:
Introduction and Overview

The first class will introduce the expectations for the course, establish teams for the culminating project and provide an overview of healthcare law and ethics.

April 2 – Session 2:
The Professional-Patient Relationship and the Quality of Care

Readings:
• Johnson, et. al., Introduction, Part I, Chapters 1 and 2.

April 9 - Session 3:
Death and Dying

Readings:
• Johnson, et. al., Part II, Chapter 3.

April 16 - Session 4:
Individual Team Meetings for Final Project Development (No Full Class Lecture)

April 23 - Session 5:
Reproductive Rights

Readings:
• Johnson, et. al., Part III, Chapters 4 and 5.

April 30 - Session 6:
Organ Transplants, Medical Futility and Presumed Consent

• Johnson, et. al., Part IV, Chapters 6 and 7.

May 7 – Session 7:
Team Case Presentations
Team 1: Jocobson v. Massachusetts
Team 2: United States v. Krizek
Team 3: Utah County v. Intermountain Health Care
Team 4: Estate of Gelsinger v. Trustees of University of Pennsylvania
COURSE REQUIREMENTS

Participation:

Attendance and participation in class discussion is required.

Assignment 1:

Write an opinion piece (as if writing an OP-ED for the New York Times). The theme for the piece is the Affordable Care Act of 2010. You should begin by selecting one or two particular issues within this Act on which you plan to focus. Research your selected issues by examining primary and secondary sources that supply a well-rounded perspective on your issue of focus. After completing you research, write an Op Ed piece. These pieces usually run about 750 to 1,000 words. Your Op Ed should advise the readers as to your findings about your selected issue and whether or not you would recommend that the particular provision of the law be repealed, amended or implemented, as written.

Assignment is due April 15, 2014.

• Assignment will be scored based upon the following elements:
  • The paper is well written, with an organized discussion and well-grounded opinions.
  • The background and key elements are clearly described.
  • The paper displays evidence of sufficient research of the topic.

Assignment 2:

Your established team will be assigned a case involving a particular health care issue. Your team will conduct a review of the assigned case and develop an enlightening presentation of the case for your colleagues in the course during our final class meeting. The presentation will summarize the case (who was involved; what happened; when and where did it occur), indicate the law that was implicated, identify further information that would have been helpful to know about the case, and make recommendations for the way in which your assigned case could be applied in practice.

Assignment is due May 7, 2014.

• Assignment will be scored based upon the following elements:
  • The presentation is well written, engaging, organized and properly cited.
  • The presentation promotes meaningful discussion and well-supported opinions.
  • The background and key elements of the case are clearly described.
  • An approach for application to practice is offered.
Overall course grade will be calculated as follows:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>% Final Grade</th>
<th>Date Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assignment 1</td>
<td>40%</td>
<td>April 15, 2014</td>
</tr>
<tr>
<td>Assignment 2</td>
<td>40%</td>
<td>May 7, 2014</td>
</tr>
<tr>
<td>Class Participation</td>
<td>20%</td>
<td>Ongoing</td>
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</tbody>
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ACADEMIC INTEGRITY:

The Mission of NYU Wagner is:

... to be a path-breaking leadership school of public service, with a faculty of thought leaders who re-frame the way people understand and act on issues of public importance, and graduates who are bold, well-prepared change makers who expertly navigate real-world complexity and produce results that matter.

Academic Integrity is vital to this mission, to education at NYU Wagner and membership in the Wagner community.

It is a core value. It forms the foundation of trust among students, and between students and teachers. Cheating has no place in our community. Academic dishonesty or other offenses against the community are not individual acts affecting only the individuals involved. Cheating violates our communal trust in each other; it is an offense against our community of scholarship. If tolerated, it undermines all we stand for. Honesty matters at Wagner, just as it does in the broader world of public service.

It is a shared value. Administration, faculty and students each play a vital part in promoting, securing and nurturing it. I invite you to visit the NYU Wagner website and review our Academic Code and Academic Oath (www.wagner.nyu.edu/current/policies), as well as the Wagner Student Association’s Code of Professional Responsibility. If at any time you have a question about Academic Integrity or suspect a violation of our code, seek guidance from any member of the faculty or administration.

It is a promoted value. It is incumbent on all members of the community to promote it, through scholarship, responsible participation in School events, assistance to other community members who are struggling with it, and by upholding the codes of the school and the Wagner Student Association.

Included below is a list of resources for understanding and avoiding plagiarism:

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• "Plagiarism: What is It and How to Recognize and Avoid It," The Writing Center at Indiana University, [www.indiana.edu/~wts/wts/plagiarism.html](http://www.indiana.edu/~wts/wts/plagiarism.html)
• “Principles Regarding Academic Integrity, Northwestern University, [www.northwestern.edu/uacc/plagiar.html](http://www.northwestern.edu/uacc/plagiar.html)
• “Sources, Dartmouth College, [www.Dartmouth.edu/~sources/contents.html](http://www.Dartmouth.edu/~sources/contents.html)

REFERENCES:

• For research resources regarding appropriate citation of the many different sources you will use in your work, see [Writing](http://writing) on the NYU/Wagner webpage, under "Current Students/Academic Services."