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

HPAM-GP 4853
Healthcare Law and Ethics

COURSE SYLLABUS
Spring 2017

Faculty: Julie Agris, PhD, JD, LLM
jla9@nyu.edu
Office Hours: By Appointment

Meeting Times: Wednesdays 4:55 – 6:35pm
March 22, 2017 – May 3, 2017

Location: Room 369
WAVE, Waverly Building, 24 Waverly Place
Washington Square

Credits: 1.5 points

Prerequisites: 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:
• Discern the primary sources of law in the United States, the structure of the court systems and the usual procedural course of a lawsuit;

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• Analyze how contract law applies to the health care provider-patient relationship and how an intentional tort may arise in the health care context;
• Analyze 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;
• Synthesize laws relating to medical staff appointments and privileges;
• Evaluate legal, ethical and practical issues that may arise in challenging medical decision-making situations;
• Analyze the standards for tax-exempt status and how a grant of that status might be challenged;
• Synthesize anti-trust laws, exceptions and applicability to health care entities;
• Evaluate the importance, complexity and evolving nature of healthcare fraud and abuse liability;

LEARNING METHODS

Teaching methods include:
• Knowledge transfer through assigned readings, lectures, in-class discussion, team based assignments and case analyses;
• Work/career simulation exercises through case study analyses (including reading, analysis, in-class discussion and faculty feedback) and student team presentations;
• Skill development through innovative case study development and reflective learning.

This highly interactive elective will consist of selected readings, faculty presentations, case study analyses, group discussion and an innovative team based project. Students are expected to attend 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 READINGS


COURSE OUTLINE

<table>
<thead>
<tr>
<th>DATE</th>
<th>TOPIC</th>
<th>READINGS and CASES</th>
<th>CLASS ACTIVITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/22/17</td>
<td>Course Expectations</td>
<td>Showalter, Chapters 1-3</td>
<td>Introductions</td>
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<tr>
<td></td>
<td>Options Paper Project Overview</td>
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<td>Course Overview</td>
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<tr>
<td></td>
<td>Brief Overview of Legal System</td>
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<td>Briefing a Case</td>
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<td>Group &amp; Topic Assignments</td>
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<td>Mini Lecture</td>
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<td>Class Discussion</td>
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<tr>
<td>3/29/17</td>
<td>Health Reform</td>
<td>Showalter, Chapter 4</td>
<td>Current Events</td>
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<td>Contracts and Intentional Torts</td>
<td>1. <em>King v. Burwell</em> P. 93</td>
<td>Mini Lecture</td>
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<td>2. <em>Hill v. Ohio</em> P. 101</td>
<td>Class Discussion</td>
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<td>3. <em>Stowers v. Wolodzko</em> P. 135</td>
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<tr>
<td>Date</td>
<td>Topic</td>
<td>Reading Material</td>
<td>Activity</td>
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<tr>
<td>4/5/17</td>
<td>Negligence, Medical Staff Privileges and Peer Review</td>
<td>Showalter, Chapters 5 and 8</td>
<td>Current Events</td>
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|          |                                                                        | 4. *Helling v. Carey*  
P. 170                                                  | Mini Lecture                                  |
|          |                                                                        | 5. *Perin v. Hayne*  
P. 171                                                   | Class Discussion                              |
|          |                                                                        | 6. *Kadlec Medical Center*  
P. 284                                             |                                               |
| 4/12/17* | Health Information Management, Privacy and Confidentiality            | Showalter, Chapter 9                                                             | Complete Online Module and Reflective Writing |
|          |                                                                        | View Movie: 21 Grams                                                              | Assignment                                    |
|          |                                                                        |                                                                                   |                                               |
| 4/19/17  | Taxation of Healthcare Institutions, Competition and Antitrust Law, Fraud and Corporate Compliance | Showalter, Chapters 12, 13 and 15                                                | Current Events                                |
|          |                                                                        | 7. *Provena Covenant Medical Center*  
P. 459                                    | Mini Lecture                                  |
|          |                                                                        | 8. *North Carolina Board of Dental Examiner’s v. FTC*  
P. 498                      | Class Discussion                              |
|          |                                                                        | 9. *U.S. v. Greber*  
P. 573                                                    | Options Paper                                 |
|          |                                                                        | 10. *U.S. v. Halifax*  
P. 578                                                  | Check In                                      |

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**TEAM MEETINGS**

Independent Preparation for Options Paper Submission and Team Presentation – No Full Class Meeting

**5/3/17**

Options Paper Team Presentations and Options Paper Due

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## COURSE REQUIREMENTS

**Overall course grade** will be calculated as follows:

<table>
<thead>
<tr>
<th>% Final Grade</th>
<th>Date Due</th>
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<tr>
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<tr>
<td>Class Participation</td>
<td>20%</td>
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<tr>
<td>Case Brief</td>
<td>10%</td>
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<tr>
<td>Online Module and Reflective Writing</td>
<td>10%</td>
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<tr>
<td>Options Paper</td>
<td>40%</td>
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<tr>
<td>Options Paper Presentation &amp; Peer Evaluation</td>
<td>20%</td>
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<td>100%</td>
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**Participation (20%): Ongoing**

Attendance and participation in class discussion is required. Class participation will be assessed based upon bringing at least one current event for discussion at the initiation of each class meeting and continued engagement in the discussion throughout each class meeting.

**Case Brief (10%)**

Using the Issue, Rule, Application, Conclusion formula, each student will brief one case in class as assigned. More information to be provided in class.

**Online Module and Reflective Writing (10%)**

Each student will complete the online module posted to NYU Classes on 4/12/17 in lieu of our formal class meeting.
Options Paper (40%): DUE MAY 3, 2017 (11:59 p.m.)

Using the resources found at:

Teams will select a subject that has currently been proposed for replacement in the Affordable Care Act and draft an Options Paper to their favorite lawmaker that will assist them in making their decision on an impending vote to repeal the Affordable Care Act. Teams need not be restricted only to the link above, but this resource is an excellent place to begin your research and discussion. Sample options paper to be posted on NYU Classes for guidance.

Options Paper Presentation & Peer Evaluation (20%): DUE MAY 3, 2017 (11:59 p.m.)

On the final day of class, each team will present a 10-15 minutes synopsis of their selected issue and the alternatives identified in their Options Paper. Team presenters should engage the audience to facilitate an understanding of their selected issue and the potential alternatives associated with potential policy decisions. Time will be allotted for preparation of this presentation on 4/26/17 (Team Meetings in lieu of formal class meeting). Each student will be required to complete a peer evaluation describing their experience learning from the Options Paper development while working with other students and their recommendations for improvement of the process.

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.¹ 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:

- "Plagiarism: What is It and How to Recognize and Avoid It," The Writing Center at Indiana University, www.indiana.edu/~wts/wts/plagiarism.html
- “Principles Regarding Academic Integrity, Northwestern University, www.northwestern.edu/uacc/plagiar.html

REFERENCES:

- For research resources regarding appropriate citation of the many different sources you will use in your work, see Writing on the NYU/Wagner webpage, under "Current Students/Academic Services."