Healthcare Policy and Law – HSA 405
Student Course Guide
Prerequisite: None

INSTRUCTIONAL MATERIAL – Required


INSTRUCTIONAL MATERIAL – Supporting

The following resources provide additional background and supporting information for this course. There is no need to purchase these items for the course.


Toth, F. (2010). Healthcare policies over the last 20 years: Reforms and counter-reforms. *Health Policy* 95(1), 82-89.

COURSE DESCRIPTION

This course provides an overview of healthcare policy, regulation and law. Topics include: sources of common, statutory, and constitutional law; contracts and intentional torts; the organization and management of a corporate healthcare organization (HCO); for-profit and nonprofit HCOs; liability issues for individuals and HCOs; admission and discharge issues; medical staff appointments and privileges; emergency care issues; consent issues for treatment; and taxation and antitrust issues. Current issues in fraud, abuse, and corporate compliance programs are also covered.

COURSE OUTCOMES

Upon the successful completion of this course, the student will be able to:

1. Describe the evolution of hospitals and sources of law.
2. Examine tort law and the criminal aspects of health care.
3. Analyze contracts and how antitrust laws affect health care organizations.
4. Describe civil procedures and trial practices.
5. Describe a healthcare organization’s corporate structure, compliance, medical staffing, and liability exposure.
6. Evaluate the impact of the law on medical staff, nursing and department and health care professional liability.
7. Examine information management and health care records and how the legal reporting requirements impact health care.
8. Assess the legal implications of ethical decisions that impact consent for treatment, right-to-die, and patient rights and responsibilities.
9. Evaluate the impact of ethics in health care.
10. Analyze tort reform and risk reduction.
11. Use technology and information resources to research issues in healthcare policy, law, and ethics.
12. Write clearly and concisely about healthcare policy and law using proper writing mechanics.

COURSE EXPECTATIONS

To obtain the most benefit from this class:
- Follow Strayer University’s policies and procedures as well as those specific to this class.
  - Class specific information can be found within the “Class Information” section within the Student Center.

WEEKLY COURSE SCHEDULE

The weekly schedule below describes the learning activities that will help you achieve the course outcomes listed above and the assignments that will be used to measure your mastery of the outcomes. Each week is divided into sections consisting of readings, lectures, activities, and assignments. For selected assignments, you will find a rubric that will be used to evaluate your performance.

WEEK 1
Course outcome in focus:
- Describe the evolution of hospitals and sources of law.

Supporting topics:
- Early hospitals
- Religious hospitals
- Hospitals across the centuries
- Early hospitals in the U.S.
- Health care and hospitals in the 21st century
- Sources of law
• Government organization
• Department of Health and Human Services

Activities:
Readings:
• Read Chapter 1: Reflections on the Past
• Read Chapter 2: Introduction to the Legal System

Lectures/Discussions:
• Faculty Introduction, course overview, and expectations

• Review course philosophy, expectations, assignments, late policy, grading, academic integrity, APA, and attendance policy.

• Student introductions

• Lecture on early Hindu and Egyptian hospitals, Greek and Roman hospitals, hospitals of the early Christian era, Islamic hospitals, early military hospitals, medieval hospitals – the dark ages, hospitals of the renaissance, hospitals of the 18th century, early hospitals in the United States, late 19th-century renaissance, 20th-century progress, and health care and hospitals in the 21st century.

• Class Discussion 1: National Health Insurance. Students will respond to the following:
  o National health insurance will ensure that more Americans receive healthcare benefits. However, the costs associated with health care will continue to soar. Support your position on this topic with an external reference.
  o Describe how you think history is repeating itself in today’s health care system.

• Lecture on sources of law, government organization, and the Department of Health and Human Services.

• Class Discussion 2: Branches of Government and the DHHS. Discuss the following:
  o Branches of government may affect the healthcare system in a variety of ways. Evaluate how the separation of powers may affect a malpractice suit.
  o Consider the importance of the DHHS in the development of hospitals over the past 20 years and illustrate how they may impact hospitals in the future.

WEEK 2
Course outcome in focus:
• Examine tort law and the criminal aspects of health care.
Supporting topics:
- Negligence
- Intentional torts
- Strict/product liability

Activities:

Readings:
- Read Chapter 3: Tort Law

Lectures/Discussions:
- Lecture negligence, forms of negligence, degrees of negligence, elements of negligence, summary case, intentional torts, and strict/products liability.
- Class Discussion 1: Types of Torts. Discuss the following:
  - Differentiate among negligent torts, intentional torts, and strict liability, and provide examples of each.
  - A doctor does not adequately treat a patient because she is busy on a particular day. Distinguish between negligence and malpractice in this instance and state why you think so.
- Class Discussion 2: Elements of Negligence. Discuss the following:
  - There are four elements of negligence that must be in place if a plaintiff recovers damages. Correlate the types of evidence needed for each of the elements in a case of your choosing.
  - Summarize the types of defenses often used in products’ liability cases. State which you think would be most effective in the case of tampered medicine and why you think that way.

Assignment:
- Week 2 Quiz

Students are to take the Week 2 quiz that covers the material in Chapters 1 and 2. The quiz is located in the course shell under the Week 2 tab. This is an open-book, timed quiz that can only be taken once with a time limit of two hours. The quiz consists of 20 multiple-choice questions with each question worth 4 points for a total of 80 points.

Online students are to complete the quiz by Sunday Midnight of Week 2. On-campus students are to complete this quiz before the Week 2 class meeting.

WEEK 3
Course outcomes in focus:
• Analyze contracts and how antitrust laws affect health care organizations.
• Describe civil procedures and trial practices.

Activities:

Readings:
• Read Chapter 4: Criminal Aspects of Health Care
• Read Chapter 5: Contracts and Antitrust

Supporting topics:
• Criminal law
• False claims
• HIPAA and health care fraud
• Misuse and theft of drugs
• Patient abuse
• Sexual assault
• Contracts
• Breach of a contract
• Statute of limitations
• Medical staff bylaws
• Federal Trade commission
• Sherman Antitrust Act

• Lecture on criminal law, criminal procedure, false claims, kickbacks, health care fraud, falsification of records, misuse, tampering and theft of drugs, physicians: victims of fraud, patient abuse, murder, rape, theft, and sexual assault.

• Class Discussion 1: Crimes in Healthcare. Discuss the following:
  o In terms of a misdemeanor and a felony in the healthcare profession, create an example of each and state why the situation falls into that category.
  o If you have been victimized by substandard healthcare, justify how you would complain about the treatment.

Lectures/Discussions:
• Lecture on the purpose of a contract, types of contracts, elements of a contract, breach of contract, corporate contracts, partnerships, independent contractor, legality of object, conditions, performance, nonperformance defenses, statute of limitations, remedies, employment contracts, medical staff bylaws: a contract, exclusive contracts, restraint of trade, Federal Trade Commission, Sherman Antitrust Act, hospital staff privileges, patient transfer agreement, and insurance contract.

• Class Discussion 2: The Law and Medical Offices. Discuss the following:
  o A physician violates the confidentiality of a patient. Determine what type of contract she violated and state why you think it is that type.
  o Judgments about the numbers of physicians that should be allowed into a medical
practice may be difficult to evaluate. From the perspective of a physician in private practice, justify your position as to how you would defend that the number of physicians currently in the practice is adequate to meet patient needs.

Assignment:
- **Week 3 Quiz**

Students are to take the Week 3 quiz that covers the material in Chapter 3. The quiz is located in the course shell under the Week 3 tab. This is an open-book, timed quiz that can only be taken once with a time limit of one hour. The quiz consists of 10 multiple-choice questions with each question worth 4 points for a total of 40 points.

Online students are to complete the quiz by Sunday Midnight of Week 3. On-campus students are to complete this quiz before the Week 3 class meeting.

**WEEK 4**

Course outcome in focus:
- Describe the civil procedure and trial practice.

Activities:

Readings:
- Read Chapter 6: Civil Procedure and Trial Practice

Supporting topics:
- Discovery and examination before trial
- Attorney-client privilege
- Incident and investigative reports
- The court
- Burden of proof
- Awarding damages

Lectures/Discussions:
- Lecture on pleadings, discovery and examination before trial, attorney-client privilege, incident and investigative reports, preparation of witnesses, motions, pretrial conference, motion to dismiss, summary judgment, notice of trial, memorandum of law, the court, , subpoenas, burden of proof, statutory violation, policy and procedure violations, res ipsa loquitur, opening statements, examination of witnesses, evidence, negligence defenses, closing statements, judge’s charge to the jury, jury deliberation and determination, awarding damages, joint and several liability, appeals, and execution of judgments.

- Class Discussion: Legal Proceedings. Discuss the following:
  - Create a typical scenario and track its movement through the court system for a
healthcare lawsuit. Indicate the steps in the trial process and the functions of the attorneys.
  o Typify the types of damages that can be awarded and how the decisions are reached for each of the four types.

Assignments:
  • Week 4 Quiz

Students are to take the Week 4 quiz that covers the material in Chapters 4 and 5. The quiz is located in the course shell under the Week 4 tab. This is an open-book, timed quiz that can only be taken once with a time limit of two hours. The quiz consists of 20 multiple-choice questions with each question worth 4 points for a total of 80 points.

Online students are to complete the quiz by Sunday Midnight of Week 4. On-campus students are to complete this quiz before the Week 4 class meeting.

  • Assignment 1 – Law, Tort Law, Criminal Law, Contracts, and Civil Procedure

You are to write a 4-7 page report that answers the following:

1. Define the term law and describe the three (3) sources from which law is derived.
2. Describe the four (4) objectives of tort law.
3. Describe the four (4) elements that must be proven in order to be successful in a negligence suit.
4. Describe the four (4) objectives of criminal law.
5. Describe the three (3) elements of a contract.
6. Describe the nine (9) defenses a defendant can present in order to refute a plaintiff’s evidence.

The format of the report is to be as follows:
  o Typed, double spaced, Times New Roman font (size 12), one-inch margins on all sides, APA format.
  o Type the question followed by your answer to the question.
  o In addition to the 4-7 pages required, a title page is to be included. The title page is to contain the title of the assignment, your name, the instructor’s name, the course title, and the date.

Note: You will be graded on the quality of your answers, the logic/organization of the report, your language skills, and your writing skills.

The assignment will be graded using the following rubric:
### Outcomes Assessed

- Describe the evolution of hospitals and sources of law.
- Examine tort law and the criminal aspects of health care.
- Analyze contracts and how antitrust laws affect health care organizations.
- Describe civil procedures and trial practices.
- Use technology and information resources to research issues in healthcare policy, law, and ethics.
- Write clearly and concisely about healthcare policy and law using proper writing mechanics.

### Grading Rubric for Assignment 1 – Law, Tort Law, Criminal Law, Contracts, and Civil Procedure

<table>
<thead>
<tr>
<th>Criteria</th>
<th>0 Unacceptable</th>
<th>20 Developing</th>
<th>30 Competent</th>
<th>40 Exemplary</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Define the term law and describe the three (3) sources from which law is derived.</td>
<td>Did not complete or did not define the term law; did not describe sources from which law is derived; included irrelevant information; omitted key information and/or included irrelevant information. Completed with less than 60% accuracy, logic and thoroughness.</td>
<td>Defined the term law sufficiently; described 1 of the 3 sources from which law is derived. Omitted some key information with 60 – 79% accuracy, logic and thoroughness.</td>
<td>Defined the term law sufficiently; described 2 of the 3 sources from which law is derived. Completed with 80 – 89% accuracy, logic and thoroughness.</td>
<td>Defined the term law accurately and fully; described all 3 sources from which law is derived with 90 – 100% accuracy, logic and thoroughness.</td>
</tr>
<tr>
<td>2. Describe the four (4) objectives of tort law.</td>
<td>Did not complete the assignment or did not describe the objectives of tort law; omitted key information and/or included irrelevant information. Completed with less than 60% accuracy, logic and thoroughness.</td>
<td>Described 1 of the 4 objectives of tort law; omitted some key information with 60 – 79% accuracy, logic and thoroughness.</td>
<td>Described 2-3 of the 4 objectives of tort law. Completed with 80-89% accuracy and thoroughness.</td>
<td>Described all 4 objectives of tort law with 90-100% accuracy, logic and thoroughness.</td>
</tr>
<tr>
<td>3. Describe the four (4) elements that must be proven in order to be successful in a negligence suit.</td>
<td>Did not complete the assignment or did not describe the elements that must be proven to be successful in a negligence suit; omitted key information and/or included irrelevant information. Completed with less than 60% accuracy, logic and thoroughness.</td>
<td>Described 1 of the 4 elements that must be proven to be successful in a negligence suit; omitted some key information with 60 – 79% accuracy, logic and thoroughness.</td>
<td>Described 2-3 of the 4 elements that must be proven to be successful in a negligence suit. Completed with 80-89% accuracy and thoroughness.</td>
<td>Described all 4 elements that must be proven to be successful in a negligence suit with 90-100% accuracy, logic and thoroughness.</td>
</tr>
<tr>
<td>4. Describe the four (4) elements that must be proven in order to be successful in a negligence suit.</td>
<td>Did not complete the assignment or did not describe the elements that must be proven to be successful in a negligence suit; omitted key information and/or included irrelevant information. Completed with less than 60% accuracy, logic and thoroughness.</td>
<td>Described 1 of the 4 elements that must be proven to be successful in a negligence suit; omitted some key information with 60 – 79% accuracy, logic and thoroughness.</td>
<td>Described 2-3 of the 4 elements that must be proven to be successful in a negligence suit. Completed with 80-89% accuracy and thoroughness.</td>
<td>Described all 4 elements that must be proven to be successful in a negligence suit with 90-100% accuracy, logic and thoroughness.</td>
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<tr>
<td>(4) objectives of criminal law.</td>
<td>assignment or did not describe the objectives of criminal law; omitted key information and/or included irrelevant information. Completed with less than 60% accuracy, logic and thoroughness.</td>
<td>objectives of criminal law; omitted some key information with 60 – 79% accuracy, logic and thoroughness.</td>
<td>4 objectives of criminal law. Completed with 80-89% accuracy and thoroughness.</td>
<td>objectives of criminal law with 90-100% accuracy, logic and thoroughness.</td>
</tr>
<tr>
<td>5. Describe the three (3) elements of a contract.</td>
<td>Did not complete the assignment or did not describe the elements of a contract; omitted key information and/or included irrelevant information. Completed with less than 60% accuracy, logic and thoroughness.</td>
<td>Described 1 of the 3 elements of a contract; omitted some key information with 60 – 79% accuracy, logic and thoroughness.</td>
<td>Described 2 of the 3 elements of a contract. Completed with 80-89% accuracy and thoroughness.</td>
<td>Described all 3 elements of a contract with 90-100% accuracy, logic and thoroughness.</td>
</tr>
<tr>
<td>6. Describe the nine (9) defenses a defendant can present in order to refute a plaintiff’s evidence.</td>
<td>Did not complete the assignment or did not describe the defenses a defendant can present in order to refute a plaintiff’s evidence; omitted key information and/or included irrelevant information. Completed with less than 60% accuracy, logic and thoroughness.</td>
<td>Described 1-5 of the 9 defenses a defendant can present in order to refute a plaintiff’s evidence; omitted some key information with 60 – 79% accuracy, logic and thoroughness.</td>
<td>Described 6-8 of the 9 defenses a defendant can present in order to refute a plaintiff’s evidence. Completed with 80-89% accuracy and thoroughness.</td>
<td>Described all 9 defenses a defendant can present in order to refute a plaintiff’s evidence with 90-100% accuracy, logic and thoroughness.</td>
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<tr>
<td>7. Clarity</td>
<td>Did not complete the assignment or explanations are unclear and not organized. (Major issues)</td>
<td>Explanations generally unclear and not well organized. (Many issues)</td>
<td>Explanations generally clear and/or organized. (Minor issues)</td>
<td>Explanations very clear and well organized. (Added helpful details)</td>
</tr>
<tr>
<td>8. Writing – Grammar, sentence structure, paragraph structure, spelling, punctuation, and APA usage.</td>
<td>Did not complete the assignment or had 8 or more different errors in grammar, sentence structure, paragraph structure, spelling, punctuation or APA usage. (Many issues)</td>
<td>Had 6-7 different errors in grammar, sentence structure, paragraph structure, spelling, punctuation or APA usage. (Many issues)</td>
<td>Had 4-5 different errors in grammar, sentence structure, paragraph structure, spelling, punctuation or APA usage. (Minor issues)</td>
<td>Had 0-3 different errors in grammar, sentence structure, paragraph structure, spelling, punctuation or APA usage.</td>
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WEEK 5
Course outcome in focus:
• Describe a healthcare organization’s corporate structure, compliance, medical staffing, and liability exposure.

Supporting topics:
• Authority of corporations
• Committee structure
• Corporate ethics
• Doctrine of respondent superior
• Corporate negligence
• Governing body responsibilities
• CEO/administrator’s role and responsibility
• Medical staff
• Corporate reorganization

Activities:
Readings:
• Read Chapter 7: Corporate Structure and Legal Issues

Lectures/Discussions:
• Lecture on authority of corporations, committee structure, corporate ethics, doctrine of respondent superior, corporate negligence, governing body responsibilities, CEO/administrator’s role and responsibility, medical staff, and corporate reorganization.

• Class Discussion: Corporate Committees. Discuss the following:
  o Determine the responsibilities of each of the committees that govern an organization.
  o Illustrate a common decision that each of these committees might make in a day’s work.

Assignment:
• Week 5 Quiz

Students are to take the Week 5 quiz that covers the material in Chapters 6. The quiz is located in the course shell under the Week 5 tab. This is an open-book, timed quiz that can only be taken once with a time limit of one hour. The quiz consists of 10 multiple-choice questions with each question worth 4 points for a total of 40 points.
Online students are to complete the quiz by Sunday Midnight of Week 5. On-campus students are to complete this quiz before the Week 5 class meeting.

**WEEK 6**

**Course outcome in focus:**
- Evaluate the impact of the law on medical staff, nursing and health care professional liability.

**Supporting topics:**
- Principles of medical ethics
- Medical staff organization
- Medical director
- Medical staff privileges
- Physician supervision and monitoring
- Disruptive physicians
- Nurse managers
- Allied professional legal issues
- Failure to follow instructions
- Health care professionals liability
- Certification and licensing health care professionals

**Activities:**

**Readings:**
- Read Chapter 8: Medical Staff
- Read Chapter 9: Nursing and the Law
- Read Chapter 10: Allied Professionals Legal Issues

**Lectures/Discussions:**
- Lecture on principles of medical ethics, medical staff organization, medical director, medical staff privileges, physician supervision and monitoring, disruptive physicians, physician negligence, misdiagnosing unconscious accident victim, failure to respond to emergency calls, delay in treatment, inadequate history and physical, choice of treatment: two schools of thought, failure to order diagnostic tests, failure to promptly review test results, efficacy of test questioned, imaging studies: radiology, failure to make timely diagnosis, failure to obtain second opinion, failure to refer, practicing outside field of competence, timely diagnosis, misdiagnosis, failure to read nursing notes, failure to use patient data gathered, medication errors, failure to follow different course of treatment, failure to provide informed consent, surgery, improper performance of a procedure, failure to maintain an adequate airway, pathologist misdiagnoses breast cancer, aggravation of a preexisting condition, loss of chance to survive, possibility of survival destroyed, lack of documentation, premature discharge, failure to follow up, infections, obstetrics, psychiatry, abandonment, and physician-patient relationship.

- Class Discussion 1: Physician Tasks. Discuss the following:
  - Reflect on a time that you received exemplary care from a physician and
rate how the physician performed the tasks. Describe the reasons that the treatment was superior.

- Physicians take tremendous risks with patient care if they are hurried, distracted, or otherwise disengaged from patient care. Create a strategy that would ease the time-management problems that physicians face on a daily basis.

- Lecture on expanded scope of nursing practice, nurse licensure, American Nurses Association, National League of Nursing, nursing negligence; nurse anesthetist; nurse practitioner; clinical nurse specialist; nurse midwife; nurse managers; special duty nurse, float nurse, nursing assistant, agency staff, student nurses, medication errors; negligent injection, failure to follow physician’s orders; failure to record patient’s care; failure to identify correct patient; burns, infections, inappropriate care, delay in treatment, leaving patients unattended, failure to follow instructions, dilemma of two standards, failure to monitor vital signs, failure to report physician negligence, failure to question discharge, failure to note changes in patient’s condition, prompt notification required, failure to report deteriorating condition, timely reporting of patient symptoms, failure to report defective equipment, incorrectly transcribing telephone orders, misidentifying infants, patient falls, restraints, fall from examination table, negligent care, foreign objects left in patients, improper sterilization, negligent cutting of IV tube, and monitor alarm inappropriately disconnected.

- Class Discussion 2: Nursing Responsibilities. Discuss the following:

  - If a nurse or support staff disagrees with a physician’s written order, analyze what actions the nurse or support staff should take to protect the patient’s safety.
  - Nurses have significant responsibility to care for patients but do not receive the same level of recognition as doctors. Speculate as to why this situation exists and what, if anything, should be done about it.

- Lecture on chiropractor, dentistry, emergency department, laboratory, medical assistant, medical imaging, nutritional services, paramedic, pharmacy, physical therapy, physician’s assistant, podiatrist, respiratory therapist, security, sexual improprieties, surgery, certification of health care professionals, licensing health care professionals, suspension and revocation of license, multidisciplinary approach to patient care, and helpful advice for caregivers.

- Class Discussion 3: Allied Healthcare Professionals. Discuss the following:

  - Among the allied professions, select the one that interests you the most and outline the main duties of the job.
  - Proper containment of medications is part of the daily routine of many healthcare professionals. Prepare a plan that outlines the necessary precautions that should be taken while administering medications.
Assignment:
- **Week 6 Quiz**

Students are to take the Week 6 quiz that covers the material in Chapter 7. The quiz is located in the course shell under the Week 6 tab. This is an open-book, timed quiz that can only be taken once with a time limit of one hour. The quiz consists of 10 multiple-choice questions with each question worth 4 points for a total of 40 points.

Online students are to complete the quiz by Sunday Midnight of Week 6. On-campus students are to complete this quiz before the Week 6 class meeting.

**WEEK 7**

**Course outcomes in focus:**
- Assess the legal implications of ethical decisions that impact consent for treatment, right-to-die, and patient rights and responsibilities.
- Evaluate the impact of ethics in health care.
- Analyze tort reform and risk reduction.

**Supporting topics:**
- Informed consent
- Assessing decision-making capacity
- Nurses and informed consent
- Physicians and informed consent
- Information to be disclosed
- Hospitals and informed consent
- Abuse (child and elder)
- Communicable diseases
- Births and deaths
- Suspicious deaths
- Health Care Quality Improvement Act of 1986
- National practitioner data bank
- Incident reporting
- Sentinel events
- Corporate compliance programs

**Activities:**

**Readings:**
- Read Chapter 12: Patient Consent
- Read Chapter 13: Legal Reporting Requirements

**Lectures/Discussions:**
- Lecture on informed consent, assessing decision-making capacity, nurses and informed consent, physicians and informed consent, information to be disclosed, hospitals and informed consent, adequacy of consent, verbal consent, written consent, consent for
routine procedures, consent for specific procedures, limited power of attorney, implied consent, statutory consent, judicial consent, who may consent, incompetent patients, right to refuse treatment, release form, exculpatory agreements, proving lack of consent, informed consent claims and defenses, and informed consent and disclosure of risks.

- Class Discussion 1: Patient Rights. Discuss the following:
  - Patients have the right to make decisions regarding their own health care. These rights include the ability to refuse or accept medical or surgical care. Support your position if patients refused surgery that is necessary to save their lives.
  - Decide how much information is sufficient in order for informed consent to be effective (e.g., consider your answer from both the objective and subjective forms of consent).

- Lecture on abuse, child abuse, elder abuse, communicable diseases, births and deaths, suspicious deaths, the Health Care Quality Improvement Act of 1986, national practitioner data bank, incident reporting, sentinel events, and corporate compliance programs.

- Class Discussion 2: Patient Protection. Discuss the following:
  - Elder care abuse is on the rise and under-reported. Prepare a plan that would get the message out about elder abuse.
  - Consider that most healthcare workers are protected by law for reporting a case of child abuse. Argue your position about the truth of this statement and how you might handle a case of suspected child abuse.

Assignment:
- Week 7 Quiz

Students are to take the Week 7 quiz that covers the material in Chapters 8, 9 and 10. The quiz is located in the course shell under the Week 7 tab. This is an open-book, timed quiz that can only be taken once with a time limit of two hours. The quiz consists of 30 multiple-choice questions with each question worth 4 points for a total of 120 points.

Online students are to complete the quiz by Sunday Midnight of Week 7. On-campus students are to complete this quiz before the Week 7 class meeting.

WEEK 8
Course outcomes in focus:
- Assess the legal implications of ethical decisions that impact consent for treatment, right-to-die, and patient rights and responsibilities.
- Evaluate the impact of ethics in health care.
- Use technology and information resources to research issues in healthcare policy, law, and ethics.
Supporting topics:
- Patient Self-Determination Act
- Patient rights
- Patient responsibilities
- Ethics
- Morality
- Ethical theories
- Principles of healthcare ethics
- Virtues and values
- Religious ethics
- Secular ethics
- Atheism
- Organizational ethics
- Professional ethics
- Ethics committed
- Reasoning and decision making

Activities:
- Read Chapter 14: Patient Rights and Responsibilities
- Read Chapter 16: Healthcare Ethics

Lectures/Discussions:
- Lecture on the Patient Self-Determination Act, patient rights, and patient responsibilities.
- Class Discussion 1: Patient Rights. Discuss the following:
  - As a patient in a hospital, prepare a list of questions you will ask your healthcare workers as you are treated for your illness.
  - Determine a time in which it might be in the best interest of a patient to disclose confidential information.
- Lecture on health care ethics, including: ethics, morality, ethical theories, principles of healthcare ethics, virtues and values, religious ethics, secular ethics, atheism, organizational ethics, professional ethics, ethics committee, reasoning and decision making, a patient’s journey: need for change, and moral compass gone astray.
- Class Discussion 2: Ethics. Discuss the following:
  - Outline the differences between allowing a patient to die and physician-assisted suicide and comment.
  - As you consider the number of virtue and values associated with ethics, rate the top five which you believe contribute to high-quality healthcare.
• **Week 8 Quiz**

Students are to take the Week 8 quiz that covers the material in Chapters 12 and 13. The quiz is located in the course shell under the Week 8 tab. This is an open-book, timed quiz that can only be taken once with a time limit of two hours. The quiz consists of 20 multiple-choice questions with each question worth 4 points for a total of 80 points.

Online students are to complete the quiz by Sunday Midnight of Week 8. On-campus students are to complete this quiz before the Week 8 class meeting.

• **Assignment 2 – Analysis of a Healthcare Lawsuit Case**

Choose a healthcare lawsuit case from an external source. You are to write a 4-7 page report that answers the following:

1. List the title and case citation in proper legal format.
2. Describe the facts of the legal case chosen.
3. Describe the issues of the legal case.
4. Describe the holdings of the legal case.
5. Describe the reason of the legal case.
6. Discuss the main points of the legal case.

The format of the report is to be as follows:
- Typed, double spaced, Times New Roman font (size 12), one-inch margins on all sides, APA format.
- Type the question followed by your answer to the question.
- In addition to the 4-7 pages required, a title page is to be included. The title page is to contain the title of the assignment, your name, the instructor’s name, the course title, and the date.

Note: You will be graded on the quality of your answers, the logic/organization of the report, your language skills, and your writing skills. You must base your assignment on the use of full legal case not a summary found on the Internet.

The assignment will be graded using the following rubric:

<table>
<thead>
<tr>
<th>Outcomes Assessed</th>
<th>Evaluate tort law and the criminal aspects of health care.</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Evaluate the impact of the law on nursing and department and health care professional liability.</td>
</tr>
<tr>
<td></td>
<td>Examine information management and health care records and how the legal reporting requirements impact health care.</td>
</tr>
<tr>
<td></td>
<td>Analyze tort reform and risk reduction.</td>
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<td></td>
<td>Use technology and information resources to research issues in healthcare policy, law, and ethics.</td>
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<tr>
<th>Criteria</th>
<th>0 Unacceptable</th>
<th>20 Developing</th>
<th>30 Competent</th>
<th>40 Exemplary</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. List the title and case citation in proper legal format.</td>
<td>Did not complete or did not list the title and case citation for the legal case in the proper legal format; omitted key information and/or included irrelevant information. Completed with less than 60% accuracy, logic, and thoroughness.</td>
<td>Listed partially the proper title and legal case citation in the proper legal format; omitted some key information with 60 – 79% accuracy and thoroughness.</td>
<td>Listed sufficiently the proper title and legal case citation in the proper legal format. Completed with 80-89% accuracy, thoroughness, and logic.</td>
<td>Listed fully and in proper legal format the title and legal citation with 90 – 100 % accuracy, logic and thoroughness.</td>
</tr>
<tr>
<td>2. Describe the facts of the legal case chosen.</td>
<td>Did not complete the assignment or did not describe the facts of the legal case chosen; omitted key information and/or included irrelevant information. Completed with less than 60% accuracy, logic and thoroughness.</td>
<td>Described the facts in the legal case chosen partially; omitted some key information with 60 – 79% accuracy and thoroughness.</td>
<td>Described the facts in the legal case chosen sufficiently. Completed with 80 – 89% accuracy and thoroughness, and logic.</td>
<td>Described fully the facts in the legal case with 90 – 100% accuracy, logic and thoroughness.</td>
</tr>
<tr>
<td>3. Describe the issues of the legal case.</td>
<td>Did not complete the assignment or did not provide the issues of the legal case; omitted key information and/or included irrelevant information. Completed with less than 60% accuracy, logic, and thoroughness.</td>
<td>Provided partial description of the legal case; omitted some key information with 60 – 79% accuracy, logic and thoroughness.</td>
<td>Provided some sufficient description of the legal case. Completed with 80 – 89% accuracy, logic, and thoroughness.</td>
<td>Provided fully the description of the issues of the legal case with 90 – 100% accuracy, logic, and thoroughness.</td>
</tr>
<tr>
<td>4. Describe the holdings of the legal case.</td>
<td>Did not complete the assignment or did not describe the holdings of the legal case; omitted key information and/or included irrelevant information. Completed with less than 60% accuracy, logic, and thoroughness.</td>
<td>Described partially the holdings of the legal case; omitted some key information with 60-79% accuracy, logic and thoroughness.</td>
<td>Described sufficiently the holdings of the legal case with 80-89% accuracy, logic and thoroughness.</td>
<td>Described fully the holdings of the legal case with 90-100% accuracy, logic and thoroughness.</td>
</tr>
<tr>
<td>5. Describe the reason of the legal case.</td>
<td>Did not complete the assignment or did not describe the reason for the legal case; omitted key</td>
<td>Described the legal case chosen; omitted some key information with 60-79% accuracy, logic</td>
<td>Described the legal case chosen sufficiently. Completed with 80-89% accuracy, logic</td>
<td>Described the legal case chosen with 90-100% accuracy, logic and thoroughness.</td>
</tr>
<tr>
<td>Criteria</td>
<td>0 Unacceptable</td>
<td>20 Developing</td>
<td>30 Competent</td>
<td>40 Exemplary</td>
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<tr>
<td>6. Discuss the key points of the legal case.</td>
<td>Did not complete the assignment or did not describe the key points in the legal case; omitted key information and/or included irrelevant information. Completed with less than 60% accuracy, logic and thoroughness.</td>
<td>Described the key points of the legal case; omitted some key information with 60-79% accuracy, logic and thoroughness.</td>
<td>Described the key points of the legal case sufficiently. Completed with 80-89% accuracy, logic and thoroughness.</td>
<td>Described the key points of the legal case with 90-100% accuracy, logic and thoroughness.</td>
</tr>
<tr>
<td>7. Clarity</td>
<td>Did not complete the assignment or explanations are unclear and not organized. (Major issues)</td>
<td>Explanations generally unclear and not well organized. (Many issues)</td>
<td>Explanations generally clear and/or organized. (Minor issues)</td>
<td>Explanations very clear and well organized. (Added helpful details)</td>
</tr>
<tr>
<td>8. Writing – Grammar, sentence structure, paragraph structure, spelling, punctuation, and APA usage.</td>
<td>Did not complete the assignment or had 8 or more different errors in grammar, sentence structure, paragraph structure, spelling, punctuation or APA usage. (Major issues)</td>
<td>Had 6-7 different errors in grammar, sentence structure, paragraph structure, spelling, punctuation or APA usage. (Many issues)</td>
<td>Had 4-5 different errors in grammar, sentence structure, paragraph structure, spelling, punctuation or APA usage. (Minor issues)</td>
<td>Had 0-3 different errors in grammar, sentence structure, paragraph structure, spelling, punctuation or APA usage.</td>
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</tbody>
</table>

**WEEK 9**

**Course outcomes in focus:**
- Assess the legal implications of ethical decisions that impact consent for treatment, right-to-die, and patient rights and responsibilities.
- Evaluate the impact of ethics in health care.
- Analyze tort reform and risk reduction.

**Supporting topics:**
- The insurance policy
- Liability of the professional
- The insurance agreement
- Intention torts: coverage denied
- Conditions of insurance policy
- Medical liability insurance

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Activities:

Readings:

- Read Chapter 19: Professional Liability Insurance

- Lecture on the insurance policy, liability of the professional, the insurance agreement, intentional torts: coverage denied, conditions of insurance policy, medical liability insurance, self-insurance, trustee coverage, mandated medical staff insurance coverage, and investigation and settlement of claims.

- Class Discussion: Insurance. Discuss the following:
  
  - Justify under what circumstances a health care professional should be self-insured.
  - In terms of the three categories of risk, hypothesize about the protection that insurance affords to mitigate each of these risks for healthcare professionals.

Assignment:

- Week 9 Quiz

Students are to take the Week 9 quiz that covers the material in Chapters 14 and 16. The quiz is located in the course shell under the Week 9 tab. This is an open-book, timed quiz that can only be taken once with a time limit of two hours. The quiz consists of 20 multiple-choice questions with each question worth 4 points for a total of 80 points.

Online students are to complete the quiz by Sunday Midnight of Week 9. On-campus students are to complete this quiz before the Week 9 class meeting.

WEEK 10
Course outcomes in focus:
- Evaluate the impact of ethics in health care.
- Analyze tort reform and risk reduction.

Supporting topics:
- Arbitration and mediation
• Structured awards
• Pretrial screening panels
• Collateral source rule
• Contingency fee limitation
• Countersuits: frivolous claims
• Joint and several liability
• Malpractice caps
• No-fault systems
• Peer review
• Professional misconduct
• Regulations of insurance practices
• Developing a culture of safety
• National patient safety goals
• The Joint Commission Patient Complaint Process
• National Quality Forum
• Agency for Healthcare Research and Quality
• Institute of Healthcare Improvement
• The Leapfrog Group for Patient Safety

Activities:
Readings:
• Read Chapter 24: Tort Reform and Risk Reduction
• Read Chapter 25: Patient Safety and Zero Tolerance

Lectures/Discussions:

• Lecture on arbitration and mediation, structured awards, pretrial screening panels, collateral source rule, contingency free limitation, countersuits: frivolous claims, joint and several liability, malpractice caps, no-fault system, peer review, professional misconduct, regulations of insurance practices, require implementation of best practices, risk management, continuous quality improvement, failure modes effects analysis, sentinel events, and national health care reform.

• Class Discussion 1: Risk Management. Discuss the following:
  o Analyze how the risk management process can be helpful in addressing the malpractice insurance crisis.
  o Justify your opinion about how a no-fault approach to malpractice awards has actually worked to this effect.

• Lecture on developing a culture of safety, national patient safety goals, the Joint Commission Patient Complaint Process, National Quality Forum, Agency for Healthcare Research and Quality, Institute for Healthcare Improvement, the Leapfrog Group for Patient Safety, ECRI, and evaluating patient care.
• Class Discussion 2: Patient Safety. Discuss the following:
  o Compare the Institute of Medicine and the Joint Commission on Accreditation for effective oversight of the healthcare profession.
  o Propose a viable plan for a small healthcare clinic that increases the chances that patients will be treated safely.

Assignment:
• Week 10 Quiz

Students are to take the Week 10 quiz that covers the material in Chapters 19. The quiz is located in the course shell under the Week 10 tab. This is an open-book, timed quiz that can only be taken once with a time limit of one hour. The quiz consists of 10 multiple-choice questions with each question worth 4 points for a total of 40 points.

Online students are to complete the quiz by Sunday Midnight of Week 10. On-campus students are to complete this quiz before the Week 10 class meeting.

WEEK 11
Course outcome in focus:
• No new material.

Supporting topics:
• No new material.

Activities:
Readings:
• Review course material

Lectures/Discussions:
• Class Discussion: Patient Care. Discuss the following:
  o Determine whether statements given by a defendant to a hospital’s internal peer-review committee should be discoverable by a plaintiff and explain your answer.
  o Discuss the implications of the following statement: “Patients are generally unlearned in the medical sciences and therefore, except in rare instances, the knowledge of patient and physician is not in parity.”

• Class Discussion: Key Learning Points. Discuss the following:
  o What are the three key aspects of the legal environment in healthcare that you have gained from this class and how do you expect this knowledge to benefit you in your future career?
  o How will you apply this new knowledge to your current or future position?

Assignment:
• **Week 11 Quiz**

Students are to take the Week 11 quiz that covers the material in Chapters 24 and 25. The quiz is located in the course shell under the Week 11 tab. This is an open-book, timed quiz that can only be taken once with a time limit of two hours. The quiz consists of 20 multiple-choice questions with each question worth 4 points for a total of 80 points.

Online students are to complete the quiz by Sunday Midnight of Week 11. On-campus students are to complete this quiz before the Week 11 class meeting.

**ASSIGNMENT OUTLINE AND GRADING**

<table>
<thead>
<tr>
<th>Assignment Type</th>
<th>Total Points</th>
<th>Percentage*</th>
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<td>Weekly Quizzes</td>
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<td>45%</td>
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<tr>
<td>Assignment 1</td>
<td>320</td>
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<tr>
<td>Assignment 2</td>
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<tr>
<td>Participation</td>
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<td><strong>Total</strong></td>
<td><strong>1,500</strong></td>
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* Percentages may not total 100% due to rounding.

**Faculty Note:** Participation points are based on 10 points per discussion.

**Faculty Note:** This section outlines graded assignments, value, and due dates.

<table>
<thead>
<tr>
<th>Grading Scale</th>
<th>Points</th>
<th>Percentage</th>
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<td>1350-1500</td>
<td>90-100</td>
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<tr>
<td></td>
<td>1200-1349</td>
<td>80-89</td>
<td>B</td>
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<td></td>
<td>1050-1199</td>
<td>70-79</td>
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<td></td>
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<td>60-69</td>
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<tr>
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