

**INDIANA UNIVERSITY**

**SCHOOL OF PUBLIC AND ENVIRONMENTAL AFFAIRS**

**GRADUATE PROGRAM IN HEALTH ADMINISTRATION**

**SYLLABUS**

**Health Services Delivery and the Law**

**COURSE: H516/SECTION 6113**

**FALL 2006**

**INSTRUCTOR**

**JAMES B. HOGAN  
HALL, RENDER, KILLIAN, HEATH & LYMAN, P.C.  
Attorneys At Law  
One American Square  
Suite 2000  
Indianapolis, Indiana 46282  
Telephone: 317.633.4884  
Fax: 317.633.4972  
Email: [jhogan@hallrender.com](mailto:jhogan@hallrender.com)**

**Administrative Assistant: Shawn McKay  
Phone: 317.977.1541  
Email: [smckay@hallrender.com](mailto:smckay@hallrender.com)**



<u>DATE</u>	<u>RESOURCE MATERIAL</u>	<u>SUBJECT</u>	<u>INSTRUCTOR</u>
08/24/06	Syllabus  Text, pp. 1-15	I. COURSE OUTLINE AND OBJECTIVES II. INTRODUCTION TO LAW A. Sources of Law 1. Judicial 2. Legislative 3. Constitutional 4. Administrative B. The Judicial System C. Trial Procedures	James B. Hogan
08/31/06	Text, pp. 17-77 pp. 121-143  Case: <u>Ball Memorial Hospital v. Freeman</u> , 245 Ind. 71, 196 N.E. 2 <sup>nd</sup> 274 (1964)	TORT LAW A. Elements of Negligence B. Standard of Care C. Vicarious Liability D. Breach of Contract E. Strict Liability F. Respondeat Superior	James B. Hogan
09/07/06	Text, pp. 79-111	I. HEALTH CARE ORGANIZATIONS A. Corporate Types and Structures B. Documents and Statutes C. Ownership, Governance and Management D. Partnership, Joint Ventures, LLC and Other Forms E. Public Entities  II. STATE AND FEDERAL REGULATORY ISSUES A. Licensure B. Accreditation	James B. Hogan
09/14/06	Handout	REIMBURSEMENT  A. Medicare/Medicaid B. Reimbursement Systems C. Medicaid Leveraging D. Payment Recovery Issues E. Medicare/Medicaid Managed Care	Stephan C. Masoncup (Guest)

<u>DATE</u>	<u>RESOURCE MATERIAL</u>	<u>SUBJECT</u>	<u>INSTRUCTOR</u>
09/21/06	Handout  Text, pp. 151-172 Statute I.C. 16-41-1	TAXATION ISSUES  A. Tax Exemption B. Unrelated Income C. Private Inurement and Private Benefit D. Property Taxation E. Service Requirements of Exempt Entities F. Tax Exempt Financing G. Unreasonable Compensation	Charles P. Sukurs (Guest)
9/28/06	Handout	PATIENT PROTECTION A. Health Insurance Portability and Accountability Act of 1996 (HIPAA) B. Patient Endangerment C. Sentinel Reporting D. Mandatory Reporting Statutes	Brian C. Betner (Guest)
10/5/06	Handout Text, pp. 181-218	ANTITRUST A. Principal Laws and Agencies B. Prohibited Conduct C. Mergers and Combinations D. Current Enforcement Policy E. Timely Issues in Health Care Field F. Provider Networks G. Shared Data Programs H. Joint Negotiation	James B. Hogan
10/12/06	Text, pp. 309-352 Case: <u>Joy v. Chau</u> (1978) 377 N.E. 2d 670  Case: <u>Auler v. VanNatta</u> <u>686 N.E. 2d 172</u> (Ind. Ct. App. 1997)  Statute: I.C. 16-36-1	CONSENT A. Assault and Battery or Malpractice B. Authority to Consent C. Emergency Treatment D. Informed Consent E. Standard Disclosure  F. Incompetency G. Compulsory Testing H. Statutory Consent	James B. Hogan

<u>DATE</u>	<u>RESOURCE MATERIAL</u>	<u>SUBJECT</u>	<u>INSTRUCTOR</u>
10/19/06	Handout Text, pp. 227-250	I. FRAUD AND ABUSE A. Stark I and II B. Anti-Kickback C. Compliance Programs D. Advisory Opinions E. Structuring of Business Arrangements	James B. Hogan
10/26/06		II. MID TERM EXAM	
11/02/06	Statutes: I.C. 34-12.6; 42 USC § 11101 Statute: I.C. 27-12  Case: <u>Johnson v. St. Vincent Hospital</u> (1980) 404 N.E. 2d 585  Case: <u>Martin v. Richey</u> 674 N.E. 2d 1015 (Ind. Ct. App. 1997)	INSURANCE AND QUALITY ASSURANCE A. Indiana Peer Review Act B. HCQIA C. Indiana Patient Compensation Act (Malpractice) D. Professional Review Organizations E. Admission and Discharge Policies F. Managed Care 1. Grievance Procedures 2. Incentive Programs 3. Nondisclosure 4. Liability for Non-Treatment 5. Consumer Protection	James B. Hogan
11/09/06	Text, pp. 439-469 Case: <u>Yarnell v. Sisters of St. Francis Health Services, Inc.</u> , 446 N.E. 2d 359 (Ind. 1983)  Case: <u>Darling v. Charleston Community Memorial Hospital</u> , 33 Ill. 2d 326, 211 N.E. 2d 253 (1965)	MEDICAL STAFF A. Responsibility of Governing Board B. Delegation of Responsibility C. Public/Private Hospital Distinction D. Admission to Staff E. Termination/Modification of Privileges F. Fair Hearing Process G. Non-Physician Process  H. Notification and Retrieval Responsibilities I. Medical Staff Bylaws J. Physician Recruitment	James B. Hogan

<u>DATE</u>	<u>RESOURCE MATERIAL</u>	<u>SUBJECT</u>	<u>INSTRUCTOR</u>
11/16/06	Handout	LABOR RELATIONS <ul style="list-style-type: none"> <li>A. Relevant Labor Laws (Federal and State)</li> <li>B. Labor-Management Rights and Responsibilities</li> <li>C. Related Personnel Legal Requirements</li> <li>D. ADA and Other Laws Affecting Employees, Patients and Visitors Rights</li> </ul>	Kevin A. Stella (Guest)
11/30/06	Text, pp 353-438  Case: <u>Bader v. Johnson</u> 675 N.E. 2d 1119 (Ind. Ct. App. 1997) Statute: I.C. 16-36-4	I. BIOETHICS <ul style="list-style-type: none"> <li>A. Determination of Death</li> <li>B. Right to Dies (Living Wills and Life Prolonging Procedures)</li> <li>C. Extraordinary Treatment</li> <li>D. Institutional Review Committees</li> <li>E. Assisted Suicide</li> <li>F. Cloning</li> <li>G. Stem Cell Research</li> <li>H. Wrongful Life</li> <li>I. Wrongful Birth</li> <li>J. Abortion, Sterilization and Reproductive Issues</li> </ul>	(Guest) Brian C. Betner
12/7/06	Text, pp. 251-284 pp. 285-308 Statute: I.C. 16-39-1	II. ACCESS TO CARE <ul style="list-style-type: none"> <li>A. Emergency Care</li> <li>B. EMTALA</li> <li>C. Charitable Care</li> </ul> III. HEALTH RECORDS IV. REVIEW	James B. Hogan
12/14/06		FINAL EXAM	James B. Hogan

## **SPEA 2006 Policies Addendum to Syllabus**

### **Academic Misconduct**

All faculty have the responsibility of fostering the “intellectual honesty as well as the intellectual development of students” and part of this responsibility means that faculty must investigate cases of potential academic misconduct promptly and thoroughly. Faculty members also have the responsibility of taking appropriate action when academic misconduct occurs. The penalties for academic misconduct include but are not limited to lowering a grade on an assignment, lowering a course grade, or failing a student for a course. SPEA faculty take their responsibilities seriously and do not tolerate cheating, plagiarism, or any other form of academic misconduct. If you have not done so, you should read the IUPUI *Code of Student Rights, Responsibilities, and Conduct*, which can be accessed at <http://www.iupui.edu/code/>, so that you will be sure to understand what these terms mean and what penalties can be issued for academic misconduct. Significant violations of the Code can result in expulsion from the University. If you have any questions about what constitutes academic misconduct for a course you are taking, be sure to ask the instructor for an explanation.

The *IUPUI Code of Student Rights, Responsibilities, and Conduct* defines four areas of academic misconduct: cheating, fabrication, plagiarism, and interference. The prohibited activities and actions include the following:

1. **Cheating.** A student must not use or attempt to use unauthorized assistance, materials, information, or study aids in any academic exercise, including, but not limited to, the following:

- a. A student must not use external assistance on any "in-class" or "take-home" examination, unless the instructor specifically has authorized external assistance. This prohibition includes, but is not limited to, the use of tutors, books, notes, and calculators.
- b. A student must not use another person as a substitute in the taking of an examination or quiz.
- c. A student must not steal examinations or other course materials.
- d. A student must not allow others to conduct research or to prepare work for him or her without advance authorization from the instructor to whom the work is being submitted. Under this prohibition, a student must not make any unauthorized use of materials obtained from commercial term paper companies or from files of papers prepared by other persons.
- e. A student must not collaborate with other persons on a particular project and submit a copy of a written report which is represented explicitly or implicitly as the student's individual work.
- f. A student must not use any unauthorized assistance in a laboratory, at a computer terminal, or on field work.
- g. A student must not submit substantial portions of the same academic work for credit or honors more than once without permission of the instructor to whom the work is being submitted.
- h. A student must not alter a grade or score in any way.

2. **Fabrication.** A student must not falsify or invent any information or data in an academic exercise including, but not limited to, records or reports, laboratory results, and citations to the sources of information.

3. **Plagiarism.** A student must not adopt or reproduce ideas, words, or statements of another person without appropriate acknowledgment. A student must give credit to the originality of others and acknowledge an indebtedness whenever he or she does any of the following:

- a. Quotes another person's actual words, either oral or written;
- b. Paraphrases another person's words, either oral or written;
- c. Uses another person's idea, opinion, or theory; or
- d. Borrows facts, statistics, or other illustrative material, unless the information is common knowledge.

4. **Interference.**

- a. A student must not steal, change, destroy, or impede another student's work. Impeding another student's work includes, but is not limited to, the theft, defacement, or mutilation of resources so as to deprive others of the information they contain.
- b. A student must not give or offer a bribe, promise favors, or make threats with the intention of affecting a grade or the evaluation of academic performance.

### ***Classroom Etiquette and Disorderly Conduct***

SPEA, which is a professional school, expects students to conduct themselves in a courteous and civil manner in interactions with professors and fellow students. Examples of discourteous behavior during class include reading the newspaper, working crossword puzzles, listening to headphones, using computers to surf the web or other non-class activities, talking or laughing with others, arriving late, and so forth. These behaviors are distracting to the instructor and to classmates, and SPEA faculty will address these problems as they arise either in class or on an individual basis.

Disorderly conduct that interferes with teaching, research, administration, or other university or university-authorized activity will not be tolerated and will be reported immediately to the Office of the Dean of Students for disposition, which may result in disciplinary action, including possible suspension and/or expulsion from the university. Students should read the *IUPUI Code of Student Rights, Responsibilities, and Conduct*, which can be accessed at <http://life.iupui.edu/help/code.asp> in order to understand your responsibilities as a student.

### **Communication between Faculty and Students**

In order to verify the identity of all parties involved, effective September 1, 2004, all email communication from current SPEA students to SPEA staff must originate from an Indiana University email account. For email communication with SPEA faculty, current SPEA students should refer to course syllabi for instructors' preferences (Oncourse, Webmail, etc.). This policy applies to current students only. Instructions for forwarding your IUPUI email to another account can be found at <http://uits.iu.edu/scripts/ose.cgi?berh.def.help>

### **Course Withdrawals**

Students who stop attending class without properly withdrawing from the class may receive a grade of F. It is important to withdraw from a course within specified timeframes (see chart below). Note that withdrawals after Week 12 of a regular session or Week 4 of a summer session are rarely granted. **Poor performance in a course is not grounds for a late withdrawal.**

No withdrawal forms will be processed in the Office of the Registrar after the last day of classes. Any requests for a late withdrawal after the last day of classes must go through the grade appeal process, but each student should remember that in accordance with campus policy, SPEA does not permit a student to withdraw from a course if he/she has completed the course requirements. Grade replacement should be used in this case. See the Office of the Registrar's website at <http://registrar.iupui.edu/withdraw.html> for more information. To withdraw, obtain a withdrawal slip (DROP/ADD Form) from the SPEA Student Services window. Instructions for completing it are given on the form.

<b>Withdrawal Deadlines</b>	
Course deleted from record, no grade assigned, 100% refund (Advisor signature <b>IS NOT</b> required)	Week 1 (last day)
Withdrawal with automatic <u>grade of W</u> (Advisor signature <b>IS</b> required)	Week 2– Week 7 (regular session) Week 2 – Week 3 (summer session)
Withdrawal with <u>grade of W or F</u> (Advisor and instructor signatures <b>ARE</b> required)	Week 8 – Week 12 (regular session) Week 3 – Week 4 (summer session)

### **Incompletes**

A grade of incomplete (I) indicates that a 'substantial portion' of the work in a course has been satisfactorily but not entirely completed by the student as of the end of the semester. The incomplete can be given to a student facing a hardship such that it would be unjust to hold the student to the established time limits for completing the work. To be eligible for the incomplete in a SPEA course, the student's work must be of passing quality, and the student must have completed 75% of the course requirements. **Poor performance in a course is not grounds for an incomplete.** SPEA follows the campus guidelines, which may be accessed at the Office of the Registrar's website at

<http://registrar.iupui.edu/incomp.html>, in awarding incompletes. Incompletes must be removed within a time period not to exceed one year after the semester in which the student was enrolled in the course. The incomplete will revert to an 'F' if the work is not completed within the allotted timeframe established by the instructor.

### **Grade Changes**

Under certain circumstances, students can seek grade changes for previously taken courses if they believe that a grade has been calculated or assigned incorrectly. A student who is seeking a grade change must first contact the instructor and ask for the grade change. In the event the instructor does not change the grade, the student can file a Change of Grade Petition with the Registrar's Office. **A student has 90 days after the conclusion of a course to appeal a grade.** In cases of extenuating circumstances, SPEA may consider petitions filed after this date. SPEA will review the request and make a final decision. The Change of Grade petition form is located at the Office of the Registrar's website at <http://registrar.iupui.edu/grdfm.html>.

### **Students Called to Active Duty**

SPEA encourages any student who is in the Indiana Military Reserves and is called to active duty to finish his/her coursework if at all possible. Students who cannot complete their courses have the option of withdrawing with 100% fee refund, but this request must be made within one week of being called to active duty. Students who are called to active duty may qualify for an incomplete (provided that all the above criteria have been met). For further information, please see the Office of the Registrar's website at <http://registrar.iupui.edu/activeduty.html>.

### **Final Exam Schedule**

If a final exam is given, it must be held on the day and time set in the final exam schedule. If an instructor has changed the final exam date, the student should first consult with the instructor. Students who have more than three final exams in one day or insufficient time to get from one exam to another should consult with their instructors to resolve these conflicts. Exams may not be given in the week before the final exam week. If a student is not able to resolve a final exam problem with the instructor, the student may report the problem to the Director of Undergraduate or Graduate programs. See the Office of the Registrar's website at <http://registrar.iupui.edu/accal.html> for the final exam week schedule.