



Florida Atlantic University  
COLLEGE OF BUSINESS

**HSA 4423-001**

**CRN: 21037**

**HEALTH LAW UNDERGRADUATE**

**SPRING 2014: JANUARY 8—APRIL 23, 2014**

**COLLEGE OF BUSINESS, ROOM 308, BOCA RATON**

**MONDAYS, 7:10 p.m. —10:00 p.m.**

### **Professor Information**

**JUDY GOODMAN, J.D., M.B.A.**, Adjunct Faculty

Adjunct Faculty Office, Fleming, Room 312

[JudyGoodmanPA@aol.com](mailto:JudyGoodmanPA@aol.com) (best way to contact) or [JGoodm32@fau.edu](mailto:JGoodm32@fau.edu)

561-820-0232

### **Office Hours**

Before and after class, and by appointment. Professor Goodman is also available by telephone at her law office on Monday mornings from 8:30 a.m. through 10:30 a.m. at (561-820-0232).

Otherwise, I may be contacted via email. My email address is: [JudyGoodmanPA@aol.com](mailto:JudyGoodmanPA@aol.com) (preferred) and [JGoodm32@fau.edu](mailto:JGoodm32@fau.edu). My phone number at my law office is (561-820-0232).

### **Required Text and Materials**

Legal Aspects of Health Care Administration by George Pozgar. Published by Jones and Bartlett Learning, 11<sup>th</sup> Edition, 2012.

### **Course Description**

Health Law HSA 4423-001 (CRN 21037) is designed to present to undergraduate students the legal responsibilities and constraints of health administration, nursing and allied health practice at all levels. There will be an emphasis on health licensure, privileged communication, Good Samaritan legislation and malpractice. This class is also designed to give students a comprehensive examination of health law issues affecting healthcare providers. Reviews case law decisions, statutes, and regulations involving such issues as patient care liability, malpractice, workmen's compensation, and legal responsibilities of health professionals.



### **Course Prerequisites and Credit Hours and Class Time Commitments**

Credit hours: 3.00.

According to Florida State Statute 6A-10.033, students must spend a minimum 2,250 minutes (37.5 hours) of in class time during a 3-credit course. Additionally, students enrolled in a 3-credit course are expected to spend a minimum of 4,500 minutes (75 hours) of out-of-class-time specifically working on course-related activities (i.e., reading assigned pieces, completing homework, preparing for exams and other assessments, reviewing class notes, etc.) and fulfilling any other class activities or duties as required.

### **Course Learning Objectives**

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

1. Define many legal terms commonly used in the area of health law.
2. Understand the basic legal structure of the United States.
3. Identify and discuss legal issues basic to the U.S. healthcare delivery system.
4. Recognize potential health-related legal problems which require legal consultation and be able to articulate those problems appropriately.
5. Understand the legal implications of certain health administrative actions, and how to reduce/avoid related liability.

### **Grading Scale**

93-100 A

90-92 A-

88-89 B+

83-87 B

80-82 B-

78-79 C+

70-77 C



67-69 C-

64-66 D+

60-63 D+

58-59 D-

### **Course Evaluation Method**

There will be two examinations. Each test will count for 20% of your grade. In addition, there will be a GROUP RESEARCH project with a GROUP ORAL presentation which will count for 40% of your final grade. Class participation will account for the remaining 20%. Obviously if you are not present, you cannot participate, and this will affect your final grade. You do not get extra credit just for showing up; you are expected to be in class. First Exam-20%; Second Exam-20%; Group Research Project and Presentation-40%; Class Participation-20% Extra credit assignments are considered in the Class Participation category.

### **GROUP RESEARCH PROJECT AND PRESENTATION**

A group research topic will be assigned in class during your first week of class on JANUARY 8, 2014, and you will be assigned to a group. Your group's research project will be presented as a group in class on either: April 2nd, April 9<sup>th</sup>, or April 16th. Your group presentations should be no longer than twenty (20) minutes in duration. Your individual research within your group's work should take the form of a list of citations that you personally reviewed to inform your work. It will be turned into the instructor at the time of your group's oral presentation. Groups are expected to work together effectively and show good team work.

### **Additional Course Policies**

#### **Missing Exams**

Exams may not be missed. Students should contact the instructor to make any arrangements to make up missed work, including tests, without any reduction in the student's final course grade. Reasonable accommodation will be made for students participating in a religious observance. Grades of Incomplete ("I") are reserved for students who are passing a course but have not completed all the required work because of exceptional circumstances.



### Late Assignments

Assignments may not be late. Students should contact the instructor to make any arrangements to make up missed or late work per the policy described under missing exams.

### Attendance Policy

The text will be expanded by lectures and class materials. Attendance is mandatory. Two unexcused absences will result in grade reduction. Arriving to class late or leaving early shall be regarded as an absence. Attendance is taken at each class and sometimes after breaks.

### Course Outline and Class Schedule:

JANUARY 8:	Introduction to the American Legal System; Department of Health and Human Services & CMS; Overview of Medicare, Part A, B, C, & D; and Medicaid; Civil Procedure and Trial Practice; Selection of Group Project	<b>1, 2, &amp; 6</b>
JANUARY 15:	Tort Law and Elements of Negligence in Civil/Trial Law; Standard of Care; Strict/Products Liability; Vicarious Liability; Agency; Direct Liability; and other Liability Doctrines	<b>3</b>
JANUARY 22:	Criminal Aspects of Healthcare: Kickbacks and Self-Referral; Federal and Florida issues; Anti-Fraud; Stark Law; Patient Abuse; Whistleblowers/Qui Tam Actions.	<b>4</b>
JANUARY 29:	Contracts; Anti-Trust; Corporate Law; Florida Licensing for Hospitals, Nursing Homes and Home Health Care; Legal Structuring for Healthcare Entities: LLCs, PLLCs, Group Physician Practices and Restrictive Covenants in Employment Agreements and Medical Staff Bylaws.	<b>5 &amp; 7</b>
FEBRUARY 5:	Tort Reform and Risk Reduction; Patient Safety; Malpractice Caps; Quality of Care; Best Practices including Formal Supervisory Relationships, Standing Orders, Established Protocols, Standards And Grounds for Discipline.	<b>24 &amp; 25</b>



FEBRUARY 12:	<b>FIRST EXAM</b> The Federal Affordable Care Act; Highlights; Constitutional Decision; The State Exchanges	
FEBRUARY 19:	Florida Medical Records, Security and Privacy; Information Management; Health Records and Patient Consent, HIPAA and HITECH;	<b>11, 12, 13 &amp; 15</b>
FEBRUARY 26:	Patient Rights, Healthcare Ethics, Procreation and Ethical Dilemmas, End of Life Issues	<b>14, 16, 17, 18</b>
MARCH 5:	NO CLASS MID SEMESTER BREAK	
MARCH 12:	Managed Care Entities; Medicaid Expansion and Accountable Care Organizations	<b>23</b>
MARCH 19:	Professional Liability Insurance, Labor Relations, Employment Discipline/Discharge	<b>19, 20, 21, 22</b>
MARCH 26:	<b>SECOND EXAM</b> Medical Staff; Legal Reporting; AIDS	<b>8, 9, 10</b>
APRIL 2:	<b>GROUP PRESENTATIONS</b>	<b>(6)</b>
APRIL 9:	<b>GROUP PRESENTATIONS</b>	<b>(6)</b>
APRIL 16:	<b>GROUP PRESENTATIONS</b>	<b>(6)</b>
APRIL 23:	<b>Hot Topics in Health Care and Extra Credits</b>	

### Selected University and College Policies

#### Code of Academic Integrity Policy Statement

Students at Florida Atlantic University are expected to maintain the highest ethical standards. Academic dishonesty is considered a serious breach of these ethical standards, because it interferes with the university mission to provide a high quality education in which no student enjoys an unfair advantage over any other. Academic dishonesty is also destructive of the university community, which is grounded in a system of mutual trust and places high value on



personal integrity and individual responsibility. Harsh penalties are associated with academic dishonesty. For more information, see [University Regulation 4.001](#).

#### Anti-plagiarism Software

Written components of any assignment or project may be submitted to anti-plagiarism software to evaluate the originality of the work. Any students found to be submitting work that is not their own will be deemed in violation of the University's honor code below.

#### Disability Policy Statement

In compliance with the Americans with Disabilities Act (ADA), students who require special accommodation due to a disability to properly execute coursework must register with the Office for Students with Disabilities ([OSD](#)) – in Boca Raton, SU 133, (561) 297-3880; in Davie, MOD 1, (954) 236-1222; in Jupiter, SR 117, (561) 799-8585; or, at the Treasure Coast, CO 128, (772) 873-3305 – and follow all OSD procedures.

#### Religious Accommodation Policy Statement

In accordance with rules of the Florida Board of Education and Florida law, students have the right to reasonable accommodations from the University in order to observe religious practices and beliefs with regard to admissions, registration, class attendance and the scheduling of examinations and work assignments. For further information, please see [Academic Policies and Regulations](#).

#### University Approved Absence Policy Statement

In accordance with rules of the Florida Atlantic University, students have the right to reasonable accommodations to participate in University approved activities, including athletic or scholastics teams, musical and theatrical performances and debate activities. It is the student's responsibility to notify the course instructor at least one week prior to missing any course assignment.

#### College of Business Minimum Grade Policy Statement

The minimum grade for College of Business requirements is a "C". This includes all courses that are a part of the pre-business foundation, business core, and major program. In addition, courses that are used to satisfy the university's Writing Across the Curriculum and Gordon Rule math requirements also have a minimum grade requirement of a "C". Course syllabi give individualized information about grading as it pertains to the individual classes.

#### Incomplete Grade Policy Statement

A student who is passing a course, but has not completed all work due to exceptional circumstances, may, with consent of the instructor, temporarily receive a grade of incomplete



("I"). The assignment of the "I" grade is at the discretion of the instructor, but is allowed only if the student is passing the course.

The specific time required to make up an incomplete grade is at the discretion of the instructor. However, the College of Business policy on the resolution of incomplete grades requires that all work required to satisfy an incomplete ("I") grade must be completed within a period of time not exceeding one calendar year from the assignment of the incomplete grade. After one calendar year, the incomplete grade automatically becomes a failing ("F") grade.

#### Withdrawals

Any student who decides to drop is responsible for completing the proper paper work required to withdraw from the course.

#### Grade Appeal Process

A student may request a review of the final course grade when s/he believes that one of the following conditions apply:

- There was a computational or recording error in the grading.
- Non-academic criteria were applied in the grading process.
- There was a gross violation of the instructor's own grading system.

The procedures for a grade appeal may be found in [Chapter 4 of the University Regulations](#).

#### Disruptive Behavior Policy Statement

Disruptive behavior is defined in the FAU Student Code of Conduct as "... activities which interfere with the educational mission within classroom." Students who behave in the classroom such that the educational experiences of other students and/or the instructor's course objectives are disrupted are subject to disciplinary action. Such behavior impedes students' ability to learn or an instructor's ability to teach. Disruptive behavior may include, but is not limited to: non-approved use of electronic devices (including cellular telephones); cursing or shouting at others in such a way as to be disruptive; or, other violations of an instructor's expectations for classroom conduct.

#### **Faculty Rights and Responsibilities**

Florida Atlantic University respects the right of instructors to teach and students to learn. Maintenance of these rights requires classroom conditions which do not impede their exercise. To ensure these rights, faculty members have the prerogative:



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- To establish and implement academic standards
- To establish and enforce reasonable behavior standards in each class
- To refer disciplinary action to those students whose behavior may be judged to be disruptive under the Student Code of Conduct.