

University of Baltimore School of Law
Spring 2014

Course: **Health Care Law**
 LAW 725.512

Professor: **Marie Vasbinder**
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 Phone: (410) 971-5542
 Office Hours: by appointment

Class times: **Tu/Th; 7:45 pm – 9:00 pm**

Location: **Angelos Law Bldg – Room 1002**

Course Materials:

Barry R. Furrow, et al, *Health Law: Cases, Materials and Problems* (7th ed. 2013)

Course Objectives:

- Understanding of the definition, evaluation, and distribution of Health Care as a resource
- Introduction to the legal concepts incorporated in the delivery of healthcare involving both the providers of care and the consumers of that care
- Knowledge of the measurement of quality both with the healthcare delivery system as well as the practitioners who render that care
- Introduction to the financial aspects of healthcare delivery
- Understanding of healthcare reform
- Knowledge of the role of government in the delivery of healthcare including access, control, costs, and financing
- Discussion of the challenges in representing clients within and among the healthcare industry

Attendance, Preparation and Class Participation:

You are expected to attend all classes and to be on time for each class. You are also expected to participate in class discussions. Both your attendance and your participation will be considered when awarding the final grade for the course. Class participation is **20%** of your grade. You are required to sign the attendance sheet at each class session.

ABA policy limits absences to no more than five for a three-credit course. We make no distinction between excused and unexcused absences. A student who exceeds the five-

absence limit may be compelled to withdraw from the course with a WA or WF or barred from sitting for the final exam.

Assessment and Grades:

Your grade for this course will consist of the following:

- Class Participation = 20%;
- Mid-Term exam = 30%; and
- Final exam = 50%

Course Web Page:

The course has a TWEN webpage that will be used for announcements, class readings/assignments and discussions. All students are expected to check TWEN regularly for updates on assignments. You may also use the e-mail feature to contact me or your classmates.

Academic Integrity:

Students are bound by the UB School of Law academic integrity policy. Violations of the School of Law Honor Code include but are not limited to the following:

- Cheating
- Misrepresentation of work product
- Any act of dishonesty related to an academic matter
- Conspiracy to aid another in an act of dishonesty/cheating

Communication Outside of Class:

The best way to communicate with me outside of class is over email. During the work week, I will do my best to respond to your emails within 24 hours, and much sooner than that if possible. If you have a **genuine emergency** and are not able to reach me by email, don't hesitate to call my cell phone number listed above.

If you ask me a question over email to which I think your classmates may benefit from hearing the answer, I may choose to respond in an email to the entire section rather than in an email to you. If I do that, I will remove your identifying information from my reply.

Syllabus

Week 1:

Aug. 18 – **Cost, Quality, Access, and Choice**

Illness: Casebook pp 1-8; 9-12; 15-26

Katskee v. BC/BS of Nebraska

Defining Quality: Casebook pp 27-35; 36-42

Aug. 20 – *Patient Safety:* Casebook pp 43-54;

Regulating to Reduce Medical Adverse Events: Casebook pp 56-58; 61-66

Population Health: Casebook pp 70-78

Jacobson v Massachusetts

Week 2:

Aug. 25 – **Quality Control Regulation:** Casebook pp 87-98; Note pp101-103; 104-111
(incl. notes); 113-121; 123 -131 (incl notes)

Licensing Health Care Professionals

In re Williams

Hoover v Agency for Health Care Administration

In re Guess

State Bd. Of Nursing v Ruebke

Sermchief v. Gonzales

*Quality Regulation of Health Care Institution: 137-142; 143-154; 162-165;
172-173 (incl notes); 173-175*

Estate of Smith v Heckler

Fairfax Nursing Home v DHHS

Aug. 27 – **Professional-Patient Relationship:** Casebook pp 177-195 (incl notes); 196-
205 (incl notes)

Patient and Physician Contract

Esquivel v Watters

White v. Harris

Kaplan v. Mayo Clinic

Tunkl v Regents of Univ of California

Shorter v. Drury

Week 3:

Sept. 1 – ***Informed Consent:*** Casebook pp 206-222 (incl notes); 223-233; 234-242;
244 - 255

Canterbury v Spence
Johnson v Kokemoor
Arato v Avedon
Moore v Regents of Univ of California

Confidentiality: Casebook pp 255-260; 262-288
Humphers v First Interstate Bank of Oregon
Doe v Medlantic Health Care Group, Inc.
Yath v. Fairview Clinics, N.P.

Sept. 3 – **Professional Liability**

Standard of Care: Casebook pp 299-309; NOTES: 311-314; 314-319; NOTES:
319-324; 325-327; 331-334; 336-339; 342-347; 350-359

Hall v Hilbun:
Conn v. United States:
Helling v. Carey
Strasel v. Seven Hills OB-GYN Associates, Inc.
Wickline v State:
Murray v UNMC physicians

Week 4:

Sept. 8 – Malpractice Defenses: Casebook pp 359-375; 377-397(incl notes); 400-410;

Sept. 10 413-415

Brook v. St. John's Hickey Memorial Hospital:
Richardson v. Miller
Arrouo v. U.S.
Ostrowski v Azrara:
Herskovits v Group Health Cooperative of Puget Sound
Marsh v. Arnot Ogden Medical Center

Week 5:

Sept. 15 – Institutional Liability: Casebook pp 417-431(incl notes); 432-437;
Sept. 17 439 – 458(incl notes); 460-468(incl notes); 469-481

Hospital Liability

Scott v SSM Healthcare St. Louis
Burless v West Virginia University Hospitals
Washington v Washington Hospital Center
Muse v. Charter Hospital of Winston-Salem, Inc.
Darling v. Charleston Community Memorial Hospital
Thompson v. Nason Hospital
Carter v. Hucks – Folliss
Larson v. Wasemiller
Kadlec Medical Center v. Lakeview Anesthesia Associates

Week 6:

Sept. 22- *Tort Liability and Reform:* Casebook pp 483-497; 498-502; 506-523

Petrovich v Share Health Plan of Illinois, Inc
Shannon v. McNulty

Sept. 24- **Health Care Cost/Access:** Casebook pp 525-574

National Federation of Independent Business et al., Petioners v. Sebelius

Duty to Treat: Casebook pp 577-590; 592-604; 607-624

Ricks v Budge:
Childs v Weis:
Williams v U.S.:
Baber v Hospital Corporation of America:
Bragdon v Abbott
Howe v Hull

Week 7:

Sept. 29 - **Mid Term EXAM**

Oct. 1 – **Private Health Insurance and Managed Care:**
Casebook pp 627-670); 671-682; 684-686; 687-694

Lubeznik v Healthchicago, Inc:

Week 8:

Oct. 6 – **ERISA:** Casebook pp 694-717(incl notes); 718-728; 737-744; 749-757

Rush Prudential HMO, Inc v Debra C. Moran, et al
Aetna Health Inc v Davila

Oct. 8 - **Public Health Care Financing Programs:**
Medicare: Casebook pp 761-809; 810-817; 822-825

Bellevue Hospital Center v Leavitt
Shalala v Illinois Council on Long Term Care, Inc

Week 9:

Oct. 13 - **Maryland Waiver – Health Care Financing**

Oct. 15 - **Medicaid:** Casebook pp 826-847; 850-875

Lankford v Sherman:
Westside Mothers v Haveman:
Douglas v Independent Living Ceneter of Southern Ca., Inc

Week 10:

Oct. 20 - **Professional Relationships in Health Care Enterprises:** Casebook pp 877-894(incl notes); 896-903 (incl notes); 906-911

Sokol v Akron General Medical Center
Mateo-Woodburn v Fresno Community Hospital
Mahan v. Avera St. Luke's
Potvin v Metropolitan Life Insurance Co

Oct. 22 - **Labor and Employment:** Casebook pp 911-933(incl notes)

Turner v. Memorial Medical Center
New York Univ Medical Center and Assn of Staff Psychiatrists, Bellevue
Oakwood Health Care Inc [Nat'l Labor Relations Act]

Discrimination Law: Casebook pp 934-944

Estate of Mauro v. Borgess Medical Center

Week 11:

Oct 27 - **Structure of Health Care Enterprise:** Casebook pp 945-964 (incl notes); 965- 983 (incl notes); 984-989; 992-1003(incl notes)

Stern v Lucy Webb Hayes Nat'l Training School for Deaconesses & Missionaries:
In re Caremark International Inc. Derivative Litigation:
Manhattan Eye, Ear and Throat Hospital v Spitzer
Berlin v Sarah Bush Lincoln Health Center

Oct 29 – **Tax-Exempt Health Care Organization:** 1004-1016; 1018-1024(incl notes);

Utah County v Intermountain Health Care, Inc:
Provena Covenant Medical center v Dept of Revenue

Charitable Purposes: Integrated Health Systems: 1025-1032;
IHC Health Plans, Inc. v Commissioner of Internal Revenue

Joint Ventures: 1039-1071
Redlands Surgical Services v Commissioner of Internal Revenue

Week 12:

Nov. 3 – **Antitrust:** Casebook pp 1163-1187(incl notes); 1194-1216(incl notes); 1219-1223; 223-1227; 1232-1241; 1242-1267(incl notes)

In re Michigan State Medical Society
California Dental Association v Federal Trade Commission
Arizona v Maricopa County Medical Society
United States v Blue Cross Blue Shield of Michigan
West Penn Allegheny health System, Inc. v UPMC; Highmark
In the Matter of Hospital Corp of America
Federal Trade Commission v Tenet Health Care Corporation
In the Matter of Evanston Northwestern Healthcare Corp.

Nov. 5 - **Fraud and Abuse:** Casebook pp 1073-1086; 1090-10989; NOTES:1102-1103; 1103-1105; 1108-1113; 1115-1121; 1124-1130; 1131-1145; 1150-1156(incl notes);1158-1159 (incl notes); 1160-1162

United States v Krizek
United States ex rel. Mikes v Straus
United States v Greber
United States v Starks
OIG Advisory Opinion No. 03-5

Week 13:

Nov. 10 – **Reproduction and Birth:** Casebook pp 1271-1275; 1277-1294; NOTES: 1297-1302; 1302-1337; 1345-1347; 1349-1354

Roe v Wade
Planned Parenthood of Southeastern Pennsylvania v Casey
Gonzales v Carhart

Assisted Reproductive Technologies (ART): Casebook pp 1355-1374; 1380-1395(incl notes); 1395-1438(incl notes)

In the Interest of K.M.H.
Davis v Davis
In the Matter of Baby M
Johnson v Calvert
In re A.C.

Nov. 12 - **Organ Transplantation and Determination of Death:** Casebook pp: 1483-1485; 1487-1493; NOTES: 1494-1496; 1496-1507(incl notes); 1509-1510; 1511-1528(incl notes); 1529-1530

Newman v Sathyavaglswaran

Flynn v Holder

In re T.A.C.P.

In re Baby K

Week 14:

Nov. 17 – ***Life and Death Decisions:*** Casebook pp 1535-1576(incl notes); 1577-1590; 1592-1638(incl notes); 1642-1649; 1651-1658; 1664-1669; 1671-1682

Cruzan v Director, Missouri Department of Health

Bouvia v superior Court

Public Health Trust of Dade County v Wons

In re Eichner

In re Conroy

Conservatorship of Wendland

Guardianship of Schiavo

Superintendent of Belchertown State School v Sailewicz

In re Storar

Newmark v Williams

Betancourt v Trinitas Hospital

Nov. 19 - **Medically Assisted Dying:** Casebook pp 1687-1704; 1707-1711 (incl notes #7, 8); 1711-1724; 1725-1737

Washington v Glucksberg

Vacco v Quill

Oregon Death with Dignity Act- 2012

Baxter v Montana

Final Exam – Dec. 1-11; Take Home Exam date/time TBA