SYLLABUS:

Instructor: Gerrie Schipske, MA, R.N.P/J.D.  
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Office Hours: By Appointment and after class  
Phone: 562-201-1296  

Class Number: 4664, Room: KIN-059  
Class Meets: Thursdays, 4:00 p.m. to 6:45 p.m.  

HCA Program Coordinator:  
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CATALOG DESCRIPTION:

340. Legal Aspects of Health Administration (3)  
Prerequisite/Corequisite: HCA 402. [No exceptions]  
Overview of health law issues. Government regulation including legal constraints; liability; negligence; patient rights; confidentiality; and corporate/administrative responsibility. Emphasis on business applications of health law. Letter grade only (A-F). (Lecture)

REQUIRED TEXT


Disabled students are requested to inform the instructor of the need for accommodations before or during the first class session.

Course Outcomes, Competencies and Assessments:  
The Health Care Administration Department has adopted a competency-based curriculum, based on the American College of Health Care Executives (ACHE) Competencies Assessment Tool and the Healthcare Leadership Alliance (HLA) Competency Directory. As HCA 340 is one of the first courses that students majoring in Health Care Administration take, the emphasis is on acquiring competencies in HLA Domain 4, knowledge of the healthcare environment. Alignment of the expected outcomes and the ACHE and HLA competencies provides clear expectation and standards for students and instructors alike. Students will demonstrate a level of proficiency in each of the expected outcomes through the course assignments as indicated in the following table.
<table>
<thead>
<tr>
<th>COURSE LEARNING OBJECTIVE</th>
<th>COMPETENCY: KNOWLEDGE OF</th>
<th>ASSIGNMENT/ASSESSMENT</th>
</tr>
</thead>
</table>
| 1. Recognize professional & ethical issues in the U.S. healthcare systems | 1. Organizational business & professional ethics  
2. Standards & code of behavior  
3. Patients rights & responsibilities  
4. Community standards of care | Case Reviews, Quizzes, Mid-Term & Final Exams |
| 2. Demonstrate knowledge of the legal issues impacting consumers, patients, providers and health care organizations. | 1. National community standards  
2. Workforce issues  
3. Corporate compliance issues  
4. Nursing & Allied healthcare professionals roles, practices & issues | Case reviews, quizzes |
| 3. Articulate principles of labor relations and administrative governance responsibilities in the health care setting | 1. Contractual legal obligations & issues  
2. Worker safety and health issues (OSHA)  
3. Credentialing of all professionals  
4. Roles & functions of Directors/Trustees | Case, reviews, Term Project, Quizzes, Mid-Term & Final Exam |
| 4. Analyze risk and regulatory issues affecting health care organizations | 1. Privacy & confidentiality issues  
2. Credentialing & Peer Review  
3. Physician Employment Contracts  
4. Credentialing, Medical Malpractice & Professional Liability  
5. Federal & State laws and regulations in healthcare | Case reviews, Quizzes, Mid-Term & Final Exam |

**COURSE METHODOLOGY & ATTENDANCE**
The course consists of lectures and student participation in class discussion. Therefore, attendance and participation will be graded and are necessary to achieve the stated course objectives. Lectures and tests will be drawn from the required readings. All students are expected to have read the chapter assignments prior to class sessions, and all students are expected to complete all course assignments in a timely manner. Details of assignment and relevant articles will be posted on Beachboard. Keep checking Beachboard for new information and announcements.

**ORAL CASE RECITATIONS**
Students are expected to read the cases assigned each class and initiate a discussion with other students regarding the significance of the case as related to the Chapter for that week. The Instructor may call upon any student to present an assigned case.

**SHORT QUIZZES**
There will be a short quiz (5 questions) at the end of each class starting on September 10 for a total of eleven (11) quizzes. The questions will be related to the required reading, discussions, legal terminology and lecture for that class session. There will be no make ups for these quizzes as they will be in lieu of attendance points. However, one quiz may be “dropped” at the end of the semester or used as extra credit points. A quiz will not be given on days that are scheduled for an exam, mid-term or final.

**MID-TERM & FINAL EXAM**
The exams cover materials from lectures, handouts, and reading assignments. Students with valid excuses who are unable to sit for scheduled exams at the appointed times must make arrangements with the instructor before the scheduled exam date in order to obtain an alternative testing date or time. Disabled students requiring special accommodations, please advise instructor. Exams will be multiple choice.

**OUTLINE/Written Project/Term Paper (Note Due Dates)**
The Outline/Written Project/Term Paper shall be on the “Affordable Care Act and Reconciliation Act of 2010”. The paper is to contain the following: 1) a summary of the federal law; 2) a description of the section(s) of the law that impacts any of the following professions and/or health care organizations: physicians, nurses, pharmacists, skilled nursing facilities, state medicaid programs, hospitals, long-term care, and medicare; 3) a description of federal regulations and/or rules implementing those sections of the law; 4) a brief discussion of at least two cases challenging the Affordable Care Act; and 5) the student’s conclusions about the future of the federal law.

The Outline will be graded on a scale of 15 points. The Paper will be graded on a scale of 55 points. You must use APA format (information is posted on Beachboard). It should be well researched and must contain two (2) or more legal cases (only one (1)
case may be from Pozgar’s text) related to the subject, along with students’ analyses and opinions. You must include not less than 5 reference sources. No Wikipedia, wiki or blog citations. You can have Internet citations (Lexis/Westlaw etc.) but you must also have at least one book citation. The paper must be not less than eight (8) pages (no cover page nor any “abstract”); using one and a half (1-1/2”) line spacing; and, “Times New Roman 12” font. An extra page(s) at the end for references and citations is also required, but not counted as part of the eight (8) pages of text. Students shall submit their topic and an outline of the paper. The papers will be graded on the basis of compliance with the format, content, organization, spelling, grammar, and logical thinking/conclusions.

You must appropriately cite the legal cases you include in your paper. (Additional information on citation posted on Beachboard). To cite a legal case you must include the parties to the case, the case or docket number, the Court and the date. Below are two examples; the second example is a U.S. Supreme Court (appeal). Please indicate if your case is an appeal. This format will precede each case you discuss and reference where you found it on the reference page. Only single space the case cites.

1. Case site: These should precede each of your cases.
   Case: Veterans For Common Sense et al. v. Peake,
   Case No. C 07 3758, U.S.D.C. (N.D. Cal. 2007)

2. Appeal cases: A more lengthy cite for these cases.
   U.S. Supreme Court
   UNIVERSITY OF CALIFORNIA REGENTS v. BAKKE, 438 U.S. 265 (1978)
   438 U.S. 265
   REGENTS OF THE UNIVERSITY OF CALIFORNIA v. BAKKE
   CERTIORARI TO THE SUPREME COURT OF CALIFORNIA
   No. 76-811.
   Argued October 12, 1977
   Decided June 28, 1978

EXTRA CREDIT (up to 10 points maximum)

Download from California Medical Board website: Laws Governing the Practice of Medicine by Physicians and Surgeons and write a two page summary discussing one of the following: 1) California Physicians and Medical Marijuana; or 2) Laws Pertaining to Medical Records.

GRADING

Class Quizzes 11 @ 5 points each 50 points
(1quiz may be used as extra credit)
Quizzes (2 at 50 pts each) 100 points
Mid-term 50 points
Outline/Written Project/Term Paper 70 points
Final Exam 50 points
Total 320 points

FINAL COURSE GRADE:

A = 90% (288-320 points)
B = 80% (256 - 287 points)
C = 70% (224 - 255 points)
D = 60% (192 – 223 points)
F = <60% (191 and below)
### COURSE MEETING DATES

<table>
<thead>
<tr>
<th>Class</th>
<th>Date</th>
<th>Chapters</th>
<th>Topic and Items Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Aug 27</td>
<td>Chapters 1 &amp; 2</td>
<td>Introduction to course, review of syllabus, Let’s make a deal, Historical perspective, Introduction to law</td>
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<tr>
<td>2</td>
<td>Sept 3</td>
<td></td>
<td>NO CLASS – Campus Closed</td>
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<tr>
<td>3</td>
<td>Sept. 10</td>
<td>Chapters 22 &amp; 23</td>
<td>Torts; Tort Reform; Patient Safety</td>
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<tr>
<td>4</td>
<td>Sept 17</td>
<td>Chapter 4</td>
<td>Criminal Aspects of Health Care</td>
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<tr>
<td>5</td>
<td>Sept 24</td>
<td>Chapter 5</td>
<td>Contracts and Anti-Trust</td>
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<tr>
<td>6</td>
<td>Oct 1</td>
<td>Chapter 6</td>
<td>Quiz 1 (Chapters 1-5, 22 &amp; 23) Civil Procedure &amp; Trial Practice</td>
</tr>
<tr>
<td>7</td>
<td>Oct 8</td>
<td>Chapters 7 &amp; 8</td>
<td>Trial Practice (continued), Corporate Structure and Liability Due: Designation of two professions/organizations impacted by Affordable Care Act &amp; Outline of Term Paper</td>
</tr>
<tr>
<td>8</td>
<td>Oct 15</td>
<td>Chapter 9 &amp; 10</td>
<td>Medical Staff, Nursing and the Law, Health Care Professionals</td>
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<tr>
<td>9</td>
<td>Oct 22</td>
<td>Chapter 11</td>
<td>Mid Term Exam (Chapters 6-10) Health Care Records</td>
</tr>
<tr>
<td>10</td>
<td>Oct 29</td>
<td>Chapter 12</td>
<td>Patient Consent, HIPAA Confidentiality</td>
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<tr>
<td>11</td>
<td>Nov 5</td>
<td>Chapter 13 &amp; 14</td>
<td>Legal Reporting Requirements, Issues of procreation</td>
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<tr>
<td>12</td>
<td>Nov 12</td>
<td>Chapter 15</td>
<td>Patients Rights and Responsibilities</td>
</tr>
<tr>
<td>13</td>
<td>Nov 19</td>
<td>Chapter 16</td>
<td>Quiz 2 Chapters (Chapters 11-15) AIDS and Healthcare Ethics Term Paper Due</td>
</tr>
<tr>
<td>14</td>
<td>Nov 26</td>
<td>Chapters 17 &amp; 18</td>
<td>Healthcare Ethics (continued), Professional Liability Insurance</td>
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<tr>
<td>15</td>
<td>Dec 3</td>
<td>Chapter 19</td>
<td>Labor Relations</td>
</tr>
<tr>
<td>16</td>
<td>Dec 10</td>
<td>FINAL 5pm</td>
<td>Final Exam (Chapters 16-19)</td>
</tr>
</tbody>
</table>

### BIBLIOGRAPHY

#### WEBSITES

Telemedicine:
- AMD Telemedicine [www.amdtelemedicine.com](http://www.amdtelemedicine.com)
- Biohealthmatics [www.biohealthmatics.com](http://www.biohealthmatics.com)
- WebMD [www.webmd.com](http://www.webmd.com)
- Healthweb Telemedicine [www.lib.uiowa.edu](http://www.lib.uiowa.edu)

Accreditation:
- JCAHO [www.jcaho.org](http://www.jcaho.org)

Associations:
- ACHE [www.ache.org](http://www.ache.org)
- AHA [www.aha.org](http://www.aha.org)
- AMA [www.ama-assn.org](http://www.ama-assn.org)
- ANA [www.ana.org](http://www.ana.org)
- WHO [www.who.int](http://www.who.int)
- American Cancer Society [www.cancer.org](http://www.cancer.org)
- National Cancer Institute [www.nci.nih.gov](http://www.nci.nih.gov)
- Best Practice Network [www.best4health.org](http://www.best4health.org)

#### GOVERNMENT

- California Medical Board [www.mbc.ca.gov](http://www.mbc.ca.gov)
- Center for Disease Control [www.cdc.gov](http://www.cdc.gov)
- Health & Human Services [www.hhs.gov](http://www.hhs.gov)
- HIPAA [www.os.dhhs.gov/ocr/hipaa](http://www.os.dhhs.gov/ocr/hipaa)
WITHDRAWALS/DROPS

The symbol "W" indicates that the student was permitted to drop a course after the second week of instruction with the approval of the instructor and appropriate campus official. It carries no connotation of quality of student performance and is not used in calculating grade point average. Students are held responsible for completion of every course in which they register OR FOR WITHDRAWING DURING THE FIRST TWO WEEKS OF CLASSES FROM COURSES WHICH THEY DO NOT INTEND TO COMPLETE. Application for withdrawal from the University or from a class must be officially filed by the student at the Admissions and Records Office whether the student has ever attended the class or not; otherwise, the student will receive a grade of "U" (unauthorized incomplete) in the course. Application for withdrawal is made at the Admissions and Records Office. A “Drop” will be submitted by the Professor for any student not in attendance at the first two classes of the course.

CHEATING AND PLAGIARISM

The following is excerpted from the California State University, Long Beach Policy Statement 85-19, dated December 13, 1985. It is the policy of the faculty and administration to deal effectively with the student who practices cheating or plagiarism. These acts are fundamentally destructive of the process of education and the confident evaluation of a student’s mastery over a subject. A University maintains respect and functions successfully within the larger community when its reputation is built on honesty. By the same token, each student benefits in helping to maintain the integrity of the University. This policy, therefore, provides for a variety of faculty actions including those which may lead to the assignment of a failing grade for a course and for administrative actions which may lead to dismissal from the University. It is the intent to support the traditional values that students are on their honor to perform their academic duties in an ethical manner. The following definitions of cheating and plagiarism shall apply to all work submitted by a student:

DEFINITION OF PLAGIARISM:

Plagiarism is defined as the act of using the ideas or work of another person or persons as if they were one’s own, without giving credit to the source. Such an act is not plagiarism if it is ascertained that the ideas were arrived at through independent reasoning or logic or where the thought or idea is common knowledge. Acknowledge of an original author or source must be made through appropriate references, i.e., quotation marks, footnotes, or commentary. Examples of plagiarism include, but are not limited to, the following: the submission of a work, either in part or in whole, completed by another; failure to give credit for ideas, statements, facts or conclusions with rightfully belong to another; in written work, failure to use quotation marks when quoting directly from another, whether it be a paragraph, a sentence, or even a part thereof; close and lengthy paraphrasing of another writing or paraphrasing should consult the instructor. Students are cautioned that, in conducting their research, they should prepare their notes by (a) either quoting material exactly (using quotation marks) at the time they take notes from a source; o (b) departing completely from the language used in the source, putting the material into their own words. In this way, when the material is used in the paper or project, the student can avoid plagiarism resulting from verbatim use of notes. Both quoted and paraphrased materials must be given proper citations.

DEFINITION OF CHEATING:

Cheating is defined as the act of obtaining or attempting to obtain or aiding another to obtain academic credit for work by the use of any dishonest, deceptive or fraudulent means. Examples of cheating during an examination would include, but not be limited to the following: copying, either in part or in whole, from another test or examination; discussion of answers or ideas relating to the answers on an examination or test unless such discussion is specifically authorized by the instructor; giving or receiving copies of an exam without the permission of the instructor; using or displaying notes; “cheat sheets,” or other information or devices inappropriate to the prescribed test conditions, as when the test of competence includes a test of unassisted recall of information, skill, or procedure; allowing someone other than the officially enrolled student to represent the same. Also included are plagiarism as defined and altering or interfering with the grading procedures. It is often appropriate for
students to study together or to work in teams on projects. However, such students should be careful to avoid use of unauthorized assistance, and to avoid any implication of cheating, by such means as sitting apart from one another in examinations, presenting the work in a manner which clearly indicates the effort of each individual, or such other method as is appropriate to the particular course.

ACADEMIC ACTION:

One or more of the following academic actions are available to the faculty member who finds a student has been cheating or plagiarizing.

(a) Review—no action.
(b) An oral reprimand with emphasis on counseling toward prevention of further occurrences;
(c) A requirement that the work be repeated;
(d) Assignment of a score of zero (0) for the specific demonstration of competence, resulting in the proportional reduction of final course grade;
(e) Assignment of a failing final grade;
(f) Referral to the Office of Judicial Affairs for possible probation, suspension, or expulsion.

NOTE: STUDENT PAPERS MAY BE SUBMITTED TO TURNITIN OR OTHER PLAGARISM DETECTION SOFTWARE.