

# Healthcare<sup>1</sup> and the Law

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University of Rochester  
Fall 2017

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<b>Office hours</b>	Monday & Wednesday, 5:15 – 6:00 pm, Or by appointment
<b>TA</b>	Shoshi Preuss, spreuss@u.rochester.edu
<b>Credit hours</b>	4 credit hours
<b>Time</b>	Mondays and Wednesdays, 6:15 – 7:30pm
<b>Place</b>	Goergen 109

## COURSE DESCRIPTION

This course provides an introduction to the legal foundations of individual health care in America. The material covers a broad range of legal issues in medical care, including constitutional issues related to federalism, an introduction to legal thinking, rules of judicial construction and judicial review. The course also provides an overview, from the perspective of the provider(s) and the patient, of specific legal issues in the health law and policymaking universe, including immunizations, medical malpractice “reform”, the opioid epidemic, genetics, health care reform including the Affordable Care Act (“Obamacare”), the Americans with Disabilities Act,

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<sup>1</sup> “Health Care or Healthcare?” <http://www.arcadiasolutions.com/final-word-healthcare-vs-health-care/>

transgender issues, abortion, the doctrine of informed consent, surrogate decision making in health care, and end-of-life advance directives. The course introduces problem-solving skills in health care and explores the various legal solutions reached by legislatures, agencies, and the courts. Guest speakers will compliment the course material.

The course is divided roughly into two parts.

Part I: This first part of this course will explain (and provide the opportunity for students to practice) the **skills** necessary to read, understand, and analyze primary legal documents (legislation and legal opinions) affecting individual health in America. The content will include the structure of government, the foundations of health law, and an introduction to legal thinking.

Part II: This portion of the course will provide a survey of a variety of **topics** that involve the intersection of health care and the law. It will continue to provide the student continued opportunity to practice the analytic skills developed in the first part of the course.

#### COURSE OBJECTIVES:

Upon completion of this course students will have a general understanding of the role of governments and law in promoting and protecting health, including the functions of courts, legislatures, and administrative agencies in relation to health care law and policy; understand the relationship between the legal system, health care providers, and patients; be able to identify and analyze legal issues in health care.

Specific learning objectives include the ability to:

1. Develop a working definition of “health” and “healthcare”
2. Critically engage with the law and the role of government in health care
3. Describe the evolution of the role of the physician and the patient in health care decisions;
4. Identify and analyze legal issues in health care; and
5. Communicate the interpretive understanding of a case or statute, or a complex regulatory scheme, both orally and in writing.

**ENROLLMENT:**

Cap of 40 students.

**ENROLLMENT DEADLINE:**

Students will be permitted to add this class only until September 15, 2017.

**PREREQUISITES:**

Not open to freshmen.

**COURSE MATERIALS:**

No textbook is required.

All required reading material is available on the Blackboard site for this class either as a PDF or Word file or as a link.

**COURSE POLICIES AND PROCEDURES:**

Class will begin and end promptly.

Class attendance is required and participation is expected. Attendance and informed participation in discussions and group work provide me with evidence that you completed assigned readings in advance and are engaged in the materials.

**People often have strong responses to legal, ethical, and policy issues in health care. Disagreements are common. An important skill in legal and medical professions is the ability to discuss various viewpoints in an appropriate manner. Class comments and discussions must be relevant and respectful of others.**

In addition, as a courtesy to fellow students and me, please note that pagers and cell phones must be turned off during class. Please limit in-class computer use to note taking. Checking mail and surfing the web are examples of behavior that are not courteous and may distract other students, and hence will result in decreased participation points.

**ACADEMIC INTEGRITY**

Written work must be original. Academic integrity is expected. For guidance on academic integrity and plagiarism, please refer to the College Academic Honesty Website at <<http://www.rochester.edu/College/honesty/>>. If you have any questions about academic honesty, please do not hesitate to contact me.

**LATE ASSIGNMENTS:**

Written case questionnaires are due at 6pm before class starts on the due date. Late assignments will be marked down.

**FINAL GRADE SCALE**

Grades for assignments for this course are assigned a numerical value. The final grade is comprised of the cumulative points earned out of 100 points possible.

A	=	93-100	(Superior)
A-	=	90-92	
B+	=	87-89	
B	=	83-86	(Above Average)
B-	=	80-82	
C+	=	77-79	
C	=	73-76	(Minimum Satisfactory Grade)
C-	=	70-72	
D+	=	67-69	
D	=	63-66	
D-	=	60-62	(Minimum Passing Grade)
E	=	< 60	(Failure)

**AMERICANS WITH DISABILITIES ACT (ADA)**

If you have a disability, learning or otherwise, please contact Learning Assistance Services, see, <<http://www.rochester.edu/College/las/>> at the beginning of the semester.

The University of Rochester is committed to providing equal educational and employment opportunities for individuals with disabilities, in accordance with state and federal laws and regulations, including the

Americans with Disabilities Act (ADA) of 1991 and Section 504 of the Rehabilitation Act of 1973. To ensure equality of access for students with disabilities, the University provides reasonable accommodations for disabilities, including auxiliary aids and modifications to courses, programs, services, activities or facilities. Exceptions will be made in those situations where the accommodation would fundamentally alter the nature of the program, cause undue hardship on the school, or jeopardize the health or safety of others. Accommodations must specifically address the functional limitations of the disability.

The process of receiving accommodations begins with self-identification. When a student chooses to self-identify or disclose a disability, documentation should be sent to Learning Assistance Services, see, <<http://www.rochester.edu/College/las/>>.

#### COURSE ASSIGNMENTS

Due Dates <sup>2</sup>	Assignments	Percentage
Unannounced	In-class exercises	30
9/13	Case brief questionnaire I	15
9/27	Case brief questionnaire II	15
11/1	Case brief questionnaire III	15
11/20	Case brief questionnaire IV	15
12/13	Advance Directive (or alternative tbd)	5
Throughout	Class presentation on readings	5

#### EVALUATION CRITERIA AND LEARNING ACTIVITIES

- There are **no exams in this class or research papers** due.

#### 1. In-class assignments (4)

During four unannounced class sessions, each student will write and turn in answers to questions about the assigned material. These in-class assignments are worth 10% each. Students may drop one assignment during the semester to allow for unanticipated absences. Your total grade

<sup>2</sup> Deadlines may change depending upon the pace of the class.

for the in-class assignments will be the sum of the top 3 out of the 4 grades.

**2. Case brief questionnaires (4)**

Reading legal documents is a skill that requires practice. The 4 case brief questionnaires will provide you with questions to facilitate a close reading and understanding of the different components of primary material.

**3. Advance Directives**

Health care and the law intersects acutely at the end of life. Students will be asked to read the New York State advance directives law, and using a guided document from an insurance company, reflect on their own values and fill out a valid advance directive.

**4. Class presentations**

Students will be required to give 1 class presentation on the assigned reading. A powerpoint template will be provided.

**TENTATIVE SCHEDULE OF TOPICS – REVISED AUGUST 30, 2017**

Asterisked classes have case questionnaires due at the beginning of class.  
Dates are subject to change depending upon the pace of the class.

DATE	TOPIC
8/30/2017	Overview of the course; syllabus and hot topics in the news
9/6/2017	What is “health?” What is “disease”?
9/11/2017	The law and government: The Constitution
*9/13/2017	State vs Federal control over healthcare law: the Federalism debates
9/18/2017	An introduction to legal thinking: the importance of definitions
9/20/2017	Interpreting the law: rules of judicial construction
9/25/2017	Legislation and judicial review
*9/27/2017	Immunizations and The "Police Power"
10/2/2017	Medical malpractice: Regulation of the medical profession through tort law
10/4/2017	The Opioid Epidemic and Legal Responses
10/9/2017	OCTOBER BREAK - NO CLASS
10/11/2017	Genetics
10/16/2017	Health reform: An historical perspective (Guest speaker Ted Brown)
10/18/2017	Government Health Insurance Programs: The Big Picture
10/20/2017	Public Health Insurance Programs: Medicaid, Medicare and CHIP
10/23/2017	Intellectual property law and health (Guest Speaker Brian Shaw)
10/25/2017	Patient Protection and Affordable Care Act ("Obamacare")
10/30/2017	Patient Protection and Affordable Care Act & Freedom of religion
*11/1/2017	The Americans with Disabilities Act
11/6/2017	Transgender issues in health law
11/8/2017	Regulation of Abortion: "T.R.A.P.ped" video
11/13/2017	Regulation of Abortion: The Big 3 Supreme Ct Decisions
11/15/2017	TBD
*11/20/2017	TBD
11/22/2017	THANKSGIVING - NO CLASS

11/27/2017 TBD

11/29/2017 The Doctrine of Informed consent

12/4/2017 Decision making in health care

12/6/2017 DAUGHTER'S NYC WEDDING - NO CLASS

12/11/2017 Surrogate decision making in health care

12/13/2017 Advance Directives