
HEALTHCARE & THE LAW

NOTE: EXPECT CHANGE. This syllabus will almost assuredly change during the semester due to the pacing of the class, current events, and the status of COVID. Typical changes might include topics, readings, and assignment deadlines. The current syllabus will always be posted on Blackboard. You are responsible for using the most current version.

26 August 2021

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Instructor	Prof. Molly McNulty, J.D. {LinkedIn}
Office	Morey 206 (enter suite through center door)
E-mail	m.mcnulty@rochester.edu
Office hours	Thursdays 10:00 am – 12:00pm
TA	Mr. Brian McKinsey bmckinse@u.rochester.edu Monday 4:00 – 5:00 pm Rush Rhees Library iZone Wednesday 10:00 – 11:00 – Zoom TA - https://rochester.zoom.us/j/6269229931?pwd=Vy9HNNpzdHpHbjZsYUN6ZnpZSzgyZz09 *Last year’s TA, Astghik Baghinyan, will be standing in on Thursdays for Brian.
Credit hours	4 credit hours
Time	Tuesdays and Thursdays 2:00 – 3:15 pm
Location	Morey 525
Zoom Note:	This course is in-person only , unless you have received prior permission to use the Zoom link for specific classes.

Course Description

This course introduces the legal foundations of healthcare 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, and judicial review. The course also provides an overview of specific legal issues in the health law and policymaking universe, which may include COVID, immunizations, health care reform including the Affordable Care Act (“Obamacare”), the Americans with Disabilities Act, 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 healthcare and law and explores the various legal solutions reached by legislatures and the courts.

The course is divided into modules.

Module 1: This first part of this course covers identification of personal values, the role of individuals, community and government, healthcare law issues in the news, and definitions of health and law.

Module 2 addresses legal foundations, such as fundamental legal concepts and how they relate to healthcare. You will obtain the skills necessary to find, read, understand, and analyze primary legal documents (legislation and legal opinions). The content will include the structure of government, the foundations of health law, and an introduction to legal thinking.

Module 3 covers key aspects of health care financing and legal reform efforts; topics may include an overview of the U.S. health care system, and the Affordable Care Act.

Module 4 will cover health equity and discrimination and other access barriers to health care, such as discrimination on the basis of religion, disability, and sex (including access to contraception and abortion).

Module 5 will cover ethics and the law, which will cover the right to life, the right to die, and surrogate decision-making.

Course Objectives

Upon completion of this course students will be able to:

1. Apply key concepts related to personal values, spot health law issues in the news, and define dimensions of “health” and “law”
2. Describe 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
3. Apply legal skills including finding, closely reading, and analyzing judicial opinions (cases) and statutes (legislation)
4. Identify the legal underpinnings of the healthcare system
5. Identify equity and discriminatory aspects addressed by healthcare law.

Course Materials

1. **TEXTBOOK:** Wilensky, Essentials of health policy and law (2020 Edition) (library reserve + Chapter PDFs uploaded to Blackboard – purchase of the book is not required)
2. **PRIMARY LAW** – statutes and cases re on Blackboard as PDFs or Word documents

Academic Integrity Affirmation (1 point quiz)

At Rochester, we are committed to academic excellence, which depends on academic honesty. Academic honesty means being truthful in our academic pursuits, maintaining ownership of our own work, and acknowledging our debt to the work of others. All assignments and activities associated with this course--including, but not limited to, collaboration, citation, and use of outside resources--must be performed in accordance with the University of Rochester's [Academic Honesty Policy](#). You must write the magic sentence on all your case brief questionnaires and other assignments: **"I affirm that I will not give or receive any unauthorized help on this assignment, and that all work will be my own, " and sign it.** In addition, there is a quiz you must take (worth 1 point) on the Course Home Page before class starts.

Late Assignments

Written case questionnaires are due the day before the class starts at 11:59pm (e.g. Monday at midnight for Tuesday's class). Late assignments will be marked down 1 point daily for the first week after the deadline. Assignments handed 1+ week late will not be accepted; you will receive a failing grade of zero for that assignment, unless you have arranged something different with me before the initial deadline.

Help

CARE Overwhelmed students (you are not alone!) are encouraged to contact the University's CARE team, <https://www.rochester.edu/care>. I make liberal use of the CARE network and will refer you if you are missing a lot of classes, have failed to hand in homework, or are consistently failing assignments. An important life skill is recognizing when you need help, and asking for it.

Grading

Grades for assignments for this course are assigned a percent of the final grade. Note that, for the unannounced open-case, in-class questionnaires, only 3 of the 4 grades will be included. The lowest questionnaire score will get dropped to allow for unexpected class absences.

ASSIGNMENT	DUE DATE	PERCENT
Attendance/Participation	12/7/2021	5
Academic Honesty Affirmance	8/31/2021	1
Course Information Quiz	8/31/2021	1
Pew Political Typology Quiz (in class)	8/31/2021	3
Case Questionnaire Ungraded	9/13/2021	0
Case Questionnaire #1 (Jacobson)	9/23/2021	10
Case Questionnaire #2 (Lochner)	10/18/2021	10
Case Questionnaire #3 (Hobby Lobby)	10/27/2021	15
Case Questionnaire #4 (Baby K)	11/15/2021	15
3 In-class questionnaires (15 each) (drop 1)	tba	30
Advance Directive/Living Will	11/29/2021	5
Group News Presentation	12/2 and 12/7/2021	5
		100

A	94.0% - 100%
A-	90.0% - 93.9%
B+	86.0% - 89.9%
B	82.0% - 85.9%
B-	78.0% - 81.9%
C+	74.0% - 77.9%
C	70.0% - 73.9%
C-	66.0% - 69.9%
Fail	<66%

[Students on Pass/Fail must achieve a 70 or higher.]

Course Assignments

Academic Honesty Affirmance (1 point)

You are required to read and affirm the University's policy on academic honesty (1 point)

Attendance & Participation (5 points)

Attendance and participation are important components of learning about the law. The Qwickly attendance tool will be used to evaluate attendance. A unique code will be shown at the beginning of every class and you must enter this into the tool to be counted as present.

Course information quiz (1 point)

You are required to read all the materials in the first module, called Course Overview and Information. The quiz tests your knowledge of these course policies. (1 point)

Values Identification: Pew Political Typology Quiz (3 points)

You will take this quiz in class.

News Presentation (5 points)

The last 3 classes, students will research the news as a group exercise, and prepare a class presentation addressing the nature of the problem, the laws involved, and predict the outcome of the legal debate.

In-class Open-case Brief Questionnaires (3 15-point assignments – lowest grade will get dropped – 30 points total)

During three unannounced class sessions, each student will write and turn in case brief questionnaires; i.e. answers to questions about the assigned case. These in-class assignments are open case and worth 15% each. Students may drop one assignment during the semester to allow for unanticipated absences. Your total grade for the in-class assignments will be the sum of the top 2 out of the 3 grades.

Case brief questionnaires 4 assignments (50 points total)

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, and I expect to see gradual improvement over the course of the semester in your analysis.

Advance Directive/Living will (5 points)

Health care and the law intersect markedly at the end of life. Students will be asked to read the New York State advance directives law, and using a guided form, reflect on their own values and fill out legally valid advance directives [note: these become legally effective only if witnessed and signed by others].