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HESA 390 Fundamentals of Healthcare Ethics and Law

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HESA 390: Fundamentals of Healthcare Ethics and Law

Fall 2020

Department of Health Services Administration
College of Professional Sciences
Xavier University

Schedule: TR 11:30-12:45pm
Classroom: Hailstones 5
Credit Hours: Three Undergraduate Credit Hours
Prerequisites: HESA 101, HESA 110, PHIL 100
Flag Credit: *This course fulfills the requirements for the Oral Communication Flag*
This course fulfills the E/RS Focus Elective Requirement
Faculty: Frederick R. Browne, Ph.D.
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Xavier Writing Center: Conaton Learning Center

Course Description (from the Xavier University Catalog)

This course will explore the interconnections among ethics, law, and healthcare by examining classic legal-medical ethics cases, legal rules and ethical principles, controversial issues such as access to healthcare, beginning of life issues, patient's rights, end of life issues, disorders of consciousness, and organ transplantation. Special attention will be given to ethical conflicts, as well as the roles of ethics consultants and ethics committees.

HSA Department Mission Statement (2011):

In keeping with its Catholic, Jesuit tradition, the mission of the Department of Health Services Administration at Xavier University is to educate knowledgeable, highly skilled, values-oriented future leaders who will contribute to the health of society by continuously improving the management of health related organizations. HSA will accomplish its mission through:

- Challenging students in the classroom and in applied field experiences including internships and administrative residencies
- Developing internal and external collaborative relationships with academicians and with health care practitioners which lead to innovations in teaching as well as in the delivery of health services
- Incorporating research, scholarship, and collaborative projects into the classroom experiences and field work.

Objectives, SLO's, Competency Level, and Assessment for HESA 390			
Course Objective	Student Learning Outcome	Minimum expected level of competence	Method of assessment
Understand key legal and ethical matters related to the practice of healthcare	Be able to describe health care delivery systems within broad social, economic and policy perspectives (BSHSA SLO 5)	2 – Competent Demonstrates an ability to discuss health care delivery systems within broad social, economic, and policy perspectives.	Midterm, Discussion Board, Final, Quizzes
Understand key ethical issues related to healthcare	Be able to present information using appropriate oral presentation skills (BSHSA SLO 11)	2-Competent Presentation contributes to the receiver's ability to understand and/or make decisions. Presentation is delivered well.	Ethics Debate, Discussion Board
Understand key ethical issues related to healthcare	Be able to interact respectfully and effectively with team members and with teams (BSHSA SLO 12)	2 – Competent: Individual attends all group meetings or is absent minimally (and with good reason/notification), completes their assigned roles with high quality work, and contributes strongly to the team.	Ethics Debate
Understand differences, similarities, and the relationship between ethics and the law. Understand key legal issues related to healthcare	Be able to demonstrate an understanding of the relationship between ethics and the law (BSHSA SLO 13)	2 – Competent: Can differentiate between the law and ethics, understanding shows a comprehension of how ethics and law each impact and determine the other.	Midterm, Discussion Board, Case Study, Quizzes
Be able to articulate the conflicts that may occur between professional/clinical ethics and patient-related moral positions in healthcare.	Be able to discuss the application of basic laws or ethical values/principles in healthcare conflicts (BSHSA SLO 14)	2-Competent Able to recognize laws or ethical principles/values that are applied in the managing healthcare conflicts. Can apply them to cases acceptably.	Final, Case Study, Quizzes
Be able to apply understandings of ethical principles and the law to staffing	Be able to describe and discuss human resources practices around the staffing process (BSHSA SLO 18)	2 – Competent Can describe and discuss human resources practices at a basic level, and connects such practices to the staffing process. May be able to apply to cases, but at a basic level.	Final, Quizzes

Oral Communication Flag SLO's:

Students will:

1. Adapt messages in a variety of communication contexts.
2. Organize information effectively.

3. Advocate a supported opinion on complex topics.
4. Critique challenging messages with respect.
5. Present messages through a variety of modalities.

Required Readings:

Textbook:

Judson, K., & Harrison, P. (2019). *Law & Ethics for Health Professionals*, 8th ed. New York, NY: McGraw Hill.

Articles/Chapters:

Articles or book chapters are required reading for this course in addition to the texts listed above. Please see the course documents in Canvas or this syllabus for due dates. Please note: additional timely articles may be assigned during the semester.

Class Schedule:

Module	Session	Topic	Readings	Assignment
Module 1: Opens August 14	August 18	Syllabus and Course Expectations; Introduction to the Law and Ethics	Text: Chapter 1	
	August 20	Introduction to the Law and Ethics		Quiz Chapter 1 Due Ethics Debate Assigned
Module 2: Opens August 21	August 25	Making Ethical Decisions	Text: Chapter 2 Article: "When Ethics & Law Collide: Why Physicians Participate in Executions"	Quiz Chapter 2 Due Case Study #1 Assigned
	August 27	Making Ethical Decisions		Discussion Board: When Law and Ethics Collide Due
Module 3: Opens August 28	September 1	Making Ethical Decisions		
	September 3	Ethics Debate Coaching Session and Practice		
Module 4: Opens September 4	September 8	Law, the Courts, and Contracts	Text: Chapter 4	Quiz Chapter 4 Due
	September 10	Law, the Courts, and Contracts		Case Study #2 (Group Presentation) assigned
Module 5: Opens September 11	September 15	No Class		
	September 17	Professional Liability and Medical Malpractice	Text: Chapter 5	Quiz Chapter 5 Due
Module 6: Opens September 18	September 22	Working in Healthcare	Text: Chapter 3	Quiz Chapter 3 Due
	September 24	Ethics Debate		Ethics Debate
Module 7: Opens September 25	September 29	Defenses to Liability Suits		
	October 1	Defenses to Liability Suits	Text: Chapter 6	Quiz Chapter 6 Due
Module 8:	October 6	Culture and Ethics	Article: "Buying Prescription Drugs on	Quiz Culture and Ethics Articles Due

Opens October 2			the Internet: Promises and Pitfalls" Article: "An Argument for Intolerance" Article: "A New Colonialism?" Conducting Clinical Trials in India"	
	October 8	Midterm		Midterm
Module 9: Opens October 9	October 13	Medical Records, Informed Consent, and Health Information Technology	Text: Chapter 7	Quiz Chapter 7 Due
	October 15	Medical Records, Informed Consent, and Health Information Technology		
Module 10: Opens October 16	October 20	Privacy, Security, and Fraud	Text: Chapter 8	Quiz Chapter 8 Due
	October 22	Privacy, Security, and Fraud		Case Study #1 Due
Module 11: Opens October 23	October 27	Public Health Responsibilities of Physicians and Other Healthcare Practitioners	Text: Chapter 9 Text: Chapter 10	Quiz Chapter 9 Due Quiz Chapter 10 Due
	October 29	Workplace Legalities		Discussion Board: COVID 19 and Misinformation
Module 12: Opens October 30	November 3 <i>Remote for all</i>	Beginning of Life and Childhood	Text: Chapter 11 Article: "Searching for Solutions to Alcohol and Other Drug Abuse during Pregnancy: Ethics, Values, and Constitutional Principles"	Quiz Chapter 11 Due
	November 5	Beginning of Life and Childhood		Discussion: "Introduction to Bioethics: Bioethics at the Beginning of Life" Due
Module 13: Opens November 6	November 10	Death and Dying	Text: Chapter 12 Article: "Selling Bone Marrow: Flynn v. Holder"	Quiz Chapter 12 and "Selling Bone Marrow" Article Due
	November 12	Group Case Study Presentations		Case Study #2 Group Presentation
Module 14: Opens November 13	November 17	Healthcare Trends and Forecasts	Text: Chapter 13 Article: "The Coming Explosion in Genetic Testing: Is There a Duty to Recontact?"	Quiz Chapter 13 Due Quiz: Genetic Testing Article
	November 19	Healthcare Trends and Forecasts		

Module 15: November 24	November 24	Final Exam		Final Exam
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GPA Requirement for Health Services Administration Majors:

Students must maintain an overall combined major/concentration GPA of 2.67. This GPA is made up of all courses taken in the major and concentration (HESA courses), and equates to a B- average for all major courses. If the student is to change concentrations, grades from their first concentration still apply to the calculation of this GPA. See the program website for a full description of the policy.

Inclusivity Statement:

The Department of Health Services Administration and its faculty and staff are committed to providing an atmosphere for learning that respects diversity, in which all students feel comfortable and safe to learn, and in which all students feel like valued members of the HSA community. We are committed to addressing issues that put such an atmosphere in jeopardy, and to being active allies to diverse students. In order to build a positive classroom community, we ask that students:

- Appreciate the opportunity that we have to learn from each other in this community;
- Share their unique experiences, values and beliefs;
- Be open to the views of others;
- Honor the uniqueness of their peers;
- Communicate in a respectful manner;
- Keep confidential discussions that the community has of a personal (or professional) nature;
- Utilize this opportunity together to discuss ways in which we can create an inclusive environment in this course and across the Xavier community.

Attendance Policy: Reasonable attendance at all class meetings is expected. If a student is unable to attend a class, **the responsibility of missed class content is the sole responsibility of the student.** Tests and written assignments will include content covered in class or in the assigned readings. See University Catalogue.

COVID-19 Note: Students attending class are expected to follow Xavier safety guidelines related to COVID-19. Wearing a mask in class is mandatory, and students refusing to do so will be asked to leave class. Social distancing must also be practiced, and classrooms are set up to make it clear where you should locate yourself in order to maintain adequate social distancing. Classroom surfaces will be cleaned at the beginning and end of every class period, and faculty ask that you assist them in this process. Further details on Xavier’s COVID-19 policy can be found at www.xavier.edu/coronavirus.

Attendance Procedure:

- 1) You will be documented as **present** if you are in class and on time.
- 2) The instructor will document student attendance.

3) Remote Attendance Policy: Students attending the class remotely are expected to follow all in-class requirements: arrive on-time and follow and required dress code. In addition, students are expected to have both video and audio running for the entirety of the course.

4) Excused absences include:

- 1) A funeral, with a program, obituary or holy card
- 2) A required activity for another class or university sponsored athletic event, with a memo from the professor or program director
- 3) A documented medical event, with dated, timed and signed documentation (all other Protected Health Information may be redacted)
- 4) A documented legal event, with dated, timed and signed documentation (all other confidential information may be redacted)
- 5) Religious holidays not otherwise taken as holidays by the university
- 6) During the COVID-19 pandemic, illness is an excused absence.

You have **one week from the date of your return** to class to submit documentation for excused absences to your instructor. Failure to submit documentation within one week will result in your absence being unexcused.

5) Unexcused absences

Unexcused absences include, for example:

- Social events, such as weddings, parties, etc.
- Events related to outside employment, such as job training, orientation, business travel, etc.
- Personal travel, such as leaving campus early or coming back late from a holiday break
- Problems due to poor planning on your part, such as missing class due to oversleeping or exhaustion due to staying up all night to complete an assignment, etc.
- Job Interviews that could be scheduled outside of class time
- Pet-related absences (i.e. veterinary appointment)

You are allowed a specified number of unexcused absences without penalty.

- One unexcused absence for courses that meet once per week
- Two unexcused absences for courses that meet twice per week
- Three unexcused absences for courses that meet three times per week

You are advised to save these “free” days for unavoidable weather, minor illness and personal events.

Penalty: Unexcused absences, greater than the number specified above, will result in the reduction of the student’s final grade of 1.5% for each unexcused absence.

6) Unexcused absences and quizzes/tests

In the event that a student misses class for a reason **that is not excused**, even if within the allowable number of unexcused absences, quizzes and tests missed will still incur a penalty, at the discretion of the faculty member. Note several things:

- Faculty may refuse a student the chance to make up the text.
- The recommended penalty is a 20% deduction if the test/quiz is taken within 24 hours of the scheduled time, and 10% additional for each 24 hour delay after that. Faculty may choose a penalty that is harsher or less harsh.
- It is the student's responsibility to reach out to inquire about a makeup exam, and students must work around the faculty member's schedule.
- If you plan ahead (i.e. you know you are going to miss a class well in advance for an unexcused reason), tell your professor ASAP! They will be more likely to be flexible with you.

7) **COVID-19 Pandemic policy change related to in-class attendance:** "Xavier University is committed to the health, safety, and care of all individuals within our community. As part of our Ignatian values and in the spirit of *cura personalis*, Xavier University wishes to disincentivize class attendance when students may be sick. For the duration of the pandemic, students who are ill will be excused from classes."

- Students must adhere to University health and wellness procedures for self-evaluation, follow-up, and quarantine as necessary.
- Students who are in quarantine due to close contact with a person who has tested positive for COVID-19, but who are not themselves symptomatic, are expected to attend class remotely and complete course assignments.
- Untruthful student claims about illness may be regarded as a violation of the Student Handbook.

Students must communicate with their professor about such absences, and should do so as close to the start of the class they are missing as possible. If you need to self-quarantine, you need to communicate with your professor the period of time you will be missing.

- Students who are able should attend class virtually when their health does not allow them to be in class, but they are well enough to attend remotely.

8) Final determination is at the discretion of the instructor for the course. Courses with teams, projects and community service may have additional specifications.

Assignments:

All assignments will have a description that is available via Canvas. All papers and the group project should be written utilizing APA format. Purdue University has a very helpful resource for APA style, utilize the following website:

https://owl.purdue.edu/owl/research_and_citation/apa_style/apa_formatting_and_style_guide/general_format.html

Papers should also be turned in via Canvas. Papers will be graded via Speed Grader through Canvas and returned with comments you will be able to access through the Grade Book.

In general, you should expect to receive feedback on assignments within 1-2 weeks of submission.

Here is a brief overview of assignments:

Case Study: You will complete an analysis of a case study that will be provided. In completing this analysis, you will answer a set of prompts related to the case.

Discussion Boards: There will be a total of three discussion board assignments. These will all be part of modules created for the class. They are intended to help you process information from the book and lectures/Canvas presentations.

Group Case Study: You will be assigned to a team of students. You and your team will complete an analysis of a case study that will be provided. In completing this analysis, you will answer a set of prompts as you prepare a group presentation.

Ethics Debate: All students will participate in teams debating an assigned ethical issue. You will be assigned to a team of approximately 4 students, and your team will be assigned an ethical issue and a stance to defend. You will prepare for the debate as outlined in the detailed assignment sheet and will then participate in an in-class debate. Each debate will last about 30 minutes. You will be graded on how well your team performed, and on your individual contributions as evaluated by your teammates.

We will have an ethics debate practice session before the actual ethics debate. For the practice session, we will pick two topics as a class to debate. Each student will be assigned to a topic and side. Each student will individually prepare a two-minute opening statement, and will deliver it in class during the practice session. Students will give each other feedback (verbal and with a rubric) on their opening statements (as will the professor), such that the class will be better prepared to do a good job during the actual graded ethics debate.

Quizzes:

The quizzes will be given to assess your knowledge of the content covered in the readings. These quizzes will be multiple choice and short answer in format and will be delivered via Canvas. They are open book. They are typically due before we discuss the material they cover during class, see above syllabus calendar for due dates.

Exams:

There will be two exams for this course: a midterm and a final exam. The final exam is NOT cumulative; it will cover material from the midterm on. Both the midterm exam and final will be delivered through Canvas. The midterm and final will both be taken during class. Both are intended to cover material from the textbook, assigned readings, online modules or class. They will be a mix of multiple choice and short answer.

Participation:

Participation will count for 6% of your final grade (think of it has half a letter grade). Active participation includes:

- Being in class
- Being on time to class
- Being awake and alert in class, not focused on other things (i.e. other homework or activities)
- Asking questions
- Offering your perspectives
- Sharing information
- Being active in small group activities
- Showing respect to your classmates, guests, faculty, etc.
- Being dressed appropriately (***business casual***) for guest speakers and other class events as requested

If you are engaged in class, this should be an easy 6% to achieve. A good rule of thumb is to make sure you verbally contribute at every class meeting!

Business Casual Dress:

Business casual dress is expected on days where a speaker is coming to our class and for presentations/debate assignments. Business casual dress includes:

- Slacks or khakis, not wrinkled!
- Dress shirt or solid color polo shirt, not wrinkled
- Jacket (though not required of business casual)
- Tie (though not required of business casual)
- Dress shoes (not tennis shoes)
- Skirts (dress, not casual)
- Blouses
- Shoes not open-toed

Canvas:

Canvas will be used in a variety of ways for this class. The syllabus, assignment descriptions, and articles/chapters outside of the class will all be available via Canvas. In the spirit of sustainability, such materials will not be printed off and handed out in class.

Academic Honesty:

“The pursuit of truth demands high standards of personal honesty. Academic and professional life requires a trust based upon integrity of the written and spoken word. Accordingly, violations of certain standards of ethical behavior will not be tolerated at Xavier University. These include theft, cheating, plagiarism, unauthorized assistance in assignments and tests, unauthorized copying of computer software, the falsification of results and material submitted in reports or admission documents, and the falsification of any academic record including letters of recommendation. All work submitted for academic evaluation must be the student’s own. Certainly, the activities of other scholars will influence all students. However, the direct and unattributed use of another’s efforts is prohibited as is the use of any work untruthfully submitted as one’s own. Penalties for violations of this policy may include one or more of the following: a zero for that assignment or test, an “F” in the course, and expulsion from the University. The dean of the college in which the student is enrolled is to be informed in writing of all such incidents, though the teacher

has full authority to assign the grade for the assignment, test, or course. If disputes of interpretation arise, the student, faculty member, and chair should attempt to resolve the difficulty. If this is unsatisfactory, the dean will rule in the matter. As a final appeal, the academic vice president will call a committee of tenured faculty for the purpose of making a final determination.”

Faculty Note:

In addition to the above (taken directly from the University Catalog), please be aware that cutting and pasting from the Internet is plagiarism, and will be treated in the same manner as any other type of plagiarism. If you use more than three words written by someone else, I expect it to be in quotes. When you are writing you should use your own words and thoughts, not those of anyone else. You **may not** take a sentence and change one to two words and call it your own.

Students with Disabilities

Xavier University is committed to providing equal opportunity and access to the educational experience through the provision of reasonable accommodations. For students who have an accommodations letter from Disability Services, it is essential that you email the letter and meet with me as soon as possible to discuss your disability-related accommodation needs for this course.

If you have not yet met with Disability Services to arrange accommodations, it is necessary that you do so as soon as possible as accommodations are not retroactive. If you would like information regarding eligibility for academic accommodations due to barriers associated with a potential disability, please contact Cassandra Jones, Director of Disability Services, by phone at 513-745-3280, in person on the Fifth Floor of the Conaton Learning Commons, Room 514, or via e-mail at jonesc20@xavier.edu to coordinate reasonable accommodations as soon as possible. Please contact Disability Services well in advance of needing an accommodation as the registration process can take several weeks.

It is important to note that any disability-related information including accommodations is confidential.

Late Assignment Policy:

Late assignments will accrue a penalty of 10% per day the assignment is late. An assignment is considered one day late if it is submitted past the identified due date/time. It is considered two days late if it is submitted any more than 24 hours past the identified due date/time, and so forth. This includes weekends! Once an assignment is more than 10 days late, it will become a zero and will not be accepted for credit.

If a student wants an extension for an assignment, this must be received no less than 48 hours before the assigned due date/time. Extensions are not guaranteed and are at the discretion of the instructor. Extensions may include a late penalty.

Technology Policy (i.e. laptops, tablets, etc.):

The use of laptops, tablets, phones, or other electronic devices is not permitted during class, unless you are remote. Students will need to take notes using paper and pencil/pen. If there is an extenuating reason that requires you to be able to use some form of technology, please talk with your instructor directly about this.

Also, make sure you silence your phone!

Final Grade:

Your final grade will be determined via the following manner:

Quizzes:	15%
Discussion Boards:	9%
Case Study #1	15%
Case Study #2 IPE Group	15%
Ethics Debate	15%
Midterm:	15%
Final:	10%
Participation:	6%

Grading Scale (Note: .5% will be rounded up):

A	94-100
A-	90-93
B+	87-89
B	83-86
B-	80-82
C+	77-79
C	73-76
C-	70-72
D+	67-69
D	60-66
F	below 60

This syllabus and course outline are subject to change at the discretion of the faculty.

For additional information, review the **BSHSA Student Handbook** at:

<https://www.xavier.edu/health-services-administration-program/documents/bshsa-student-handbook-2019-2020-v09.05.2019.pdf>.