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2020

HESA 581 Legal Aspects of Health Care

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HESA 581: Legal Aspects of Health Care

Fall 2020

Department of Health Services Administration
College of Professional Sciences
Xavier University

Schedule: Tuesday 8:30-11:00am and Wednesday 5:45-8:15pm
Classroom: HUB 307 (Tuesday) and HUB 204 (Wednesday)
Credit Hours: Three Graduate Credits
Prerequisites: Graduate level, HESA 571 with a minimum grade of C
Faculty: Lisa Taylor, JD, CCEP
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Xavier Writing Center: Conaton Learning Center

Course Description (from the Xavier University Catalog): Describes the legal climate within which the health care institution operates with an emphasis on the legal concepts that influence the activities of health care administrators.

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			
Course Objectives	Competency/Student Learning Outcome	Minimum expected level of competence	Method of assessment
Discuss current statutes and regulations directly affecting healthcare administrators and patients. Be able to discern how health care providers may	Discuss and analyze health-related legal principles including standards, regulations, and risk management.	Competent - (Direct) 80% of students will achieve a score of	Written assignments, presentations, exams

permissibly structure relationships between and among themselves. Identify issues to watch for as a healthcare administrator and how to resolve based on healthcare laws and regulations.		“competent” or higher	
Write papers that have correct grammar and spelling. Writing should be compelling and easy to understand.	Write in an effective, concise business style.	Competent - (Direct) 80% of students will achieve a score of “competent” or higher	Written Assignments
Use technology and presentation skills to deliver presentations and information to the audience.	Demonstrate effective oral communication and presentation skills.	Competent - (Direct) 80% of students will achieve a score of “competent” or higher	Participation and class presentations

COURSE REQUIREMENTS AND METHODOLOGY

Requirements

- This course is offered in the fall semester of the Graduate curriculum. To take this course out of sequence requires the instructor’s permission. The prerequisite for taking this course is HESA 571. The course is offered to Executive MHSA students during the Fall semester of the second year.

Required Readings: J. Stuart Showalter, The Law of Healthcare Administration, Ninth Edition (2020) ISBN 9781640551305

For each of the class weeks during the semester, there are (1) assigned readings from the textbook, and may be additional readings, which include the texts of decisions in reported cases, statutes, regulations, and articles.

Methodology

- **Learning Methodology**
 - You will learn in this course using a variety of learning and teaching methods. On an average week, you will spend approximately 10 hours learning in this course:
 - In class presentations 10%
 - Reflective learning 15%
 - Lectures 25%
 - Readings 25%
 - Class Discussion 15%
 - Team Activities 10%

Academic Standing

MHSA students are held to high academic and personal standards. Health services administration is a profession that requires dedication, leadership, punctuality, follow-through, cooperation, and accountability. A cumulative grade point average of 3.0 for MHSA classes is required for residency and graduation. No credit is granted for courses in which a student receives a grade of “F”. If the course in question is a required MHSA course, it must be repeated.

Grade Requirement:

Expectation to Achieve Minimum Grades of “B”: Because a grade of “B-“ is not a full B to achieve the expected 3.0 GPA, any student who earns one grade of “B-“ in any semester must submit a corrective action plan to the Chair indicating: a) Why did this low grade occur? and b) What will be done differently in future courses in order to earn grades of B or higher? This is a master’s degree and students must master the MHSA coursework.

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) **Excused absences include:**
 - A funeral, with a program, obituary or holy card
 - A required activity for another class or university sponsored event, with a memo from the professor or university sponsor provided to your professor at least one week ahead of the absence
 - A documented medical event, with dated, timed and signed documentation (all other Protected Health Information may be redacted)
 - A documented legal event, with dated, timed and signed documentation (all other confidential information may be redacted)
 - Religious holidays not otherwise taken as holidays by the university
 - **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.

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.

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.

Final decisions around attendance are 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 any group projects 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_for_mat.html

Papers and group projects 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 description of each assignment:

Discussions: Completing writing assignments with both individual analysis and peer review of analysis of legal topics and how they apply to healthcare administration.

Written assignments: Completing writing assignments by individualized exploration of topics and case analysis.

Weekly Quizzes: There are weekly multiple choice quizzes provided on the content assigned as the reading for class. These quizzes are meant to test the understanding of the student of the information prepared for the weekly class discussion.

Student Presentations: Individual presentation of thoughts and assessment of analysis of application of law to healthcare practice.

Team assignments/presentations: Team analysis and presentation of thoughts and assessment of analysis of application of law to healthcare practice.

Mid-Term and Final Exams: There are two assessments in true-false, multiple-choice, essay format. The first assessment occurs during Session 8 and will cover material from the beginning of the course through the end of Session 8. The second assessment will take place as the final examination and will cover material from Session 1 through the end of the course. Each assessment will be timed. The test will be administered during week 8 and once a student has started the exam, he/she will have one (1) hour to complete it. Some questions may take less time; some questions may take a bit more time. Tests will cover the objectives from the respective sessions.

Participation:

Participation will count for 10% of your final 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.

If you are engaged in class, this should be an easy 10% to achieve.

MHSA Dress code

Healthcare administration is a highly visible profession. Healthcare administrators are leaders and need to look the part. From the outset, MHSA students “dress for success.” Business Casual and Formal Business Attire are the uniforms of MHSA. Business Casual attire will be worn Monday – Friday from 7:00 a.m. - 10:00 p.m. in class and on campus, including department offices, classrooms, library, conference rooms, and academic buildings. The expectation is to portray high standards of the profession at all times. Exceptions to this general rule are:

- For the Professional Development courses 1, 2, 3, and 4, students are required to wear formal business attire to every class.
- At the discretion of the chair or a faculty member, students in any class may be required to wear formal business attire on occasion; for instance, when a guest speaker will address the class.
- In all off-campus business meetings where students represent the program, they will wear formal business attire.

COVID-19 Safety protocols

The health and safety of the Xavier community is at the forefront of all University policies in response to COVID-19. To enable the full and safe reopening of campus in the fall, we will all need to do our part to keep each other healthy and safe. This shared responsibility will include the wearing of masks while

indoors in the company of others, maintaining social distancing, and adhering to “test, treat, trace” protocols.

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.

Papers and the group project should also be turned in via Canvas through “Turnitin”. Papers will be graded and returned via the Turnitin feature of Canvas.

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.

Technology Policy

Students may utilize laptops or tablets during class ONLY for class-related activities. This would include note taking, viewing lecture power points, or viewing other class-related materials. Other use of technology (i.e. social networking, viewing unrelated websites, doing other homework, etc.) is not acceptable. The instructor reserves the right to prohibit students who abuse this policy from using technology during class.

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.

Final Grade:

Performance for this course will generally be based upon these factors, in the proportions indicated:

- Class attendance, participation, presentations and discussions: 10%
- Midterm examination: 20%
- Weekly discussion: 10%
- Written assignments: 20%
- Weekly quizzes: 20%
- Final examination 20%

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

A	94-100
A-	90-93
B+	87-89
B	84-86
B-	80-83
C+	77-79
C	74-76
C-	70-73
F	0-69

Department's description of the letter grades is presented here:

- "A-" or above represents academic performance that is exceptional or significantly above expectations.
- "B" or above represents academic performance that meets or is somewhat above expectations.
- "B-" or lower represents academic performance that is somewhat to significantly lower than expectations

CLASS SCHEDULE

Session (Dates)	Topic	Readings	Assignment
August 18 and 19, 2020	A Brief History of Law and Medicine	1. Chapter 1 2. Overall Case Analysis Document 3. Power point document	1. Ice Breaker 2. Discussion 3. Written assignment
August 25 and 26, 2020	Access to Healthcare: Rights and Responsibilities	1. Chapter 2 2. CMS COP Handout 3. IMM/MOON Handout 4. ORC §3727.06 5. Power point document	1. Discussion 2. Written assignment
September 1 and 2, 2020	The Organization and Management of a Corporate Healthcare Institution	1. Chapter 3 2. Practical Aspects of Choice of Business Entity 3. Power point document	1. Discussion 2. Written assignment
September 8 and 9, 2020	Human Resources Law	1. Chapter 4 2. Power point document	1. Discussion 2. Written assignment
September 15 and 16, 2020	Contracts and Intentional Torts	1. Chapter 5 2. Power point document	1. Discussion 2. Written assignment
September 22 and 23, 2020	Negligence	1. Chapter 6 2. Power point document	1. Discussion 2. Written assignment
September 29 and 30, 2020	Liability of the Healthcare Institution; Medical Staff Privileges and Peer Review	1. Chapter 7 2. Chapter 8 3. Power point document	1. Discussion 2. Written assignment
October 6 and 7, 2020	Mid Term Exam		
October 13 and 14, 2020	Health Information Management	1. Chapter 9 2. Power point document	1. Discussion 2. Written assignment
October 20 and 21, 2020	Emergency Care; Consent for Treatment and Withholding Consent	1. Chapter 10 2. Chapter 11 3. Consent examples 4. Policy examples 5. Power point document	1. Discussion 2. Written assignment
October 27 and 28, 2020	Taxation of Healthcare Institutions; Competition and Antitrust Laws	1. Chapter 12 2. Chapter 13 3. Power point document	1. Discussion 2. Written assignment
November 3 and 4, 2020	Issues of Reproduction and Birth	1. Chapter 14 2. Power point document	1. Discussion 2. Written assignment
November 10 and 11, 2020	Fraud Laws and Corporate Compliance	1. Chapter 15 2. Power point document	1. Discussion 2. Written assignment
November 17 and 18, 2020	Semester Review		
November 25 and 26, 2020	Thanksgiving Holiday		
December 1 and 2, 2020	FINAL EXAMINATION		

Every week a multiple choice quiz will be given in class on the information contained in the reading assigned for that week's class. Class discussion and team assignments will also be given during classes and will be graded accordingly.