Health Care Law and Legal Issues in Patient Advocacy  
Public Health X407.4  
Reg #: Y2081  
4 units

Course Syllabus

General Course Information:

Days/Date/Time: Mondays, January 7 – March 25; 6:30 - 9:30 p.m.; Two Thursday classes and one Thursday make-up class  
Location: Extension Lindbrook Center Room 209  
If this is not the course in which you believe you are enrolled kindly contact the instructor immediately.

Prerequisites

X407.2 The Practice of Patient Advocacy

Instructor Information:

Instructor: James D. Hearn, Esq., J.D., LL.M., M.A., D.Be  
Office Phone: (323) 658-1511 ext. 212  
UCLA Office Location: TBD  
UCLA Office Hours: by appointment

Email: jdhearn03@gmail.com  
This is my office e-mail. I will be available on–campus before and after class and during office hours by appointment. If there are matters which cannot wait until these times or for an appointment I have no problem receiving e-mails at my office. In fact, it is probably the best way to reach me when I am away from the University. However, be sure to put that you are one of my students in the e-mail.

Instructor Bio:

James D. Hearn is a Los Angeles based attorney, educator and bioethics consultant. He earned his law degree at the University of Southern California and has practiced in the field of health care and has represented owners and operators of long-term care facilities. As a member of the faculty of the California State University – Northridge he lectures on
Health Care Ethics, Health Care Law and Organization and Delivery of Health Services in the Department of Health Sciences and has taught courses in the University’s Gerontology program having to do with the legal, medical and ethical issues arising at the end-of-life. He possesses extensive academic and practical experience in working with communication theory and the formulation of negotiation strategies and in facilitative, evaluative, and transformative forms of mediation and dispute resolution, including those involving end-of-life issues in the clinical context, as well as, conflicts between parties possessing differing cultural orientations in those disputes arising in the international research context and holds a post-doctoral legal degree in Negotiation and Mediation from the Pepperdine School of Law. While acting as visiting faculty at the Loyola-Marymount Bioethics Institute in the 2010-2011 academic year attorney Hearn taught an inaugural course in Bioethics Mediation and another on Jurisprudence and Health Care Law. He also works in the area of research ethics and in creating systems for addressing allegations of research misconduct in the academic context. He holds his doctorate in Bioethics and his doctoral work focused on the formulation of triage protocols for use in influenza pandemics.

**Course Description:** Our nation’s health care providers and delivery systems conduct their varied activities under an array of complex state and federal laws that are ever changing. To function effectively, patient advocates need a current working knowledge of the laws and regulations involving patient rights and responsibilities. Taught by experts in health law, this course presents the fundamental legal structure that affects the provision of health care in the United States.

**Course Objectives:** Upon completion of the course students will be able to:

- Identify the professional responsibilities of patient advocates.
- Identify hospital policies and practices that prevent discrimination in health care.
- Identify and explain various patient rights and the manner in which patient advocates protect and support them.
- Outline grievance regulations and describe the role of the patient advocate in addressing them.
- Explain the application the Health Insurance Portability and Accountability Act (HIPAA) to the practice of patient advocacy.
- Describe the eligibility requirements for Medicaid and Medicare.
- Explain the key requirements for Joint Commission accreditation for hospitals and health care facilities.
- Understand to Medicare patient grievances and appeals process.
- Interact with health care facility risk managers and to process patient complaints with these individuals.
Navigate the various statutes, regulations and procedures relating to patient grievances.

Define and explain the following terms: Advanced Directive, Power of Attorney, Patient Advocate Designation, Guardianship and Conservatorship.

Understand the basic skills utilized in negotiation and mediation.

Access and understand the various laws, statutes and regulations governing or applicable to healthcare services at the state level focusing on the State of California.

Understand and apply the foundational principles of medical bioethics including: patient autonomy, beneficence, non-malfeasance, and distributive justice.

Describe the elements of medical malpractice and the role of the patient advocate in reporting possible incidents of malpractice.

Understand the special role of the patient advocate in the long-term care industry.

Describe the various rights and responsibilities relating to the maintenance and ownership of, and access to, patient medical records.

**Course Outline**

This is an overview of the course by weekly module.

Week 1 – The U.S. Legal System; The U.S. Health Care System; Reforming American Medicine

Week 2 – Patient Rights; Patient Advocacy; Legal System and Healthcare

Week 3 – Patient Grievances and Complaints; Hospital Regulations, Policies and Procedures

Week 4 – Mediation and Negotiation; Labor Relations, Employment, Discipline and Discharge

Week 5 – **Midterm.** Estate Planning

Week 6 – Medical Records; Privacy and Confidentiality

Week 7 – Medical Staff, Patient Safety and Liability; Bioethics

Week 8 – Medicare, Medicaid, and Private Insurance; Long Term Care

Week 9 – Accreditation; Emergency Medicine

Week 10 – Informed Consent; Surgery; Reproductive Health; Research

Week 11 – End of Life; Pain and Suffering; Organ Donation and Transplantation

Week 12 - **Final**
Course Materials

Required Texts


Guides


PPACA


Medicare

Medicare http://www.cms.hhs.gov/MedicareGenInfo/


Long Term Care http://www.medicare.gov/NHCompare/Static/Related/ImportantInformation.asp?dest=NAV|Home|About|NursingHomeCompare#TabTop

Medicare/Medicaid dual eligibility: http://www.kff.org/medicare/7240/interaction.cfm

Medicare/Medicaid comparison: http://www.ada.org/public/manage/insurance/medicare.asp

Medicaid

Medicaid http://www.cms.hhs.gov/home/medicaid.asp

Medicaid managed care: http://www.kff.org/medicare/7240/medicaid.cfm#b10

Eligibility: http://www.kff.org/medicare/7240/medicaid.cfm
Medicare & Medicaid Website and quiz http://www.cms.hhs.gov/about/history/quiz/cms-quiz.asp#9

Medi-Cal

http://www.dhcs.ca.gov/Pages/default.aspx

http://www.hrsa.gov/reimbursement/states/California-Eligibility.htm

Other Resources

http://thomas.loc.gov/

Current federal legislation

California hospitals
http://www.lib.berkeley.edu/PUBL/HealthCare.html

Hospital data
http://www.oshpd.ca.gov/

Hospital data and legal reporting requirements
KaiserFamilyFoundation@cme.kff.org

Health services resources
info@californiahealthline.org

California Health Services, http://mbd.ca.gov/

Physician data – California http://nlb.nih.gov/

Medical information, history of medicine, Surgeon General of the US http://surgeongeneral.gov/
Coursework and Assignments:

All required reading must be completed before the class period for which it is scheduled in order that participants may enter into an informed discussion of the given topics. Participation in class discussion is essential to the conduct of this course. There will be weekly assignments, a mid-term examination and a final examination.

1. **Class Participation and Attendance** – Class participation will account for 20% of the final grade. This is intended to reward those who both attend and participate in our class. **THUS, THIS DOES NOT MEAN ATTENDANCE ONLY.** In this component quality is as important, if not more so, as quantity. Hopefully, we will create an environment in which all feel free to contribute. This is a discussion-based class, so your attendance and participation in our discussions are important to my evaluation of your performance as a member of the class. In many cases you will learn as much from your classmates as you will from your individual readings. Someone who obtains full credit for this component would be one who: attends all class meetings; is on-time; does not leave at the break, participate knowledgably in small and large group discussions, and treat others with courtesy (i.e., no whispering to classmates during class, passing notes, etc.). Remember this is a University. You need not be the most vocal student to do well on the class participation portion of this course. For instance, the student who asks one good question from the reading every week is a better class participant than one who speaks up every five minutes on some unrelated issue.

I understand that events may occur which require a class (or classes) to be missed. In the past I have had students seek to obtain excused absences. I have come to the conclusion that such a policy is not necessary. It is my view that if you are not present in class, for whatever reason, it is not possible for you to participate. Thus, it is not necessary for you to contact me if you intend to miss a class. While I have the greatest of sympathy for students who experience situations requiring them to miss class, I believe the system I have developed to be the most simple and equitable.

2. **Weekly Assignments** – There will be weekly assignments which will be due at the beginning of each class session. These weekly assignments will account for 30% of your final grade.

3. **Midterm Examination** – The mid-term examination will account for 25% of your final grade. The test will consist of any or all of the following: true/false, definitions, multiple choice, short answer and essay questions. I will tell you in advance if a blue book(s) will be required for the examination.

4. **Final Examination** – This examination may consist of definitions, short answers, true/false questions and essays. The final examination will account for 40% of your final grade in the course. **Note and Fair Warning:** The final exam will contain questions based upon the class readings and not only the materials presented in
I will help you to focus your readings.

**Methods of Evaluation:** Due to grading deadlines, and in the interest of fairness, there will be no extensions for any assignment. Exam makeup will be granted only for verifiable emergency or upon prearranged agreement with the instructor.

**Grading Policy:**

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<thead>
<tr>
<th>Component</th>
<th>Points</th>
<th>Percentage</th>
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<tr>
<td>Class Participation</td>
<td>250</td>
<td>20%</td>
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<tr>
<td>Midterm</td>
<td>250</td>
<td>25%</td>
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<tr>
<td>Weekly Assignments</td>
<td>250</td>
<td>30%</td>
</tr>
<tr>
<td>Final</td>
<td>250</td>
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</tbody>
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Total = 1000 points averaged

Course grades will be determined on the total percentage of points earned. Grading will employ the +/- system:

- 97+ = A+
- 89-87 = B+
- 79-77 = C+
- 69-67 = D+
- 96-93 = A
- 86-83 = B
- 76-73 = C
- 66-63 = D
- 92-90 = A-
- 82-80 = B-
- 72-70 = C-
- 62-60 = D-

59 or below = F.

* In the UCLA Extension Patient Advocacy Certificate program, students must earn a final cumulative grade of C or better, with no final grade for a course below C, in order to qualify for the award of the certificate.

*All grades are final when filed by the instructor on the Final Grade Report.*
IMPORTANT NOTICE: This syllabus and course outline is the road map for this course. Hopefully, you will find that it answers most of your questions regarding what is expected of you, and what you have the right to expect of me, during our time together. Therefore, I expect you to read it thoroughly (and repeatedly, if necessary). This is especially true when it comes to those items on which you will be graded (i.e., the mid-term and final exam, etc). We may deviate from the syllabus when and as necessary during the term. If this is the case, specific announcements will be made in class. For this reason I suggest that you bring this document with you so that you may make notes regarding any such changes. Unless such an announcement is made you can expect that we will cover the topics in the order provided, you will be tested and that the other work of this course will be due, when and as described in this document.

SECOND IMPORTANT NOTICE: Code of Ethics Regarding Laptop Computers in the Class Room – Laptops computers may be used in my class room, when class is in session, to take notes or to reference the syllabus electronically. However, as a courtesy to me, and to your class mates, students are requested NOT to access e-mail, puzzles, games, shopping sites, sporting events, etc., during class sessions and are requested to use the “honor system” in following this request. If this “honor code” is ignored the student will be asked to power down their computer for the remainder of the class session.

THIRD IMPORTANT NOTICE: During class it is requested that all cell phones be turned off. However, if it is necessary for one to be available telephonically during class sessions kindly put your cell phones on vibrate. If you receive a call or page during class kindly excuse yourself to answer the call or page. I also ask that there be no texting during class. Essentially behave with your cell phone the way they suggest in the instructions run prior to the showing of a feature film in movie theaters.

FINAL AND MOST IMPORTANT NOTICE: I understand what it is like to be a student and the anxiety which is attendant to that status regardless of age and/or station in life. However, and trust me on this, if you follow this syllabus you will do fine.

FOLLOW THESE SIMPLE RULES

- IF YOU HAVE A QUESTION – CHECK THE SYLLABUS. IF YOU ASK A QUESTION CLEARLY COVERED BY THE SYLLABUS I WILL KNOW THAT YOU HAVEN’T TAKEN THE TIME TO READ IT. IT IS PREPARED FOR YOUR BENEFIT.
UCLA Extension

- IF THE SYLLABUS DOES NOT ANSWER THE QUESTION ATTEMPT TO ASK THE QUESTION DURING CLASS AS OTHERS MAY HAVE THE SAME QUESTION. THIS ALLOWS ME TO ANSWER THE QUESTIONS ONCE AND TO OBTAIN ANY NUANCES ON THE SAME WHICH MAY COME FROM YOUR CLASSMATES.

- IF THE QUESTION IS NOT ANSWERED BY THE SYLLABUS AND NOT OF THE TYPE YOU FEEL COMFORTABLE ASKING IN FRONT OF THE ENTIRE CLASS, THEN, BY ALL MEANS, SEE ME, EITHER BEFORE OR AFTER OUR CLASS SESSION. I AM ALWAYS AVAILABLE TO YOU.

- R.T.F.S. – READ THE FRIENDLY SYLLABUS

Student Conduct - By enrolling in this course, all students are expected to comply with the UCLA Extension Student Conduct Guidelines provided in the current Quarterly catalog (print or online) under “General Information.”

Disability Resources - If you need any accommodations for a disability, please contact the UCLA Extension Services for Students with Disabilities at: (310) 825-7851 or via e-mail access@uclaextension.edu. Please let me know if you need further information or assistance from me in order to facilitate your learning experience.

UCLA Extension Administrative Contact for this Course: Tracey Pang: TPang@uclaextension.edu

Student Records: Students can access and update student records online by visiting www.uclaextension.edu and clicking on My.Extension on the left navigation bar, selecting Student’s Course Essentials, and following the directions to log in.
WEEK 1: No class; Instructor conducting empirical research in the experience of the patient in the American Health Care System and living to tell about it
Monday January 7, 2013

WEEK 2: The Legal System; The Health Care System; Reforming American Medicine
Monday January 14, 2013

THIS WEEK’S TOPICS

This week’s topics focus on:
● An overview of the American Legal System
● An overview of the American Health Care System

READ:
● Syllabus & Grading Policies
● Annas Chapter III Reforming American Medicine
● Annas Chapter IV Hospitals
● Fremgen Chapter 2 The Legal System
● Fremgen Chapter 4 Today’s Health Care Environment

ASSIGNMENT: Week 2

See Annas, pg. 75-76 - In approximately 250 words, explain which committee you believe to be most important to patient care and why.

WEEK 3: Patient Rights; Patient Advocacy
Thursday, January 24

THIS WEEK’S TOPICS

This week’s topics focus on:
● The definition of the term “rights”
● The rights of patients
● The relationship between patient and physician
● The role of the patient advocate

READ:
● Annas Chapter I Patient Rights
● Annas Chapter II The Patient Rights Advocate
● Fremgen Chapter 5 The Physician-Patient Relationship
Guide Chapter I Your rights to continuous care, seconds opinions, referrals and information

ASSIGNMENT: Week 3

In 250 words or less describe a “Patient's Bill of Rights” create a Bill in outline form

WEEK 4 (A): The Place of the Legal System in the Field of Healthcare; Patient Grievances and Complaints
Monday, January 28

THIS WEEK’S TOPICS

This week’s topics focus on:
- the legal system and the health care provider
- the grievance procedure

READ:
- Fremgen Chapter 3 Importance of the Legal System for the Physician and the Healthcare Professional
- Guide Chapter VI Your right to file grievances with your health plan and the Department of Managed Care
- Guide Chapter VII Your right to have your HMOs decision independently reviewed and to sue your HMO
- Guide Chapter VIII Your right to appeal and litigate benefit denials under ERISA

ASSIGNMENT: Week 4(A)

Create a time-line for grievances filed against a health plan with the Department of Managed Care.

WEEK 4(B): Mediation and Negotiation; Labor Relations, Employment, Discipline and Discharge – MAKE UP CLASS
Thursday, January 31

THIS WEEK’S TOPICS

This week’s topics focus on:
- negotiation theory and the mechanisms for resolving disputes in the health care context,
- the law applicable to the workplace
READ:
- Fremgen Chapter 8 Workplace Law and Ethics

ASSIGNMENT: Week 4(B)

Answer Question 3 in Fremgen pg. 213

WEEK 5: Mid-term; Estate Planning
Monday, February 4

Midterm

THIS WEEK’S TOPICS

This week’s topic focuses on the topic of estate planning and the various tools and mechanisms available to individuals to provide for the distribution of their assets after their death.

ASSIGNMENT: Week 5

In approximately 150 words, describe the difference between having a will and an intervivos trust and a will alone.

WEEK 6: Medical Records; Privacy and Confidentiality
Monday, February 11

THIS WEEK’S TOPICS

This week’s topics focus on:
- the maintenance and ownership of patient medical records, and
- federal and state statutes that apply to health care providers which limit disclosure of patient information and the exceptions to such restrictions.

READ:
- Annas Chapter X Medical Records
- Annas Chapter XI Privacy and Confidentiality
- Fremgen Chapter 9 The Medical Record
- Fremgen Chapter 10 Patient Confidentiality and HIPAA
- Guide III Your right to medical records and confidentiality

ASSIGNMENT: Week 6

In approximately 250 words, describe the information to which the Privacy Rule applies, the entities affected by HIPAA and the penalties for noncompliance with HIPAA.
WEEK 7: Medical, Staff, Patient Safety and Liability; Bioethics and the Law
Thursday February 21

THIS WEEK’S TOPICS

This week’s topics focus on: This topic is particularly important for:
- the professional duties owed to patients and the liability for violating them, and
- the ethical issues that arise in the practice of medicine and the delivery of medical care to patients.

READ:
- Annas Chapter XV Patient Safety and Medical Malpractice
- Fremgen Chapter 6 Professional Liability and Medical Malpractice
- Fremgen Chapter 11 Ethical and Bioethical Issues in Medicine

ASSIGNMENT: Week 7

In approximately 250 words, explain the difference between malfeasance, misfeasance, and nonfeasance

WEEK 8: Medicare, Medicaid and Private insurance; Long term care
Monday, February 25

THIS WEEK’S TOPICS

This week’s topics focus on:
- Medicare,
- Medicaid/Medi-Cal,
- the payment for health care.

READ:
- The Medicare, Medicaid and Medi-Cal resources referenced in this syllabus
- Guide Chapter V Your rights to coverage of preexisting conditions
- Guide Chapter IX Your health care options

ASSIGNMENT: Week 8

In approximately 150 words, explain the difference between Medicare, Medicaid and Medi-Cal.
WEEK 9: Accreditation; Emergency Medicine
Monday, March 4

THIS WEEK'S TOPICS

This week’s topic focuses on:

- the Joint Commission standards for accreditation,
- EMTALA, and
- the right to emergency medical treatment.

READ:

- Annas Chapter IV Hospitals
- Annas Chapter V Emergency Medicine
- Guide Chapter IV Your rights to emergency medical care

ASSIGNMENT: Week 9

In approximately 250 words, describe what illnesses and injuries fall within EMTALA (i.e., what is an “emergency”).

WEEK 10: Surgery; Informed Consent; Reproductive Health; Research
Monday, March 11

THIS WEEK’S TOPICS

This week’s topics focus on:

- the unique requirements and obligation surrounding surgical procedures,
- the concept of informed consent, and
- a patient’s rights in matters of reproduction, and
- the protection of research subjects.

READ:

- Annas Chapter VII Choices About Surgery and Patient’s Care
- Annas Chapter VI Informed Choice
- Annas Chapter VIII Reproductive Health
- Annas Chapter IX Research
- Fremgen Chapter 12 Ethical Issues Relating to Life
- Guide Chapter II Your right to informed consent

ASSIGNMENT: Week 10

List the requirements for informed consent and describe each.
WEEK 11: End of Life; Pain and Suffering; Organ Donation and Transplantation
Monday, March 18

THIS WEEK’S TOPICS

This week’s topics focus on:
- issues surrounding the end of life,
- alleviation of pain, and
- the harvesting and transplantation of organs.

READ:
- Annas Chapter XII Care of the Dying
- Annas Chapter XIII Suffering, Pain and Suicide
- Annas Chapter XIV Death, Organ Donation and Autopsy
- Fremgen Chapter 13 Death and Dying

ASSIGNMENT: Week 11

_A person dies with an organ donor designation on their driver’s license. The surviving spouse indicates that they do not want the organs donated. What do you do? Answer in approximately 250 words._

WEEK 12: Final Exam
Monday, March 25