



MGT 563 Regulation and Legislation of Healthcare Delivery

Spring 2015 Syllabus

Course Number: MGT 563

Course Title: Regulation and Legislation of Healthcare Delivery

Number of Credits: 4

Term: Spring 2015

Dates: This course begins on Monday, March 30, and ends on Sunday, June 14, 2015. There are two face-to-face sessions from 9:00 AM to 2:00 PM on Saturday, April 4, and Saturday, June 6.

Location of face-to-face sessions: BICC Building (Marquam Hill Campus), Room 124

Instructors:

Lauretta Young, MD
Chief Emeritus Kaiser Mental Health
Chief Medical Officer Health Republic Insurance
Phone: 971-371-9080
youlaur@ohsu.edu
lyoung@healthrepublicinsurance.org

Jim Huntzicker, PhD
Professor and Head, OHSU Division of Management
Phone 503-346-0365
huntzicj@ohsu.edu

Course Learning Objectives:

- To understand the structure of the American legal system, its application to our healthcare system and gain insights on how federal healthcare policy is made.
- To learn how rights and responsibilities of patients, providers, and health plans (both government and commercial) are described in contracts and federal and state laws.
- To appreciate general rules, and exceptions to those rules, related to the creation and operation of healthcare facilities.
- To understand the range of patients' rights and how those are expressed in formal, binding documents and interpreted by the courts.
- To gain a basic understanding of legal principles associated with contracts, antitrust law,

behavioral health law, intellectual property, bioethics, clinical research, and reproductive rights.

- To apply all of these in the student's managerial practice.

Text Required to Purchase:

- Steiner, J.E. (2014) *Problems in Health Care Law*, 10th Edition, Jones & Bartlett Learning, New York. ISBN-10: 0071770526 | ISBN: 978-1-4496-8522-2

Structure of the Course and Grading Policy: The course will consist of the elements listed below. Detailed instructions for each week can be found in Sakai Course Materials.

- Two face-to-face sessions: April 4 and June 6
- Weekly modules
 - Reading assignments
 - Small group forum discussion
- Mid-term written assignment (due Sunday, May 3)
- Final report (Due Sunday, June 7)

Small Group Forum Discussions: During each week of the course you will participate in a small group discussion known as the **Forum**. The purpose of the forums is to deepen your learning by understanding how the other members of your forum group see the particular issues for this week. Each of you will see these issues through the context of your own experience, and sharing your views with each other will significantly enhance your learning. To assist in your forum discussions we recommend that each of you to keep a private journal in which you will reflect on the week's material in the context of your own organizational and professional situation. Guidance for each weekly reflection can be found on the Sakai Course Materials for that week.

You will be assigned to a small discussion group for the forums. Each week you will be asked to make an initial forum posting per the instructions for the particular week. That forum posting will be due by the end of day on Wednesday. You will then be asked to engage in an online discussion within your group. You will have until Sunday to complete your discussion.

Forum grading will be on a 5-point scale. You will get a maximum of 3 points for your initial posting and a maximum of two points for subsequent discussion. To get the full 5 points you have will have to make a significant initial posting per the weekly instructions and make at least two significant follow-on comments. There will be a forum discussion each week of the course—10 in total.

Written Assignments and Final Report: You will do a mid-term (Week 5) written assignment and a longer final report due at the end of the course. Detailed instructions for the final report are given in [Appendix A](#) below. You will submit these papers via the Sakai Submissions tool.

Grading Policy: Your final grade will be determined based on the following:

Category	% of Grade
Participation in first face-to-face session	5%
Participation in second face-to-face session	5%
Forum Discussions	25%
Mid-term Paper	25%
Final Paper	40%

Your written assignments will be graded based on how well you have done in addressing the assignment questions, applying the course material, **AND** expressing yourself clearly, succinctly, and insightfully. It is possible on a case-by-case basis to negotiate an extension of a due date if

circumstances are such that you need more time to complete an assignment. We encourage you, however, to keep to the assignment timeline as it is easy to get overwhelmed when you get behind. Please contact us by e-mail if you want to request an extension of time. **We would like all assignments uploaded to us using the Submissions tool in Sakai.** They should be .doc, .docx, .rtf, or .pdf files. We would prefer no font smaller than 11 point.

Office Hours and Advising: You are encouraged to keep in touch with us throughout the course via e-mail and telephone. Please note that confidential or sensitive issues should be communicated to us by telephone or via e-mail. If you have a question or want to schedule a telephone conference with us, email us and we will find a mutually agreeable time. During the week, we will normally reply to your emails within 24 hours (**please be sure to put MGT 563 in the subject line**), and offer feedback on your written assignments within one week.

Expectations about Academic Integrity: Course participants are expected to maintain academic honesty in their course work. Participants should refrain from seeking past published solutions to any assignments. Literature and resources (including Internet resources) employed in fulfilling assignments must be cited. In an effort to uphold the principles and practice of academic honesty, faculty members at OHSU may use originality checking systems such as *Turnitin* to compare a student's submitted work against multiple sources. More information about *Turnitin* and plagiarism can be found online through [OHSU's Teaching & Learning Center](#).

OHSU Student Access Policy: Our program is committed to all students achieving their potential. If you have a disability or think you may have a disability (physical, learning, hearing, vision, psychological) which may need a reasonable accommodation please contact Student Access at (503) 494-0082 or e-mail at studentaccess@ohsu.edu to discuss your needs. You can also find more information [here](#). Because accommodations can take time to implement, it is important to have this discussion as soon as possible. All information regarding a student's disability is kept in accordance with relevant state and federal laws.

Inclement Weather Policy: When the weather forecaster is calling for ice or snow, call the OHSU Alert Line, 503 494-9021, for information regarding weather conditions that may affect operations at OHSU. If classes are canceled or delayed, residents and students who have patient care responsibilities must meet those obligations. See this [website](#) for details. For more information specific to the Division, please visit our [website](#)

Use of Sakai: This course will have an online component, which can be accessed through Sakai, OHSU's online course management system. For any technical questions or if you need help logging in, please contact the Sakai Help Desk.

Hours for Sakai Help Desk: Monday-Friday 8:00AM- 9:00 PM; Weekends 12:00-5:00 PM; OHSU holidays-closed.

Contact Information: (Local) 503-494-7074; (Toll-free) 877-972-5249; email sakai@ohsu.edu
Please remember, Sakai course sites close three weeks after grades are posted with the Registrar. Please be sure to download all course material you wish to keep before this time.

Online Access to Journal Articles in OHSU Library

1. Go to <http://www.ohsu.edu/xd/education/library/index.cfm>
2. This will bring up the Library home page where you can enter the name of the journal. Enter the name of the journal; e.g., *Health Affairs*. Then click *Go*.
3. If connecting from a non-OHSU computer (and if requested), enter OHSU log-in information when requested.
4. Click on the appropriate link to get to the journal that you want and then select the particular issue of the journal.
5. Click on the article that you want. This will give you free access to the journal.

Syllabus Changes: This syllabus is not to be considered a contract between the student and the School of Medicine. It is recognized that changes may be made as the need arises. Students are responsible for keeping a copy of the course syllabus for their records. **HOWEVER PLEASE NOTE: the Course Materials posted on Sakai will have the most up-to-date information.**

About Your Instructors:

Lauretta Young, MD, is chief medical officer for Health Republic Insurance. Here is her personal statement: In my various past clinical roles I have had the opportunity to see how many regulatory and legal issues have evolved in healthcare. My hope is that we can learn from each other and that I can help guide you to a greater knowledge of how to partner with your legal team to advise your business and clinical decisions.

My personal areas of expertise and knowledge are in the arena of mental health laws. I helped to design the Brookside Residential treatment unit at Kaiser Sunnyside over a period of about 10 years while we examined the complexities of which type of facility to build to best meet the complex needs of the patients and the community. I had intimate daily knowledge of the minutia in page after page of regulatory issues with which we had to comply. We were able to build this facility around a healing garden, which presented its own set of safety issues.

In my early years of practice I was a consultation liaison psychiatrist at the now defunct Bess Kaiser Hospital and the still-operating Sunnyside Kaiser. In those roles dealing with the state civil commitment statutes administered by different county administrative rules was a challenge. As I evolved into more administrative roles, I participated in the first NCQA accreditation of the mental health department, and we were involved in The Joint Commission (TJC) review of our mental health treatment in the emergency room areas. As a chief of service with over 200 employees, following applicable labor and hiring laws was critical. Doing legally protected peer review, dealing with the board of medical examiners and the malpractice system was a very large part of that role. All of us need to know about child abuse reporting, elder abuse, end of life issues and driving licensure issues. I have done several of the psychiatrist examinations for the *Oregon Death with Dignity* act. I have testified in court as an expert both in my Kaiser mental health chief role and later as an independent expert.

As I have now transitioned to my current chief medical officer role for a new offspring of the Affordable Care Act—a COOP—the legal and regulatory requirements are new to everyone. The

Office of Inspector General and CMS are very involved in our work with our legal counsel stating we are the most regulated insurance product that exists. I hope to continue to learn more.

Jim Huntzicker, PhD, is Professor and head of the Division of Management in the OHSU School of Medicine. He has Ph.D. in Chemistry from University of California-Berkeley and a Masters in Health Leadership from McGill University. Jim has held a variety of managerial positions at Oregon Graduate Institute and OHSU. He was a member of the team that developed the MBA in Healthcare Management and is the current director of that program.

Appendix A: MGT 563 Final Report-Spring 2015

Due Date: Sunday, June 7 (end-of-day)

This project is an invitation for you to explore a regulatory or legal issue at more depth. You should pick one that applies to your own organization, or if you wish, one that applies to you as a patient or as a citizen. Your job is to find an appropriate law or regulation or administrative rule and write a 5-7 page paper that analyzes the law/regulation/rule in the context of your own organization or yourself. The paper should contain the following elements:

1. Describe key aspects of the law, regulation, or rule; how it applies to your organization (or you as a patient or citizen); and why you chose it. Be sure to list appropriate references.
2. Interview at least two key people in your organization who are responsible for compliance. Describe each person's role and what the organization has to do (from each interviewee's perspective) to comply. If you are doing this from the point of view of a patient or citizen, please interview at least two appropriate people from a provider organization, government, law firm, etc. When directly or indirectly quoting your interview, identify the source (by title) in the text or in footnotes or endnotes.
3. From your understanding, what are the challenges associated with compliance? What do you recommend to make it easier for your organization to comply? If you are answering this question from the perspective of a patient or citizen, identify the challenges that the provider organization has (or that you have as a patient) and provide your recommendations for addressing these challenges.

This paper should be appropriately referenced. This means that you need to cite your sources--whether from the literature or the people whom you interview. Any direct quotes must be in quotation marks and must be referenced.

If you are writing from the perspective of a patient or citizen, here are some examples of topics that might be appropriate. Of course, you are free to choose your own topic.

- What are the Oregon laws and cases about child abuse reporting? Why are psychiatrists exempted— go interview one or two psychiatrists to ask them about their experience with this struggle. Have they ever decided to report even if not required? What does the medical literature say about the effects of such laws?
- Oregon Rep. Mitch Greenlick is proposing a change to the death with dignity act. What are the pros and cons of this proposal and how do you see this changing the statistics we learned about in class?

- Currently people with end stage renal disease are eligible no matter what their age to obtain Medicare coverage. What are the issues with the Affordable Care Act subsidies for an individual patient to make that choice? What effects might this have on insurance rates if patients don't sign up for Medicare. Talk about other dilemmas with this complex regulatory issue.
- Discuss driver license reporting statutes and practice. What effects does this have on medical practice— do you think any changes might be proposed to such rules?

Grading Rubric	Max. Points	Earned Points
Description of law/regulation/rule	30	
Interview of key people	30	
Challenges and recommendations	30	
Quality of writing	10	
Total	100	