



School of
MEDICINE
Division of Management

MGT 563 Regulation and Legislation of Healthcare Delivery

Spring 2016 Syllabus

Course Description This course reviews how governmental and non-governmental organizations influence health care delivery. Special emphasis is placed on current regulatory and legislative initiatives. Participants gain an increased understanding of the federal and state regulatory/reporting framework within which healthcare is delivered and the role of accreditation bodies within that framework. The course provides examples of the evolution of new legislative initiatives, both at the federal and state level, in order to demonstrate the complexity and impact of regulatory oversight on healthcare delivery. Guest lecturers provide the perspectives of experienced authorities in areas of health policy legislation, professional licensure and law, and specific issues in health care employment law.

Credit Hours 4 quarter credits

Faculty Information Laretta Young (youlaure@ohsu.edu)
Dawn Bonder (bonderd@ohsu.edu)

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.

General Course Meeting Information This course meets Monday, March 28 – Saturday, June 4, 2016.

We will meet in person twice:
Saturday, April 2 Saturday, June 4
9:00am – 2:00pm 9:00am – 2:00pm
CDRC 3200 CDRC 3200

The remainder of the coursework is offered online through Sakai.

Required Texts Steiner, J.E. (2014) Problems in Health Care Law, 10th Edition, Jones & Bartlett Learning, New York. ISBN-13: 978-1449685522

Presentations an HBR 20-minute Manager Series. 2014. This article will be available in a coursepack on the Harvard Business Education website which can be accessed at the following address:

<https://cb.hbsp.harvard.edu/cbmp/access/47811949>

Course Outcomes Upon successful completion of this course, students will:

- Understand the structure of the American legal system, its application to our healthcare system and gain insights on how federal healthcare policy is made.
- Learn how rights and responsibilities of patients, providers, and health plans (both government and commercial) are described in contracts and federal and state laws.
- Appreciate general rules, and exceptions to those rules, related to the creation and operation of healthcare facilities.
- Understand the range of patients' rights and how those are expressed in formal, binding documents and interpreted by the courts.
- Gain a basic understanding of legal principles associated with contracts, antitrust law, behavioral health law, intellectual property, bioethics, clinical research, and reproductive rights.
- Apply all of these in the student's managerial practice.

Alignment in the Curriculum This course is a foundation course in the Certificate and MS curricula and while this course contains aspects of all of the program's learning goals, it focuses on the following:

LG1 Healthcare Systems and Policies: Understand and analyze evolving healthcare systems, health policy, and resource allocation and their impact on healthcare strategy, decisions, and operations.

Attendance Requirements Attendance at the face-to-face sessions is required as is participation in the online component of the course. Students are expected to be present and participate in discussions in a professional and respectful manner. Failure to attend or

participate in class may adversely affect your final grade. See the gradebook for details.

Grading Policy

Grades are based on the following criteria:

A	95-100%	B-	80-82%	D+	67-69%
A-	90-94%	C+	77-79%	D	63-67%
B+	87-89%	C	73-76%	D-	60-62%
B	83-86%	C-	70-72%	F	Below 60%

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	40%
Paper	40%
Presentation	10%

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.

Graduate credit will be granted for a class grade of C or better, however a class grade below B is cause for serious concern.

Grades are due to the Registrar's Office by Friday, June 24. Students will find official grades posted in the [Student Information System](#) no later than Friday, July 1. If at this time you do not see your grades in the Student Information System, please contact the Division at 503-346-0375.

Forums

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 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.

Submissions

There is one paper required. Please see specific instructions for the paper in the course materials section listed for Week 1. You will submit this paper via the Sakai Submissions tool.

There is one presentation required. Please see specific instructions for the presentation in the course materials section listed for Week 1. The presentation will be delivered during the last face to face session.

Copyright Information

Every reasonable effort has been made to protect the copyright requirements of materials used in this course. Class participants are warned not to copy, audio, or videotape in violation of copyright laws. Journal articles will be kept on reserve at the library or online for student access. Copyright law does allow for making one personal copy of each article from the original article. This limit also applies to electronic sources.

To comply with the fair use doctrine of the US copyright law, 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.

Syllabus Changes & Retention

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 outline posted on Sakai will have the most up to date information.*

Student Access

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](#).

**Academic
Honesty**

We strongly encourage you to learn as much as you can from fellow students and from any other coaches or mentors in your life. It is desirable to get feedback from others about how course concepts and skills can be applied to current issues in your work lives. At the same time, we expect you to be the sole author of the written assignments you hand in unless it is part of an explicit team project. (However, it is perfectly permissible and advisable to review your written assignments with someone else to make sure your writing is understandable and free of language, spelling, grammatical, or syntax errors. Your clarity of expression through your writing is an important skill, especially in becoming an effective leader.) It is one of the paradoxes of learning: we create a rich, social learning environment where everyone shares freely, and we need you to be able to show us what you learned by writing your own papers.

Please review the definition of plagiarism from Indiana University at this website: <https://www.indiana.edu/~tedfrick/plagiarism/item1.html> This is a helpful means of communicating how academics understand plagiarism.

Prior to the start of class, please review OHSU's academic integrity policy, which can be found at:

<http://www.ohsu.edu/ohsuedu/academic/som/graduate/upload/Student-handbook-2008-updated-9-08.pdf>

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. More information can be found online [here](#).

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](#).

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:

Sakai Help Desk
Mon – Fri, 8 am – 10 pm
weekends 12 pm – 5 pm

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.

**About your
Instructors****Lauretta Young, M.D.**

Lauretta is the former 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 the chief medical officer of Health Republic Insurance—a CO-OP—the legal and regulatory requirements were new to everyone. The Office of Inspector General and CMS were very involved in our work with our legal counsel stating we are the most regulated insurance product that exists. Like many of the health CO-OPs with the loss of funding from the risk corridor program we shut down in 2016.

My next role is to be determined but for now I continue working with several local attorneys doing expert witness work and for the VA doing disability exams.

Dawn Bonder, J.D.

Dawn Bonder is President and CEO of Health Republic Insurance Company, a Consumer Operated and Oriented Plan (CO-OP), a creation of legislation and regulation. Bonder is currently overseeing Health Republic's wind down of operations after learning the federal government would pay only 12.6% of the risk corridor payments owed the company under the Affordable Care Act. Health Republic's experience is very illustrative of the intersection of policy, legislation, regulation, and business.

Prior to leading Health Republic, Bonder directed the OCHIN's O-HITEC initiative, which provides education, outreach, and technical assistance to Oregon's health care providers and companies transitioning to electronic health records and their efforts to comply with the mandates of Meaningful Use.

Bonder also served as a senior policy advisor to former Oregon Governor Ted Kulongoski, focusing on health, human services and early childhood education, where she successfully directed the investment of federal stimulus funds into state health information technology infrastructure, improving efficiency as well as the quality and effectiveness of health care. She also served as the Policy Director for the Oregon Business Association (OBA), working with OBA's members to advocate on issues affecting businesses and creating the organization's legislative agenda.

Bonder received a J.D. from New York University School of Law and practiced law for several years, and has a B.S. in Business Administration from Boston University. Bonder lives in Portland, Oregon, and enjoys the chaos of raising three sons, and is very excited to begin her instructor role at OHSU with MGT 563.