

Syllabus

CONTACT DETAILS

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COURSE DETAILS

Term: Fall 2019, Wednesday, August 28—December 9, 2019

Final Exam Period: December 12—14, 16—18; **Final Deadline:** Friday, December 13 @5p

Title/Credits: LEB 334M, Healthcare Law and Policy (Unique 03205); 3 Units

Meeting Days/Times/Location: Mondays & Wednesdays 2p—3:30p, CBA 5.330

Required Textbook: Joshua Perry & Dale Thompson, *Law and Ethics in the Business of Health Care* (2017), ISBN: 978-1-63460-484-0; Elizabeth Tobin-Tyler & Joel B. Teitelbaum, *Essentials of Health Justice: A Primer* (2018), ISBN: 978-1284152074; other texts as assigned.

*N.b.: This class is
not the equivalent
of LEB 323.*

Descriptive Statement: The purpose of this course is to introduce students to the legal and policy environment in which the U.S. health care system operates. Few industries are more significantly regulated and shaped by governmental policy decisions and legal proceedings at both the state and federal levels. From Medicare and Medicaid to the Patient Protection and Affordable Care Act to state laws protecting doctors from malpractice actions, the legal and policy environment of the health care industry is a rich area for study.

Restrictions: There are no prerequisites for this course. Upper level standing is required.

Justification: Healthcare in the U.S. accounts for a larger percentage of GDP than manufacturing and employs more than 12 million people. This class provides students interested in a career in this multifaceted industry with basic knowledge of the policy, legal, and ethical environment that shapes the health care industry in the United States.

Course Website: Canvas

LEARNING OBJECTIVES & GOALS

The goals of this course are several:

1) To learn about Health Law and Policy in terms of Substance, Process, Skills and Values.

- a) *Substance* means a deep understanding (mastery) of the history, legislation, public policy purpose and implications, rationale, stakeholders, trends, challenges and opportunities facing the health care system. A deep understanding occurs only if there is a working understanding of the legal elements, explanations, examples, exceptions, and comparisons of the rules of law, relevant public policy arguments, and regulatory framework governing those laws and policies.
- b) *Process* means the way the public policy and legal rules work to achieve public policy goals, avoid disputes and, once disputes occur, to generate effective dispute resolution. Procedure includes an examination of law and policy in both theory and practice.

- c) *Skills* refer to various intellectual, professional, and performance competencies, including critical reading, thinking, writing, effective verbal communication, collaboration, advocacy, and leadership. Critical reading means being able to distinguish and highlight facts, rules, public policy views, and other aspects of texts. Critical thinking has different cognitive levels, from rote knowledge, to understanding, to issue spotting, to problem solving, to synthesis. Critical writing means to express oneself in an organized manner clearly, concisely, and persuasively in a highly transparent style. Effective verbal communication is the ability to synthesize one's thoughts and effectively communicate a position clearly and succinctly. Collaboration is the ability to bring together disparate persons and viewpoints and build consensus in furtherance of a noble aim. Leadership skills involve influencing others positively to execute a plan and accomplish a shared goal; it includes several components: executive self-management (self-awareness; awareness of impact of actions on others); and management of professional relationships.
- d) *Values* are ethical guideposts for you as a person and professional, including preparation, professionalism, judgment, respect, community, and advocacy. There should be intentionality about utilizing, adhering to, and promoting values, both for their intrinsic benefit and for the instrumental effect of better practices.
- 2) To learn substantive material in a variety of applicable contexts, including ethics, philosophy, business and economics, law, policy, politics, public opinion, the national regulatory environment, international norms and global health challenges, biomedical and health sciences, technology, etc., stressing the integration of theory, public policy, legislation, and practice.
 - 3) To fully participate, be engaged, and contribute to the cumulative group learning process, and to create sustainable good learning practices.
 - 4) To learn from classmates and others during class discussion, from listening, and respecting different learning styles, values, positions, and other techniques.
 - 5) To have fun in an environment conducive to an active exchange of knowledge.

At the end of this course students should be able to, in both oral and written format:

- Demonstrate understanding and knowledge about the history and evolution of select national and international rules, regulations, institutions, and systems pertaining to health care law and policy;
- Understand the complexity of the health care delivery system and the corresponding socio-economic, public opinion, political, and transnational challenges that make difficult identifying and agreeing on a national solution;
- Evaluate the soundness of current national laws and identify the underlying policy issues that led to the creation of each, along with the intended and unintended effects and outcomes; and
- Evaluate comparative approaches to health and well-being, care delivery, patient engagement, and the role of the state therein.

Diversity and Inclusion

It is the professor's intent that students from all diverse backgrounds and perspectives be well-served by this course, that students' learning needs be addressed, and that the diversity that students bring to this class can be comfortably expressed and be viewed as a resource, strength, and benefit to all students. Please take any concerns to the professor at any time.

Recordings

Lectures are not to be recorded by any form of recording device or application. The only exception is for students who must record class sessions due to a disability. For students who have a disability necessitating the recording of class sessions, arrangements must first be made with the Disability Services Office.

Cell Phone Use

Students should **turn off** their cell phones prior to entering the classroom. In the exception of an emergency where a student needs to leave their cell phone powered on, the phone should be in vibrate or silent mode, and the student should leave the classroom to answer the phone call.

Tablet/Laptop Use

Use of a tablet, netbook, laptop, or similar device is not permitted. The only exception is for students who must use a tablet, netbook, laptop, or similar device due to a disability. For students who have a disability necessitating the use of such a device, arrangements must first be made with the Disability Services Office.

TEACHING METHODS

Classroom Methodology

- Interactive lecture and presentations;
- Videos;
- Student presentations;
- Field trips, including professional shadows, observation, and/or experiential learning;
- After-class minute reviews; lunch-meetings; emails; discussion board postings;
- Student discussion leaders;
- Small-group work;
- Guest speakers;
- Out-of-class assignments –researching, writing, interviewing, experiencing;
- Midterm and Final Exam (in class and/or take-home, to be decided by the professor);
- And/or any other, as deemed appropriate by the professor.

Approach to Learning

The casebook and primer will form the foundation of the course and should be taken to all classes, along with any supplemental research or journal articles posted on Canvas. The classes will involve a discussion of required reading and explanation of all material, additional material as appropriate, and other independent and/or group activities and/or assignments. N.b.: All assigned material is examinable. To study each topic, you should:

- work through the course materials (i.e., primer/casebook and other assigned readings, as applicable), including briefing all cases;
- access relevant resources on the course website, textbook website, other websites, and within the library;
- prepare for, attend, and participate/engage in all classes; and
- complete all exercises and assignments to the best of your ability.

COURSE REQUIREMENTS, EVALUATION, ASSESSMENT & GRADING

Class Attendance/Absence and Participation

Class attendance is required. “Attendance” means arrival before class begins and departure after class ends. Each student is to sign in for only him- or herself on the attendance sheet, which will be distributed at the commencement of each class. Signing in for another person is a serious contravention of the Honor Code.

More than: a) two (2) unexcused absences may result in a lowered grade at the discretion of the professor; the same consequence may result if b) a student is unprepared-for, or late to, or inattentive in more than two classes; and the same consequence may result if a combination of a) and b) exists. If a student’s absences become excessive he or she may, at the professor’s discretion, be dropped from the course. Absences of greater than the two classes may be excused in exceptional circumstances, such as personal illness or the illness of a parent/child or other close person, subject to proper documentation and required additional work.

In the event that a student is unable to attend a class, he or she is to provide notification as a matter of courtesy to the professor either by [email](#) prior to the class that will be missed. It is a student's responsibility to obtain class notes/assignments if he or she is absent. Students may see the professor to discuss the materials that he or she has missed, but the professor will not supply any notes other than handouts that were given to all students during class.

Active participation in class is required. Students are required to have undertaken the designated reading and exercises prior to each class. This class will use an "on call" system, through which assigned students will be expected to proactively contribute to the learning environment and respond to questions when called upon during a designated set of classes. For full participation credit, students are expected to contribute significantly to class discussions using legal and policy support for their views, not merely personal opinion as to current events. At times this may also include working in groups. Passes are not permitted to be used on the days the student is on call.

It is recognized that due to exceptional circumstances, students may be unable to prepare for a class. Therefore, a Pass System has been adopted for this class whereby each student is provided with two passes for use during the semester. This means that a student is able to request that they be excused from being called upon in class by placing a written note to this effect on the lectern prior to the commencement of the class. As this is a "2-Pass System", students may exercise this option only two times during the semester. Non-attendance is equal to using a pass.

Please note that attendance and participation are evaluative and assessment measures that are factored into the student's final grade. Noteworthy contributions, as determined solely at the discretion of the professor, may result in additional points being awarded; such bonus, if any, is based on particularly high-quality, consistent, voluntary, thoughtful, and meaningful class participation that is relevant to class discussion.

Notification Regarding Recruiting Conflicts

Conflicts occasionally arise between classes and the search for employment. The professor understands how important the job search process is to you, and McCombs provides many resources in support of career exploration and search. However, UT is first and foremost an educational institution, and your degree will be the credential that certifies your education. As such, education will take precedent whenever such a conflict arises. All companies that recruit at McCombs are informed of this fact. Should a conflict arise, the following steps are recommended:

- Check the syllabus to see if an exception is provided that would allow you to satisfy class obligations while still attending the job event (e.g., paper instead of quiz, allowed quiz drops, etc.).
- Note that a job-related conflict, whether a current job or a potential one, is usually not an acceptable reason for missing an exam or taking a make-up, and may not be acceptable in other circumstances either. If any doubt exists, check with the professor.
- If no exception is provided, inform the company that an academic conflict exists and request an accommodation.
- If no accommodation is provided, contact BBA Career Services and request their assistance in resolving the situation.

Note that while the university does have influence with the companies that recruit at McCombs, not all conflicts can be resolved, and it has little or no influence with companies that do not recruit through the Recruit McCombs system.

Finally, be aware that it is not unreasonable for an employer to expect you to go to some lengths to show your interest in them. In a recent example, several students completed an exam at 9 pm and were expected to attend an on-site interview in Houston the next morning at 8 am. A 5:30 am flight from Austin was available

and the students were expected to be on it. This is reasonable, and if you think it is unfair, you probably need to reconsider what you believe are the reasonable expectations of a good job and career in healthcare.

University of Texas Honor Code (<http://deanofstudents.utexas.edu/sjs/conduct.php>)

The core values of The University of Texas at Austin are learning, discovery, freedom, leadership, individual opportunity, and responsibility. Each member of the University is expected to uphold these values through integrity, honesty, trust, fairness, and respect toward peers and community.

Policy on Scholastic Dishonesty

The McCombs School of Business has no tolerance for acts of scholastic dishonesty. The responsibilities of both students and faculty with regard to scholastic dishonesty are described in detail in the BBA Program's Statement on Scholastic Dishonesty at <http://my.mcombs.utexas.edu/BBA/Code-of-Ethics>. By teaching this course, the professor has agreed to observe all faculty responsibilities described there. By enrolling in this class, you have agreed to observe all student responsibilities described there. If the application of the Statement on Scholastic Dishonesty to this class or its assignments is unclear in any way, it is your responsibility to ask the professor for clarification. Students who violate University rules on scholastic dishonesty are subject to disciplinary penalties, including the possibility of failure in the course and/or dismissal from the University. Since dishonesty harms the individual, all students, the integrity of the University, and the value of our academic brand, policies on scholastic dishonesty will be strictly enforced. You should refer to the Student Judicial Services website at <http://deanofstudents.utexas.edu/sjs/> to access the official University policies and procedures on scholastic dishonesty as well as further elaboration on what constitutes scholastic dishonesty. Also see the plagiarism policy at http://deanofstudents.utexas.edu/sjs/scholdis_plagiarism.php.

Additionally, all assignments in this course may be processed by TurnItIn, a tool that compares submitted material to an archived database of published work to check for potential plagiarism. Other methods may also be used to determine if a paper is the student's original work. Regardless of the results of any TurnItIn submission, the professor will make the final determination as to whether or not a paper has been plagiarized.

Students with Disabilities (<http://diversity.utexas.edu/disability/>)

Students with disabilities may request appropriate academic accommodations from the Division of Diversity and Community Engagement, Services for Students with Disabilities, 512-471-6259.

Religious Holy Days

By UT Austin policy, you must notify the professor of your pending absence at least fourteen days prior to the date of observance of a religious holy day. If you must miss a class, an examination, a work assignment, or a project in order to observe a religious holy day, you will be given an opportunity to complete the missed work within a reasonable time after the absence.

Campus Safety

Please note the following recommendations regarding emergency evacuation, provided by the Office of Campus Safety and Security, 512-471-5767, <http://www.utexas.edu/safety>:

- Occupants of buildings on The University of Texas at Austin campus are required to evacuate buildings when a fire alarm is activated. Alarm activation or announcement requires exiting and assembling outside.
- Familiarize yourself with all exit doors of each classroom and building you may occupy. Remember that the nearest exit door may not be the one you used when entering the building.
- Students requiring assistance in evacuation should inform the instructor in writing during the first week of class.
- In the event of an evacuation, follow the instruction of faculty or class instructors.
- Do not re-enter a building unless given instructions by the following: Austin Fire Department, The

University of Texas at Austin Police Department, or Fire Prevention Services office.

- Behavior Concerns Advice Line (BCAL): 512-232-5050 (or <https://operations.utexas.edu/units/csas/bcal.php>).
- Further information regarding emergency evacuation routes and emergency procedures can be found at: <http://www.utexas.edu/emergency>.

Use of E-Mail for Official Correspondence to Students: <http://www.utexas.edu/its/policies/emailnotify.php>
Writing Center: <http://www.uwc.utexas.edu>

Examinations: <http://catalog.utexas.edu/general-information/academic-policies-and-procedures/examinations>

Student Evaluation: The evaluation of students will be based on:

- (1) Preparedness for class as demonstrated through attendance, class participation, asking and answering questions (especially when “on call”), assignments, etc.;
- (2) Discussion leadership and presentation of timely relevant topic;
- (3) Interview of an insurance participant;
- (4) Community health law or regulation hearing/debate attendance and presentation;
- (5) Memorandum re Notice of Proposed Rule;
- (6) A mid-semester assessment, which may include a take-home component;
- (7) A final examination, which may include a take-home component; and
- (8) Possible additional tasks that may involve diagnostic and formative assessment of student performance.

Grade Distribution

Letter grades are assigned based on your weighted course average score and your performance relative to the rest of the class (commonly called a “curve”). This course uses the target distribution established by the Healthcare Certificate Program Committee as a guideline for establishing final grades, with a median grade between 3.2 and 3.4. Plus and minus grades will be used for final class grades.

Grade Breakdown (subject to change at the professor’s discretion, with notice to students):

#	Activity/Experience	Window/Deadline	Value
1	Attendance, Preparedness, & Participation	Throughout	10%
2	Insurance Interview*	Sept. 29 @2p	10%
3	Discussion Leader*	As assigned	15%
4	Midterm*	Oct. 2 @4p—Oct. 6 @2p	15%
5	Rulemaking Comment	Nov. 4 @2p	15%
6	Community Health Field Assignment	Nov. 30 @2p	15%
7	Final Examination*	Dec. 9 @4p—Dec. 13 @5p	20%
*requires course passcode			TOTAL 100%

SCHEDULE OF CLASSES AND READING ASSIGNMENTS

Below is the “big picture” that unites the individual topics we will explore. In general, the readings are designed to provide a broad overview of the various laws and policies that give shape to the healthcare system. Reading assignments for the semester, subject to update, are provided separately on the Schedule of Classes.

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| 1) Upstream Health Law | 2) Downstream Health Law | 3) Population Health |
| a) The American Legal System | a) Contracts | a) Special Topic |
| b) Health Equity | b) Torts | b) Community Health |
| c) Health-Supporting Programs | c) Intellectual Property | |
| d) Health Care Reform | d) Fraud and Abuse | |