**UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW**

**HEALTH CARE FINANCE AND DELIVERY**

**Syllabus LAW6721/Section 05F6**

**Spring 2019, Mondays, 5:00 pm – 6:40 pm, Room: 284**

**2 credits**

**I. Course Objectives**

Thank you for signing up! This survey course is intended to be an introduction to health care law. The course shall be taught by a team of professional health care attorneys.[[1]](#footnote-1) The course shall cover the following subject areas, including but not limited to: access to care, obligations to provide health care (including EMTALA); Florida medical consent law, end of life issues, private health insurance and managed care; Medicare and Medicaid; regulation of health care providers; staff privileges and hospital-physician contracts; the law of tax-exempt organizations, fraud and abuse laws, as well as mergers and acquisitions and the Patient Protection and Affordable Care Act, the reform of the health care industry.

**II. Externship Selection Incentive!**

Students who take this course and show exceptional participation shall have a priority in competing for an externship placement at the UF Health office of the UF Vice President and General Counsel and at UF Health Shands Legal Services.

**III. Required and recommended textbooks and other course materials**

The required texts for this course are:

♦ *The Law of Health Care Organization and Finance* (8th Edition) (Thomson/West 2018) by Furrow, Greaney, Johnson, Jost and Schwartz; ISBN- 978-1-68328-864-0

♦ In addition, supplemental materials and problems will be posted on the TWEN site for this course.

**IV. Evaluation**

Your course grade shall be based primarily on the final exam. Your participation is encouraged and may raise your grade by one grade level (i.e. B to A-). Conversely, your lack of preparation and participation during class may lower your grade by one grade level (i.e. from A- to B). Information on UF Law grading policies is available at: http://www.law.ufl.edu.

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| --- | --- | --- | --- | --- | --- |
| Grade | Points | Grade | Points | Grade  | Points |
| A (Excellent) | 4.0 | C+ | 2.33 | D- | 0.67 |
| A- | 3.67 | C | 2.00 | E (Failure) | 0 |
| B+ | 3.33 | C- | 1.67 |  |  |
| B (Good) | 3.0  | D+ | 1.33 |  |  |
| B- | 2.67 | D | 1.00 |  |  |

**V. Class Attendance Policy**

Active, respectful participation is encouraged. Please come to class not only having read the materials, but also having thought critically about them. Attendance will be taken by passing class roster for signature during each class session. Requirements for class attendance, make-up exams, assignments, and other work in this course are consistent can be found at student affairs office and at <https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>.

**VI. Exam**

Exam shall be held during the regular exam period (April 26 –May 9). This year the exam is scheduled to be on May 7, 2019 at 1:00 PM. Please check the exam schedule on www.law.ufl.edu to confirm this date and time. Students are encouraged but are not required to use ExamSoft. The samples of prior years’ exams shall be available on TWEN. The law school policy on delay in taking exams can be found at: <http://www.law.ufl.edu>.

**VII. Professors’ contact information**

The professors teaching this course would be glad to meet with you in person or by phone. With initial questions or concerns regarding this course please contact:

**Andrei Boyarshinov**

Deputy General Counsel, Health Affairs

University of Florida

boyarshinov@ufl.edu

(352) 273-6836

Office hours are by appointment.

**VIII. Statement related to accommodations for students with disabilities**

Students requesting accommodation for disabilities must first register with the Dean of Students Office ( <http://www.dso.ufl.edu/drc/>). The Dean of Students Office will provide documentation to the student who must then provide this documentation to the instructor when requesting accommodation. You must submit this documentation prior to submitting assignments or taking the quizzes or exams. Accommodations are not retroactive, therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations.

**IX. Learning Outcomes and Expectations**

After completing this course, students should be able to understand the basics of health law and the nature of the in house legal practice within a health system, including without limitation analyzing the following issues - access to care, obligations to provide health care; Florida medical consent law, end of life issues, private health insurance and managed care; Medicare and Medicaid; regulation of health care providers; staff privileges and hospital-physician contracts; the law of tax-exempt organizations, fraud and abuse laws, as well as mergers and acquisitions and the Patient Protection and Affordable Care Act, the reform of the health care industry. Students should expect to spend, on average, approximately two hours preparing for every hour of class.

**X. University Policy on Academic Misconduct**: Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

**XI. Course Schedule (subject to change)**

**INTRODUCTION TO HEALTH LAW AND IN-HOUSE PRACTICE**

**Week 1 (January 7, 2019)**

**Introduction to the Course and In-House Practice**

Focus on understanding operations, industry and client; balancing cost, quality, and practicability; advancing the company’s business objectives within legally and commercially acceptable risk parameters. Health care law as a career choice. Slides will be posted on TWEN after class.

***No Class on January 14* (MLK Holiday)**

**Week 2 (January 21, 2019)**

**Health Law and Policy**

Text: Read pages 1-31, Prepare problem: p. 31-32 (“The Couple’s Illness”): Students whose last names begin with A-M prepare to argue for coverage on behalf of the Hendersons; students whose last names begin with N-Z be prepared to argue against coverage.

**Health Care Reform: The Policy Context.** Text: Read pages 33-84. Be prepared to discuss material and questions posed in “Notes and Questions.”

**HEALTH CARE DELIVERY / PATIENT CARE LAW**

**Week 3 (January 28, 2019)**

**The Obligation to Provide Care: Common Law**

Text: 165-177, Problem: p. 177 (“Cheryl Hanachek”) Students whose last names begin with A-M prepare to arguments on behalf of Ms. Hanachek; students whose last names begin with N-Z prepare arguments in defense of Drs. Cunetto and Simms. All students consider whether and how “concierge medicine” should be regulated.

**EMTALA: The Obligation to Provide Care; Statutory Exceptions**

Text: 177-190, Problem: p. 190-191 (“Mrs. Miller”) Assume you are the judge in this case, draft a brief outline of your ruling on this summary judgment motion and be prepared to present it to the class. Consider whether you will call for any changes in the law.

**Week 4 (February 4, 2019)**

**Florida Consent Law**

Please read Florida Statutes available on TWEN site. Be prepared to work through the discussion problems, which will be posted on TWEN.

**Week 5 (February 11, 2019)**

**Issues in Medical Decision-Making; End-of-Life** Please read In re Guardianship of Browning, 568 So.2d 4 (Fla. 1990), and Florida Statutes available on TWEN site. Discussion problems to be posted on TWEN.

**Week 6 (February 18, 2019)**

**Staff Privileges, Hospital-Physician Contracts**

Text: 491-516. Be prepared to discuss “Notes and Questions.”

**HEALTH CARE FINANCE /PROVIDER-PAYOR RELATIONSHIPS / M&A**

**Week 7 (February 25, 2019)**

**Medicare** Text: 381-384, 391-422. Additional materials will be posted on TWEN.

**Medicaid & SCHIP** Text: 434-470.

**No Class on March 4 (Spring Break)**

**Week 8 (March 11, 2019)**

**Finance Primer.**

During this class we will discuss the core concepts of finance. This class is designed to prepare you for the next class on economics and Mergers and Acquisitions within health care industry. Additional materials may be posted on TWEN.

**Week 9 (March 18, 2019)**

**Health Care Enterprises / Mergers and Acquisitions**

Text: Read pages 757-762 (Antitrust Introduction), 787-807 (Health Care Enterprises, Integration, and Financing). Review/Prepare for Discussion: p. 800-802 ("Notes and Questions"). Skim pages 807-824 (Payors with Market Power). Text: Read pages 825-837 (Mergers and Acquisitions). Prepare Problem: p. 837 ("Evaluating a Hospital Merger in Your Community").

**Week 10 (March 25, 2019)**

**Managed Care and Private Health Insurance / Regulation and Accountable Care Act**

Text: 289-377. Be prepared to discuss “Notes and Questions.”

**Week 11 (April 1, 2019)**

**Tax Exempt Organizations and / or Structure of Health Care Organizations**.

Text: 589-652. Be prepared to discuss “Notes and Questions.”

 **HEALTH CARE REGULATION / CORPORATE COMPLIANCE AND PRIVACY PERSPECTIVE**

**Week 12 (April 8, 2019)**

**Fraud and Abuse / False Claims Act and Anti-Kickback Statute**

Text: 653-712. Be prepared to discuss “Notes and Questions.”

**Week 13 (April 15, 2019)**

**Fraud and Abuse / The Stark Law**

Text: 720-756. Be prepared to discuss “Notes and Questions.”

**Week 14 (April 22, 2019)**

**Privacy Laws / HIPAA goes HITECH**

Description of HIPAA and HITECH violations and the enforcement. Breach Notification, Guidance on “Minimally Necessary,” Tiered Increases in Amount of Civil Monetary Penalties, Restrictions on Certain Disclosures and Sales of Health Information. Reading and discussion problems to be posted on TWEN.

1. **Disclaimer:** Even though attorneys teaching this course are employees of various entities within UF Health, the views and opinions expressed in this course are those of the attorneys and do not necessarily reflect the official policy or position of UF Health. Examples of analysis performed within this course are only examples. Assumptions made within the analysis are not reflective of the position of UF Health. [↑](#footnote-ref-1)