HEALTH LAW
University of St. Thomas School of Law
Fall 2010

Professor Bowser

**Required Texts:** (1) Furrow et al., Health Law: Cases, Materials and Problems (2008); (2) Health Care Reform Supplement, Furrow et al. (2008)

**Contact Information:** My email address is rbowser@stthomas.edu. My office is in room 455.

**Office Hours:** Mondays 3-5 or by appointment.

**Credits and Grades:** This is a three-credit course. Grades will be based on a midterm, final exam and class participation: **Midterm Exam (30%) – Date: October 13, 2010; Final exam (60%); Class Participation (10%)**

**Attendance Policy:** You may miss one class session without penalty. A second absence will affect your class participation credit (unless it is the result of an emergency). Please give me a reason in a timely manner for each of your absences.

Three or more absences require a written excuse.

**Class Preparation:** You will be assigned to a panel with at least 4 other students. The student panels will assume primary responsibility for discussing the assigned cases and problems. There will be a different panel for each class meeting. The panels will rotate in order throughout the semester.

All assigned cases must be read and briefed by all members of the panel. Analyze each case using the following headings: (I) essential facts, (ii) procedural posture, (iii) issues, (iv) legal principles, (v) reasoning and (vi) holding. You do not need to know the correct answer (if there is one), but know the cases and problems and make a reasonable effort to think about the issues.

“Off-Panel” students are required to read and consider the assigned cases and problems, be attentive and participate in the discussion.

**Laptops:** Laptop computers are permitted for note taking only, unless I instruct otherwise.

**Using the Syllabus:** The syllabus lists a set of numbered reading assignments that are intended to correspond to the number of class meetings scheduled for the course. Unless I instruct otherwise, you should assume that we will proceed through the readings in order, spending only one class meeting on each numbered reading.

**Guest Speakers:** Three health law experts from different fields will speak to the class during the last three weeks of the semester. The speakers, topics and readings will be announced later in the semester.
READING ASSIGNMENTS

A. INTRODUCTION

1. Defining Illness and Quality
   Casebook, pp. 1-21
   Problem: The Couple’s Illness, 10
   Supplement, pp. 1-9

B. QUALITY CONTROL REGULATION: LICENCING OF HEALTH CARE PROFESSIONALS

2. Discipline and Alternative Medicine
   Casebook, pp. 115-140
   Problem: Three Strikes and You’re Out? 128-30

3. Unlicensed Providers, Scope of Practice and Nursing Homes
   Casebook, pp. 140-158
   Problem: Physicians, Physician Assistants, and Nurses, 156-58
   Casebook, pp. 169-173; 181-185 (skip notes)
   Supplement, 28-30

C. THE DOCTOR-PATIENT RELATIONSHIP: Abandonment, Malpractice, Informed Consent and Confidentiality

4. Formation of the Physician-Patient Relationship and Abandonment
   Casebook, pp. 195-212
   Casebook, pp. 600-609
   Problem: Cheryl Hanachek, 607-08
   Problem: Ethics and Law: Never the Twain Shall Meet, 608

5. Medical Malpractice: The Standard of Care
   Casebook, pp. 327-357
   Problem: Evidentiary Hurdles, 354-57

6. Medical Malpractice: Defenses
   Casebook, pp. 381-412
7. Informed Consent

Casebook, pp. 230-258
*Problem: Disclosing Physician Risks*, 258

8. Confidentiality – Federal Law

Casebook, pp. 302-326
*Problem: Leaking Patient Information*, 325

Supplement, pp. 42-46

D. THE HOSPITAL-PATIENT RELATIONSHIP

9. EMTLA and ADA

Casebook, pp. 609-623
*Problem: Mrs. Miller*, 622

Casebook, pp. 629-633

10. Institutional Liability for Malpractice – Indirect liability

Casebook, pp. 437-456
*Problem: Creating a Shield*, 455
(Handout, Paul Starr, The Reconstitution of the Hospital)

11. Institutional Liability for Malpractice – Direct Liability

Casebook, p. 456-494
*Problem: Cascading Errors*, 480

E. PUBLIC HEALTH LAW

12. Casebook, pp. 95-114

*Problem, Opting Out of Childhood Immunizations*, 105

MIDTERM EXAM, CLASS 13, October 13, 2010

F. HEALTH CARE POLICY: ACCESS AND COST

14. Access

Supplement, pp. 63-83
*Problem: Help from Health Care Reform*, p. 71
*Problem: Help for Small Business*, p. 73
*Problem: To File or Not to File*, 80
G. MANAGED CARE AND INSURANCE

16. Concepts of Managed Care and Insurance

Casebook, pp. 638-648
Casebook, pp. 671 – 678
Supplement, pp. 99-103; 106-112
Problems 1 and 2, p. 112

17. Managed Care Liability

Casebook, pp. 504-532

18. Managed Care Liability and Tort Reform

Casebook, pp. 532-552
Problem: The Overworked HMO Physician, 537
Problem: Wanting The Best, 538
Supplement, pp. 54-58

Classes 19-24 (including guest speakers) will be announced later in the semester