

Course Syllabus
University of Texas at Dallas
Healthcare Law, Policy and Regulation

Course Information

<i>Course Number/Section</i>	HMGT 6330.501
<i>Course Title</i>	Healthcare Law, Policy and Regulation
<i>Term</i>	Fall 2024
<i>Days & Times</i>	Thursday 7:00 – 10:00 pm, JSOM 2.103

Professor Contact Information

<i>Professor</i>	Jeffery P. Drummond, J.D.
<i>Office Phone</i>	
<i>Other Phone</i>	214-953-5781 (law office)
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<i>Office Hours</i>	By appointment

Course Pre-requisites, Co-requisites, and/or Other Restrictions

HMGT 6320

Course Description

This course examines how healthcare laws and regulations are enacted, and their impact on providers, payers, patients. Topics include: US legal and governmental structure; contract, tort, and criminal law; Stark and similar prohibitions on provider self-referral; federal regulation of fraud and abuse; the Emergency Treatment and Active Labor Act (EMTALA); the Health Insurance Portability and Accountability Act (HIPAA); and other generally-applicable areas of the law impacting the healthcare industry. It also examines the process by which Congressional legislation is transformed into day-to-day industry regulation. Certain common state legal requirements relative to healthcare delivery will be addressed.

Student Learning Objectives/Outcomes

Students will have the opportunity to become familiar with the regulatory backdrop against which all US healthcare related businesses are conducted. The course is not intended to turn the students into health lawyers; rather, for students to become competent administrators in the healthcare industry, they must understand that the healthcare industry is one of the most regulated industries in America, and that there are (often unseen) legal implications to business decision-making, and therefore must be able to spot legal issues in particular business arrangements. The student will gain a working knowledge of the primary laws that impact various types of healthcare businesses, and be able to analyze business fact situations to determine whether those laws, regulations and restrictions are implicated by a proposed business arrangement.

MS in Healthcare Leadership and Management: *Domain & Competency Mapping*

HMG 6330 - HEALTHCARE LAW, POLICY, AND REGULATION								
Program Goals	PSLO	CSLO	Domain	Domain Name	Competency	Measure	How to Measure	Higher Level Learning
Can analyze how laws, regulations, and policies control healthcare delivery (PSLO 2)	Describe how laws, regulations, and policies control healthcare delivery and assess the relationship between cost, access and quality in healthcare	Demonstrate knowledge of public policy analysis, how U.S. healthcare is financed, major issues facing providers, and how major healthcare laws and regulations affect healthcare institutions.	1	Communication and Relationship Management	Present data analysis results to decision makers	Able to simplify analysis and recommendations for decision-makers	Written Paper / Presentation	Yes
Can analyze how laws, regulations, and policies control healthcare delivery (PSLO 2)	Describe how laws, regulations, and policies control healthcare delivery and assess the relationship between cost, access and quality in healthcare	Analyze business fact situations to determine whether a proposed business arrangement is implicated by those laws, regulations and restrictions	2 & 3	Leadership(2) and Professionalism(3)	Advocate and participate in healthcare policy initiatives/ participate in HC associations	Communicate intended outcomes and work with internal and external policy makers to ensure best healthcare policies are developed to address current and emerging healthcare needs.	Exam	No
Can analyze how laws, regulations, and policies control healthcare delivery (PSLO 2)	Describe how laws, regulations, and policies control healthcare delivery and assess the relationship between cost, access and quality in healthcare	Gain a working knowledge of the primary laws that impact various types of healthcare businesses	5	Business Knowledge and Skills	Demonstrate critical thinking and analysis	Understand the importance of critical thinking decision-making	Exam	No
Can analyze how laws, regulations, and policies control healthcare delivery (PSLO 2)	Describe how laws, regulations, and policies control healthcare delivery and assess the relationship between cost, access and quality in healthcare	Able to spot legal in particular business arrangements	5	Business Knowledge and Skills	Demonstrate critical thinking and analysis	Understand the importance of critical thinking decision-making	Exam	No

Domain 1: Communication and Relationship Management

- **Competency:** Present data analysis results to decision makers (Thesis Statement, Research Paper).
- **Competency:** Communicate clearly and persuasively one's own position to various audiences, maintain effective working relationships, and foster a diverse and inclusive environment (Executive Summary presentation).

Domain 2: Leadership

- **Competency:** Communicate intended outcomes and work with internal and external policy makers to ensure best healthcare policies are developed to address current and emerging healthcare needs. (Research Paper, Executive Summary presentation, class project [if applicable]).

Domain 3: Professionalism

- **Competency:** Understand the importance of advocacy (Executive Summary presentation, class project [if applicable]).

Domain 5: Business Knowledge and Skills

- **Competency:** Understand the importance of critical thinking decision-making (Exams, class project [if applicable]).
- **Competency:** Understand the role and function of governing boards and clinical professionals (Exams).

Required Textbooks and Materials

J. Stuart Showalter, The Law of Healthcare Administration, 9th edition (2020) or 10th edition (2023), ISBN 978-1-56793-876-0.

Covid-19 and 2022-Specific Information

The information contained in the following link lists the University's COVID-19 resources for students and instructors of record. Please see <http://go.utdallas.edu/syllabus-policies>.

If the university institutes a requirement that all students must wear a face covering in all university buildings and classrooms, students who choose not to wear a face covering when required may not attend class in person but may attend a course remotely. Students who feel they are unable to comply with the university policies including wearing a face covering should consult the [Comets United](#) webpage for further instructions.

Students who have tested positive for COVID-19 or may have been exposed should not attend class in person and should instead follow required disclosure notifications as posted on the university's website (see "[What should I do if I become sick?](#)" webpage).

Assignments, Exams, & Academic Calendar

I do not take attendance or count absences, but I would HIGHLY encourage you to attend in person. I teach a fully-online version of the class in the Spring, but it is not nearly as effective as the in-person class. Theoretically, you could pass the class by simply reading the book and the powerpoints, but only if you have a near-photographic memory. Attending class is important, so I hope you do so. That being said, I understand that occasionally you may need to miss a class for work, personal reasons, sickness, or some other reason. I plan on recording each lecture for use in the Spring 2023 online class; I usually do so by broadcasting the session on Teams, and recording it. Thus, if you miss a class, you should be able to either watch it remotely or watch the recording. Let me know if you need to take advantage of this opportunity.

I am required to make a report to the University about which students have "participated" in the Class by the end of the third or fourth week of class, so I will be checking to make sure you have attended at least one class. If you have missed the classes but watched them online or as recorded, let me know so I can count you as having participated.

Students are expected to review the powerpoints and read all other assigned written materials prior to attending the lectures (note there are no lectures Weeks 8 [Midterm], 15 [Thanksgiving], 14 and 16 [executive summary presentations], or 17 [Final]). Due to the professor's travel schedule, the presentation in Week 2 will be pre-recorded, and Week 3 will be an off week. Some other lectures may also be pre-recorded for the similar reasons.

There are three "assignments" relating to a research paper, and two exams. The assignments are (i) drafting a thesis statement and engaging in interactive discussions relating to your and the other students' thesis statements, (ii) writing the paper (and the one-page summary), and (iii) presenting an executive summary to the class during the weeks before and after Thanksgiving. The research paper shall be on a health law related subject of the student's choice; however, topics must be approved by the professor (via email) no later than the beginning of class the 5th week, on **Thursday, September 19**.

Why must topics be pre-approved? The professor does not like to have multiple students writing on the same topic, so if you have a particular interest, please request that topic early. Occasionally, if more than one student wants to write on a particular topic, the professor will let

each student write on the subject, but from a different perspective – for example, one student giving the case for the legalization of marijuana and another student opposing it. Be forewarned that there will be certain limitations on papers that “advocate” for a particular side in a controversial matter; the professor expects all papers to address both the pro and con argument for a particular topic, and explain the arguments each side would make for its position. *For particularly large classes, some topics will be taken early, so do not delay in deciding on your paper topic.* There will be a separate document with more detailed instructions for the paper.

Week 6 has an interactive component. Once the student’s topic has been approved, each student will post on the class’ on-line bulletin board an initial “thesis statement” or thoughts, questions, and issues intended to be covered by his/her paper; this initial topic thesis should be between one and 5 sentences, and must be posted on the on-line bulletin board for the class by **5 pm on Friday, September 20**. During Week 6, students will review the topic selections of the other students and provide feedback and comments on the bulletin board, suggest related issues to explore, etc.; the student receiving the comments will respond to the commenter. Thus, each student will be expected to post his/her own topic before the end of Week 5, respond to at least 10 other students’ topics during Week 6, and reply to each student commenting on his/her topic (also during Week 6). These interactions will count toward your participation score.

The paper must conform strictly to length and formatting instructions that have been posted separately. The paper should involve an issue that is impacted by at least one major or significant health law or regulation, with appropriate citations to materials utilized in a separate bibliography. The paper must be delivered by **5 pm on November 7**; the paper must be emailed to the professor at either his UTD address (jpd160230@utdallas.edu) or his work address (jdrummond@jw.com) by the deadline; late papers will lose a partial grade (e.g., from an A- to a B+) if they are delivered by midnight on November 2, and will lose another partial grade for every full day thereafter. The professor is not your mother; do not expect to receive any reminders. Students will also be required to provide a one-page summary of the points made in the paper by **5 pm on November 14**, which will be the basis of an executive summary presentation. The summaries will be shared with the other students, to allow for questioning during the executive summary. Additional specifics related to the paper (including limits on “advocacy papers” will be presented in an additional instruction document.

The paper will also serve as the basis for an Executive Summary presentation, preferably a brief (3-5 minute) presentation to the class (preferably accompanied by a powerpoint presentation, short audio or video, interpretive dance, or some other audio/visual accompaniment); creativity will be rewarded: if you write a song or choreograph an interpretive dance, and present that as your summary, you will almost certainly get full credit for the 10% of the grade that comes from the executive summary. The Executive Summary should concisely explain the issue and related laws and regulations. Following the presentation, the other members of the class will interrogate the presenters. Students will be graded not only on their papers and presentations (and responses to questions), but on their participation in the interrogation of the others (in addition to participation in class the rest of the semester). Executive Summary presentations will be made during Weeks 14 and 16 (and Week 13 if needed).

There will be 2 exams, a Midterm Exam and a Final Exam (the Final is technically cumulative, but about 2/3 of the Final will focus on the post-Midterm materials, and any questions from the first half of the semester will be issues that were specifically addressed in the Midterm). The exams will likely include short answer, multiple choice, matching, and essay components. The professor really loves Latin words and court cases, so students are forewarned to study those. Of course, any health law course will have a heavy dose of Stark, Anti-Kickback,

and related anti-referral statutes that take up most of the time of healthcare lawyers; expect a lot of these questions on the midterm. The professor also loves HIPAA, so expect quite a few HIPAA questions on the final exam (spelling it “HIPPA” will result in an otherwise correct answer being incorrect; spelling it “HIPPA” in your research paper will cost you a full letter grade). Other exam questions will come from both the book and the powerpoint presentations.

This current plan for tests for this course will be either to have all tests taken in eLearning, with test-taking in the Testing Center (if the use of [Honorlock](#) or some other online exam proctoring tool is permitted by the University, that option may be available).

Reading Assignments (Text) and Class Schedule (Tentative, subject to change):

Class/Date	Assignments	Topics
1 – 8/22	Both: Ch 1	Lecture 1: The History of Medicine; American Law and Politics
2 – 8/29*	Both: Chs 4, 5	Lecture 2 [pre-recorded] : Contracts, Insurance, and Torts
3 – 9/5	[Off Week]	
4 – 9/12	9th: Chs. 3, 13 10th: Chs 3, 14	Lecture 3: Corporate Organization; Competition and Antitrust
5 – 9/19	9th: Ch. 15 10th: Ch 9	Deadline for paper topic approval; Thesis statements posted by 5:00 pm, 9/20 Lecture 4: Criminal Law; Stark; Anti-Kickback; False Claims
6 – 9/26	9th: Ch 15 10th: CH 9	Lecture 5: Anti-Referral Cases; State Laws; Compliance
7 – 10/3	Both: Ch 2	Students comment on other Thesis Statements, respond to comments Lecture 6: ACA and Health Reform
8 – 10/10	Midterm Exam (likely online test, may be available to take as early as 10/5)	
9 – 10/17	9th: Ch 9 10th: Ch 10	Lecture 7: Health Information Management; HIPAA
10 – 10/24	9th: Ch 7, 11 10th: Ch 7, 12	Lecture 8: Liability; Access; Consent; Reporting; Patient Rights
11 – 10/31	Both: Ch 4, 8	Lecture 9: Medical Staff Privileges; Peer Review; Managed Care; Labor and Employment Health Law Paper due by 5 pm 11/7
12 – 11/7	9th: Chs 10,12 10th: Chs 11, 13	Lecture 10: EMTALA; Corporate Practice of Medicine; Tax Exemption; ACOs Executive Summaries posted by 5 pm 11/15
13 – 11/14	9th: Ch 14 10th: Ch 15	Lecture 11: Reproduction, Abortion, and End of Life Issues

14 – 11/21	Executive Summary presentations
15 – 11/28	Thanksgiving
16 – 12/5	Executive Summary presentations, Final Exam review
17 – 12/??	Final Exam (likely online test, may be available to take as early as 12/6)

Assignments may be revised during the term; students will be notified on-line of any changes.
Guest lecturers may be incorporated for certain topics.

* This lecture may be pre-recorded.

Grading Policy

Grading will be based on student interactive online participation, health law paper, midterm, and final examination. The midterm and final examinations will cover assigned readings, recorded lectures, and other written materials distributed online. Students who do not read the materials and view the recorded lectures or do not participate online should not expect to perform as well as those who do.

Class participation	5%
Thesis and comments	5%
Midterm examination	25%
Health law paper	25%
Executive summary	10%
Final examination	<u>30%</u>
Total	100%

Letter grades will be based on the following scale:

A	94 and above
A-	90-93
B+	87-89
B	84-86
B-	80-83
C+	77-79
C	74-76
F	<74

Course Policies

make-up exams, late work, extra credit

Contact the professor **in advance** if you know you will miss an exam or deadline. The professor may decide to allow for extra credit, but any extra credit activities will only be announced during the semester.

Comet Creed

This creed was voted on by the UT Dallas student body in 2014. It is a standard that Comets choose to live by and encourage others to do the same:

“As a Comet, I pledge honesty, integrity, and service in all that I do.”

UT Dallas Syllabus Policies and Procedures

The information contained in the following link constitutes the University’s policies and procedures segment of the course syllabus.

Please go to <http://go.utdallas.edu/syllabus-policies> for these policies.

The descriptions and timelines contained in this syllabus are subject to change at the discretion of the Professor.

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Health Law Paper

Topic Selection: As indicated in the "assignments" section of the syllabus, there is a paper as part of this class. It can be on virtually any topic that touches on "health" and "law," and I'll be pretty lenient with subjects as long as you don't push it too far; topics must be approved by me first, but you should keep your eyes and ears open for something that you might find interesting. If too many people approach me with the same topic, I'll allow it on a first-come, first-served basis, or let the potentially conflicting students work out among themselves slightly different foci (perhaps one can advocate one position and the other advocate a different position). My goal is to be pretty lenient with this, but there is a limit. Topics to be approved by **5:00 pm on Thursday, September 19**, but can be approved earlier (the student can request a change to anything approved prior to **Thursday, September 19 at 5:00 pm**; changes will generally be approved unless the new topic is too close to someone else's topic).

Thesis Statements and Comments: By **5:00 pm on Friday, September 20**, all students will be expected to post a "Thesis Statement" giving the intended topic of their paper; this Thesis Statement should be 1-5 sentences long, and must be posted to the bulletin board for the class in eLearning by **5:00 pm on Friday, September 20**. During Week 6 (the following week), each student will review each of the other students' Thesis Statements, and provide a constructive comment on at least [10] of them. The constructive comments can be to point out specific questions the commenter has about the subject the other student has chosen, mention related issues that could be explored, or otherwise provide tips or suggestions. Each Thesis Statement author is also expected to respond to any fellow student who provides a comment that is substantive enough to possibly impact the trajectory of the research paper.. I will track how many comments you make, and whether you respond to all commenters, and this tally will impact the "class participation" portion of your grade.

Paper specifics: Specific requirements are as follows:

- The relevant specific health law or regulation (if applicable) should be cited, and the paper should contain a proper cite to the law and at least a paragraph specifically explaining the law (I can help with this if you have questions). You can find proper citation form for a US law and regulations, and for the law and regulations of many states, by looking at the footnotes in Showalter; for example, footnote 1 in the chapter on Health Information Management (Chapter 9 in the 9th edition, chapter 10 in the 10th edition) is to the HIPAA law in its entirety; footnote 36 in the 9th edition/footnote 34 in the 10th edition is to the HCQIA peer review regulations as a whole, footnote 5 in the 9th edition is to the specific HIPAA de-identification regulations, and footnote 4 in the 10th edition is to the specific "reasonably necessary" provisions. If you're writing about cases, or citing cases, take a look at Showalter 10th edition page 24 (page 18 in the 9th edition) for an example of proper case citation form, or look at any of the cases

cited in Showalter for case citation form. Additionally, remember that bills are not laws, laws are not regulations, and regulations are not laws; refer to them properly.

- **Special Rules for Contentious Topics:** Your paper may advocate for a particular position, but only if either (i) the position you are advocating for is contrary to the position you personally hold or (ii) you did not have a position prior to researching and writing the paper. If the paper advocates a particular position, it **MUST** at least address (and answer or respond to) the most likely arguments of someone advocating an opposite position. If your paper is about a contentious topic and does not advocate a particular position (i.e., it is neutral), it must give the each side to the issue a fair (although not necessarily equal) amount of coverage. Why will I not allow you to write about something you are passionate about? There are 2 reasons. First, the paper should not be an exercise in confirmation bias: people who have a pre-existing opinion about a topic magnify the research supporting their position and minimize or ignore the arguments against it. Secondly, passionate writing tends to be both grammatically and logically inferior, two qualities I care greatly about (and which will dramatically affect my grading of your paper – if your paper is sloppy or illogical, you will not score very highly). And that will be the case even if I agree with you – I may think you are right but also think you are a bad writer. Thus, for example, if you strongly believe in unrestricted access to abortion and you write about public policy regarding abortion, your paper may advocate for the contrary (pro-life) position, or fairly present the arguments made by both the pro-choice and pro-life factions; it cannot be a pro-choice paper.
- **The paper (excluding bibliography or footnotes) should be between 8 and 15 pages, double-spaced (line spacing 2.0), fully-justified margins at least 0.8 and no more than 1.0 inches, Times New Roman 12-point font.**
- You should have a bibliography, works cited, or similar reference at the end of the paper. You can footnote throughout, or simply reference the work by author and page in the paper (for example, if you were citing to this sentence, you'd say "(Drummond, 2)" at the end of the sentence, indicating that the quoted sentence is on the 2nd page of Drummond's cited work. All direct quotations should reference the author. When in doubt, if the sentence you just wrote contains a fact from a source, that source should be mentioned at least somewhere in that paragraph.
- The **top left** of the first page should include the following header:
 1. [your Name]
 2. HMG 6330.501
 3. Fall 2022
 4. GenAI statement (see below)
- The paper should have a title, centered, following the header.
- **PLEASE PROOFREAD**, especially if you are advocating strongly for a particular position. Passion is the ally of advocacy, but it is the enemy of good grammar (and bad grammar is the enemy of persuasiveness, and the professor's

- pet peeve). If English is not your primary language, you should consider having your paper proofread by someone with strong English skills. The University has resources to review your paper and help with your writing; if you are not a great writer, you are well advised to take that help.
- The paper is due by **5:00 pm on Thursday, November 7]**; a Word version should be emailed to me at my school address (Jeffery.Drummond@utdallas.edu or jpd160230@utdallas.edu) or my work address (jdrummond@jw.com).
 - **DO NOT MISS THE DEADLINE FOR PAPER SUBMISSION.** Any paper even a minute late will be docked a grade segment (A- becomes a B+, B becomes B-, etc.) for EACH DAY OR PORTION OF A DAY that it is late. Do not count on getting any deadline reminders from the professor.
 - **A WORD ABOUT GENERATIVE AI:** You are encouraged to do your paper from start to finish without using Chat GPT or any other sort of generative AI. GenAI is a crutch, and one that prevents you from learning how to be a better writer, which is just the sort of skill you need to be a successful healthcare executive.
 - You *may* use GenAI to help guide your research, but do not rely on it exclusively; you are *prohibited* from using GenAI for any of the initial drafting of your paper (you must write your first draft yourself); you *may* use GenAI to proofread your paper and polish it. See the paragraph above that starts “PLEASE PROOFREAD:” instead of using GenAI to proof your paper, you should instead use the university’s writing lab to help, since you will improve your writing a lot more that way.
 - You *must indicate* in the header on your paper whether you (i) used GenAI for research and proofreading; (ii) used GenAI for proofreading only, or (ii) did not use GenAI. That’s the first thing I look at before reading the paper itself, and be aware that if you use GenAI, I’m less likely to be generous in grading the paper with respect to the aspects for which you used GenAI. Again, you should not completely rely on GenAI for your research (use it for a starting point or to find something you missed, but use your own brain and your own research too), and you must do your own writing.

Executive Summary (written and presented):

- In addition, you will also be required to post on the class eLearning bulletin board a one-page written Executive Summary of the paper. The Executive Summary should concisely explain the issue and related laws and regulations, and include a summarized analysis and conclusion. Executive Summaries must be posted by **5:00 pm on Thursday, November 14.**
- During Weeks 15 and 16, students will also have to present their Executive Summaries to the class. This can be done 1 of 2 ways. The traditional method would be to give a 3-5 minute in-class presentation outlining the matters discussed and the conclusions of the student’s paper. This could take the form of

a speech (which could be supported by a powerpoint), or could be a short movie, an audio presentation, even an interpretive dance. In the last few semesters, some students wrote and performed songs as their Executive Summary, and one student fashioned a short “Jeopardy” style quiz for the class, complete with prizes for winning answers (so far, nobody has tried interpretive dance, but I’m still hopeful). Remember, creativity will be rewarded. After the 3-5 minute presentation, the other students will ask the presenting student questions about the Executive Summary for another 3-5 minutes.

- I expect the Executive Summary presentation to be in class; however, some situations may prevent students from attending, such as testing positive for Covid. Students who have an excused absence and are not attending in-person may fashion their Executive Summary as a brief (3-5 minute) audio or video recording that can be played for the class during Weeks 15 and 16, or they may present their Executive Summary via the Teams app (the presenting student would have to activate his/her camera for this session). The presenter (and any other students who, for similar reasons, cannot be in the classroom) will have to be live on Teams either way. Once the presentation is over, the remaining students (in the classroom and on Teams) will ask the presenter questions for an additional 3-5 minutes.

Let me know if you have any questions.

Available other topics (there are many, many others):

Healthcare fraud, medical tourism, indigent care legal/ethical issues, PEPFAR, license revocation, pediatric health law changes, marijuana legalization, palliative care, cybersecurity, end of life issues, FDA vitamin/supplement regulation, genetic manipulation/designer babies, mental health, MIPS and MACRA, stem cell, cloning, complementary/alternative medicine, pregnancy-related legal issues, medical record data breaches, data mining, EMTALA, ACA insurance mandate, medical loss ratio requirements, bundled payments, drug pricing, drug importation, FDA regulation of healthcare apps, use of AI in healthcare, clinical drug trials, balance billing, telemedicine, organ donation, euthanasia, effect of law changes on HIT.