

Healthcare Law

Health Services 437

University of California, Los Angeles

Lori S. Richardson Pelliccioni, Ph.D.  
Assistant Professor  
UCLA, Department of Health Services

## HEALTH SERVICES PROGRAM

### HS 437: HEALTH LAW

SPRING 2007

MONDAY: 10:00 a.m. to 12:00 p.m.

Instructor: Lori S. Richardson Pelliccioni, J.D., M.P.H., Ph.D.  
Office Telephone: 310-271-3421  
Office Fax: 310-271-6352  
Cell: 310-779-5293  
Email: [lpelliccioni@earthlink.net](mailto:lpelliccioni@earthlink.net)  
Units: 2  
Prerequisites: None  
Prepared By: Lori S. Richardson Pelliccioni

#### 1. Purpose Of Course

The legal system significantly impacts and defines the relationships among individuals, institutions and government entities by establishing the rights, duties and powers of the various parties. This course will look at some of the more important substantive legal concepts used within the context of health care services, and how they are applied in health care delivery, management and policy. It is important to note that some of the areas of the law that we will discuss are also common to non-health care businesses: torts, contracts and corporate law.

#### 2. Course Objectives

This class is not intended to make lawyers out of students. Rather, students are expected to gain an appreciation of common legal principles, issues, their significance and potential resolutions that commonly arise in health care organizations.

By the end of the course, students should expect to:

Identify and understand basic legal concepts relevant to the health care delivery system.

Understand the formation and impact of public policy on law and health care delivery.

Identify and apply the law from:

- Cases, statutes and regulations
- Contracts and other legal documents

Apply legal concepts to various health care enterprise situations.

### 3. Course Format

The course will consist of lectures, readings and discussions. Class discussions will be based primarily on materials distributed by the instructor, required readings and that which is presented during lecture.

It is expected that all students will attend all course sessions. Students are expected to read and analyze materials assigned in advance of each lecture and be prepared to discuss them.

### 4. Course Requirements & Grading

In summary, and as will be further discussed during the first week of class, students will be evaluated on the following:

#### A. **Class Preparation and Participation** **15%**

Course materials will include materials handed out in class, selected cases, statutes, regulations and articles, as well as select reference chapters from Miller & Hutton, Problems in Health Care Law. Class preparation and participation are expected of all students and will be considered in the overall course grade.

#### B. **Case Study Presentations – Group Assignment** **35%**

The Case Study Presentation will be comprised of a series of short assignments that will culminate in a final assignment, drafting a compliance program.

- Select, research and review a healthcare fraud case;
- Identify the key compliance issues for which healthcare defendant was prosecuted
- Draft a compliance program that would be appropriate for the healthcare fraud case originally selected.

#### C. **Final Examination** **40%**

The course will conclude with a final examination intended to assist students with synthesizing and gaining a command over the material covered during the Quarter.

**Note: Repeated absences from class sessions will impact final grade.**

### 5. Final Examination

The final exam will be a 2 hour in-class, closed book exam. It will be given on **MONDAY, JUNE 11, 2007, 10:00 a.m. – 12:00 p.m.**

## 6. **Text Book**

The primary reading materials will be handed out in class. The below identified text may also be useful as an additional reference.

Problems in Health Care Law, Ninth Edition, Robert D. Miller, J.D., M.S., M.S. Hyg., Rebecca C. Hutton, M.S., J.D., M.A., M.H.S.A., Editor, Aspen Publishers, Inc., Maryland, 2006 (hereinafter referred to as "Problems").

## 7. **Questions**

Please feel free to ask me any questions you wish, either during class or at any other time, about this outline or the course.

**Health Law Course Syllabus**  
**(Spring 2007)**

<b><u>Topic</u></b>	<b><u>Module No.</u></b>
<b>I. Introduction</b>	<b>1</b>
<b>II. The Legal System and Health Policy</b>	<b>1 &amp; 2</b>
A. The United States Legal System - Overview	
B. Government Organization - Overview	
1. The Legislative Process	
2. The Judicial Process	
3. Federal and State Regulatory Agencies	
4. Administrative Rule-Making	
<b>III. Basic Legal Principles</b>	<b>2</b>
A. Healthcare Terminology – “Alphabet Soup”	
B. Legal Citations	
C. Conducting Legal Research	
<b>IV. Contracts</b>	<b>3</b>
A. General Principles of Contract Law	
<b>V. Principles of Liability</b>	<b>4</b>
A. General Principles of Tort Law	
<b>VI. Fraud and Abuse</b>	<b>5</b>
A. Medicare Fraud and Abuse Laws	
B. OIG Enforcement Activities	
C. Anti-kickbacks Laws	
D. Stark Laws	
<b>VII. Corporate Compliance</b>	<b>6</b>
A. United States Federal Guidelines	
B. Corporate Compliance Programs	

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<b><u>Topic</u></b>	<b><u>Module No.</u></b>
<b>VIII. The Medical Staff; Peer Reviews in Medical Organizations</b>	<b>7</b>
A. The Medical Staff	
B. Peer Review Investigations	
C. Peer Review Hearings	
D. Medical Board of California & National Practitioner Data Bank Reports	
<b>IX. Business Law</b>	<b>8</b>
A. General Principles of Corporate Law	
B. Corporate Formation	
1. Articles of Incorporation	
2. Corporate Members and Shareholders	
3. Governing Board – Duties of Directors	
4. Officers	
C. Securities	
D. Tax Exempt	
<b>X. Final Examination</b>	