Summary of Course
Welcome to Fundamentals of Health Law! Health law is a broad, dynamic field that is undergoing significant change as the Affordable Care Act faces complex political and implementation challenges while the health care industry transforms in ways that bump up against traditional legal theories.

This course provides a survey of health care law, policy, and organization in the United States, with particular attention to areas of change. This course is intended to be quite interactive and discussion-based; it utilizes a new textbook that features practice-oriented problems. We will also hear from attorneys engaged in different areas of health care law.

Class Goals
Students who successfully complete this course will markedly improve their ability to:
1. Articulate and debate significant legal and policy issues related to the United States’ rapidly evolving health care system and its impact on individuals, businesses, and governments.
2. Analyze the applicability of key healthcare-related statutes, regulations, and legal precedents.
3. Anticipate ways in which the ACA might impact health care financing and delivery.
4. Work cooperatively to understand and explain complex health law issues.
5. Participate in advanced health law courses and, in those courses or independently, write well-considered articles on health law topics.

Class Materials
The required text for this course is The Law of American Health Care by Huberfeld, Outterson and Leonard (Wolters Kluwer 2017). Our study will focus on the material in this textbook, including many of its questions, problems, and capstones. As indicated on the syllabus, there are a few additional required readings and videos.

In order to get a full and real-time sense of prominent health law and policy issues, students should subscribe to the Kaiser Family Foundation’s Daily Health Policy Report and regularly scan its contents. During most class session, we will consider how current legal and policy issues relate to the material we are studying.
The syllabus includes links to required and optional materials; other documents, including handouts and power points will be posted to the class website. If you have questions about accessing materials, please contact my assistant, Ellen Monteith.

Class Preparation and Participation
Active, respectful participation and collaboration are essential components of this course. All students should come to class not only having read the materials, but also having thought critically about them. The better your questions and comments, the better our class will be. I recognize that on rare occasions a student might need to miss a class or attend unprepared. If you need to miss class or are unprepared to participate actively, let me know in advance.

Nothing impedes robust discussion more than web surfing or texting during class. Please use computers only for taking notes or doing in-class exercises, and put phones away.

Office Hours
I look forward to talking with you outside of class, and expect that each of you will meet individually with me at least once early in the quarter. My office hours are Tuesdays from 1:30 – 2:30 and by appointment. In addition, if my door is open, I am generally interruptible.

Course Grading
The course grade will be based on timely, satisfactory completion of 4 out of a possible 8 short written assignments, a quiz, and a final exam. In addition, there is an option for students to “lock in” a B. Students who lock in a B may choose to skip the exam and receive that grade, or take the exam and not risk getting lower than a B.

To lock in a B, students must:
1. Complete seven (7) of the eight (8) written assignments in a timely and satisfactory way.
2. Attend and participate in all classes, except where excused.
3. Score at least eight (8) points on the quiz.

The eight short written assignments are not graded, but timely, satisfactory completion of any four of them is required to be allowed to sit for the final exam. I will let you know if a completed assignment is unsatisfactory.

The written assignments are all based on the assigned materials. They are due on Wednesday by 10:00 PM submitted via the course website, except that the first week of class the assignment is due by 10:00 PM on Friday. These are not intended to be onerous; they are intended to help solidify your understanding of the material, prepare for class, gain comfort with exam-type questions, and, for those who wish, help “lock-in” a B.

They require no outside research; where appropriate you should refer to the assigned materials with informal citations (e.g., “text at 104”). There is no set word limit, but I expect that each assignment will require no more than one or two single-spaced pages to fully complete. I encourage you to discuss the assignments with your fellow students, but the written product must be your own work.

In an effort to quickly return the completed assignments to you (via the course web site), I will make only brief comments on them and will post one or two good examples with the author’s name redacted. If you write something that you do not want me to mention in
class or if you do not want your response posted, please clearly indicate your desire for confidentiality at the top of your paper.

The 45-minute quiz, worth up to 15 points, will take place in class on Thursday October 12 and will consist of short answer questions and an essay question. All questions will be about the public provision of health insurance. The quiz will mimic exam conditions. My goals with this quiz are to make sure that students have a solid grasp of Medicare and Medicaid -- a necessity for engaging with the subsequent material -- and are familiar with the exam style.

The 3-hour final exam, worth up to 85 points, will take place at the officially scheduled time in December and will consist of short answer and essay questions about material from the entire course. The scheduled time is listed as 8:30 on Monday December 11, but do double-check this beforehand.

For both the quiz and the final you will need to use either the Examplify software or handwrite your answers in blue books that you provide. Both the quiz and the final are open book. For the purposes this class, that means that you may refer to your textbook, any documents listed as required or optional, your class notes, class Power Point slides, any materials distributed in class, and any other outline or material to which you made a substantial contribution. Copying and pasting from electronic materials is prohibited. Accessing the Internet is prohibited. You may use “Ctrl F” to search your electronic outlines or class notes.

Exams from prior years will be available for your review through the library’s website; I am happy to go over your draft answers to old exams. Note that some of the prior exams were closed book and that none of them were based on the textbook that we will use.

In addition, I reserve the right to adjust final grades upward for consistently exceptional class participation and written work or downward for poor participation and written work.

Disability-related Needs
To request academic accommodations due to a disability, please contact Disability Resources for Students (DRS), 011 Mary Gates Hall or 206-543-8924 or uwdrs@uw.edu. If you have a letter from DRS, please present the letter to me so we can discuss the accommodations you might need in this class.

Course Syllabus
I intend to follow the syllabus as described below. It is possible, though, that we will move through the material more quickly or more slowly than I anticipate.

<table>
<thead>
<tr>
<th>Week 1</th>
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| **CLASS ONE**  
**Tuesday September 26**  
Introduction to American Health Care Law |

**Text:** Skim the Preface and Chapter 1; closely read and be prepared to discuss your assigned portion of Chapter 1 as described below. (All of Chapter 1 is to be closely read prior to the second class.)

**Handout:**
“Health Care Acronym and Statute List”

**Guidance for Pre-Class Work:** Chapter 1 introduces many of the themes, authorities, and topics we will explore in this class, and provides three example case studies. Based on your last name, please closely read one of the case studies, note your preliminary answers to the questions in the textbook, and consider whether the case study resonates with any current legal or policy issues.

Those with last names beginning with **A-L**, focus on “individual rights and government powers” (vaccination requirements; *Jacobsen v. Massachusetts*) beginning at page 6; last names **M-R** on “health care relationships and fiduciary duties” (fraudulent billing allegations; *Campbell v. Redding*) beginning at page 14; and **S-Z** on “the modern administrative health care state” (contraceptive coverage mandates; *Hobby Lobby v. Burwell*) beginning at page 21.

**CLASS TWO**  
**Thursday September 28**  
**Introduction to American Health Care Law**

**Text:** Chapter 1

**Required Supplemental Readings:**


**Required Video:**
Watch *Money and Medicine*, PBS television broadcast Sept. 25, 2012, (a one-hour documentary) and note your answers to the questions in the posted handout.

**Handout:**  
“Questions related to *Money and Medicine*”

**Optional Background Material:**

**Guidance for Pre-Class Work:** My intent in assigning the video and Gawande articles is to provide some practical context and policy background for many of the legal issues we will study. These materials are pitched at a lay audience. The 2009 Gawande article is quite well known in health policy and management circles.

**Week 2**

**CLASS THREE**  
**Tuesday October 3**  
**Public Provision of Health Insurance**

**Text:** Chapter 2 (through Medicare)

**Optional Background Material:**

*Medicare and Medicaid at 40*, Kaiser Family Foundation, July 10, 2005, (documentary
### Week 3

**CLASS FIVE**  
**Tuesday October 10**  
**Public Provision of Health Insurance**

**Text:** Chapter 2 (wrap up of Medicare and Medicaid)  
Chapter 3 (skim, in preparation for introduction to the topic)

**Optional Background Material:**  
KAISER FAMILY FOUNDATION, *Accountable Care Organizations, Explained* (with short video).

### CLASS SIX  
**Thursday October 12**  
**Regulation of Private Health Insurance**

**Quiz:** 45 minute quiz at beginning of class (see details above)

**Text:** Chapter 3 (through Employer-Sponsored Insurance)

**Required Supplemental Reading:**  

**Handout:**  
ERISA flow chart and self-insurance diagram

### Week 4

**CLASS SEVEN**  
**Tuesday October 17**  
**Regulation of Private Health Insurance**

**Text:** Chapter 3 (Individual and Small Group Markets)

**Guest Expert:** Jane Beyer, Senior Health Policy Advisor, Washington State Office of the Insurance Commissioner (tentative)

**Optional Background Material:**  
KAISER FAMILY FOUNDATION, *The YouToons Get Ready for Obamacare* (July 17, 2013) and...
Health Insurance Explained: The YouToons Have it Covered (Dec. 2, 2014). Both of these short animated videos are also available in Spanish (Los YouToons se preparan para Obamacare) and (El seguro de salud, explicado: los YouToons lo tienen cubierto).

**CLASS EIGHT**
**Thursday October 19**
**Structure and Governance of Health Care Entities**

**Text:** Chapter 4

**Required Supplemental Reading:**
Mike Baker and Justin Mayo, "High Volume, Big Dollars, Rising Tension," Seattle Times, Feb. 10, 2017. This is part of a series of articles in a special investigation series by the Seattle Times. The other articles are available via links at the top of this webpage.

**Guest Expert:** Jeff Sconyers, Senior Lecturer, UW Department of Health Services (Former Senior Vice President and General Counsel, Seattle Children’s)

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**Week 5**

**CLASS NINE**
**Tuesday October 24**
**Tax-Exempt Health Care Charitable Organizations**

**Text:** Chapter 5

**Optional Background Material:**
Community Health Needs Assessment Resources, WASHINGTON STATE HOSPITAL ASSOCIATION.

**CLASS TEN**
**Thursday October 26**
**Health Care Fraud and Abuse**

**Text:** Chapter 6 (until the Anti-Kickback Statute, p. 348)

**Handout:**
“A simple summary of complex fraud and abuse laws”

**Optional Background Material:**

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**Week 6**

**CLASS ELEVEN**
**Tuesday October 31**
**Health Care Fraud and Abuse**

**Text:** Chapter 6 (until Council for Urological Interests, p. 378)

**Guest Expert:** Harold Malkin, Shareholder, Lane Powell (formerly Deputy Civil Chief, U.S.)
CLASS TWELVE
Thursday November 2
Health Care Fraud and Abuse

Text: Chapter 6

Optional Background Material:


CLASS THIRTEEN
Tuesday November 7
Competition in Health Care Markets

Text: Chapter 7 (entire chapter)

Guest Expert: Doug Ross, JD, Partner, Davis Wright Tremaine

Required Supplemental Reading:


Optional Background Material:
Doug Ross and Ryan Gist, St. Luke’s Litigation, ANTITRUST HEALTH CARE CHRONICLE, March, 2014. (Note that this article, by our guest speaker for the day, predates the 9th Circuit decision in St. Luke’s.)

CLASS FOURTEEN
Thursday November 9
Competition in Health Care Markets

Text: Chapter 7
**Week 8**

**CLASS FIFTEEN**  
Tuesday November 14  
Duties Related to Patient Care

*Text:* Chapter 8  (until page 489)

*Optional Background Material:*
*Washington State Hospital Association EMTALA Fact Sheet.*

**CLASS SIXTEEN**  
Thursday November 16  
Duties Related to Patient Care

*Text:* Chapter 8

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**Week 9**

**CLASS SEVENTEEN**  
Tuesday November 21  
Regulation at the Beginning and End of Life

*Text:* Chapter 9 (focus on Beginning of Life section)

*Guest Expert:* Sara Ainsworth, Advocacy Director, Legal Voice

*Required Supplemental Reading:*  

*Optional Background Material:*


**NO CLASS**  
Thursday November 23

**HAPPY THANKSGIVING

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**Week 10**

**CLASS EIGHTEEN**  
Tuesday November 28  
Regulation at the Beginning and End of Life

*Text:* Chapter 9 (focus on End of Life section)

*Optional Background Material:*

Website for UWMC Patient Education Series: Living Wills and Other Advance Directives.

Website for Compassion and Choices of Washington, particularly as to the DWDA.

**CLASS NINETEEN**  
**Thursday November 30**  
**Health Privacy in the Digital Age**

**Text:** Chapter 10

**Guest Expert:** Aimée D. Brice, Assistant General Counsel, MultiCare Health System

**Optional Background Material:**
“HIPAA for Professionals” interactive webpage.

**Week 11**

**CLASS TWENTY**  
**Tuesday December 5**  
**TBD**  
**Regulation of Biomedical Research on Humans**  
**Or**  
**Course Wrap-Up and Review**

**Text:** Chapter 11

**Optional Background Material:**

*The Immortal Life of Henrietta Lacks*, HBO movie trailer.