University of Baltimore School of Law  
Spring 2014

Course: Health Care Law  
LAW 725.512

Professor: Marie Vasbinder  
Email Address: mevasbinder@msn.com  
Phone: (410) 971-5542  
Office Hours: by appointment

Class times: Tu/Th; 7:45 pm – 9:00 pm

Location: Angelos Law Bldg – Room 1002

Course Materials:

Course Objectives:
- Understanding of the definition, evaluation, and distribution of Health Care as a resource
- Introduction to the legal concepts incorporated in the delivery of healthcare involving both the providers of care and the consumers of that care
- Knowledge of the measurement of quality both with the healthcare delivery system as well as the practitioners who render that care
- Introduction to the financial aspects of healthcare delivery
- Understanding of healthcare reform
- Knowledge of the role of government in the delivery of healthcare including access, control, costs, and financing
- Discussion of the challenges in representing clients within and among the healthcare industry

Attendance, Preparation and Class Participation:
You are expected to attend all classes and to be on time for each class. You are also expected to participate in class discussions. Both your attendance and your participation will be considered when awarding the final grade for the course. Class participation is 20% of your grade. You are required to sign the attendance sheet at each class session.

ABA policy limits absences to no more than five for a three-credit course. We make no distinction between excused and unexcused absences. A student who exceeds the five-
absence limit may be compelled to withdraw from the course with a WA or WF or barred from sitting for the final exam.

**Assessment and Grades:**
Your grade for this course will consist of the following:
- Class Participation = 20%;
- Mid-Term exam = 30%; and
- Final exam = 50%

**Course Web Page:**
The course has a TWEN webpage that will be used for announcements, class readings/assignments and discussions. All students are expected to check TWEN regularly for updates on assignments. You may also use the e-mail feature to contact me or your classmates.

**Academic Integrity:**
Students are bound by the UB School of Law academic integrity policy. Violations of the School of Law Honor Code include but are not limited to the following:
- Cheating
- Misrepresentation of work product
- Any act of dishonesty related to an academic matter
- Conspiracy to aid another in an act of dishonesty/cheating

**Communication Outside of Class:**
The best way to communicate with me outside of class is over email. During the work week, I will do my best to respond to your emails within 24 hours, and much sooner than that if possible. If you have a **genuine emergency** and are not able to reach me by email, don’t hesitate to call my cell phone number listed above.

If you ask me a question over email to which I think your classmates may benefit from hearing the answer, I may choose to respond in an email to the entire section rather than in an email to you. If I do that, I will remove your identifying information from my reply.
Syllabus

Week 1:

Aug. 18 – **Cost, Quality, Access, and Choice**
*Illness*: Casebook pp 1-8; 9-12; 15-26

**Katskee v. BC/BS of Nebraska**

**Defining Quality**: Casebook pp 27-35; 36-42

Aug. 20 – **Patient Safety**: Casebook pp 43-54;
*Regulating to Reduce Medical Adverse Events*: Casebook pp 56-58; 61-66
*Population Health*: Casebook pp 70-78

**Jacobson v Massachusetts**

Week 2:

Aug. 25 – **Quality Control Regulation**: Casebook pp 87-98; Note pp101-103; 104-111 (incl. notes); 113-121; 123-131 (incl notes)

*Licensed Health Care Professionals*

**In re Williams**
**Hoover v Agency for Health Care Administration**
**In re Guess**
**State Bd. Of Nursing v Ruebke**
**Sermchief v. Gonzales**

*Quality Regulation of Health Care Institution*: 137-142; 143-154; 162-165; 172-173 (incl notes); 173-175

**Estate of Smith v Heckler**
**Fairfax Nursing Home v DHHS**

Aug. 27 – **Professional-Patient Relationship**: Casebook pp 177-195 (incl notes); 196-205 (incl notes)

*Patient and Physician Contract*

**Esquivel v Watters**
**White v. Harris**
**Kaplan v. Mayo Clinic**
**Tunkl v Regents of Univ of California**
**Shorter v. Drury**
Week 3:

Sept. 1 – Informed Consent: Casebook pp 206-222 (incl notes); 223-233; 234-242; 244 - 255

Canterbury v Spence
Johnson v Kokemoor
Arato v Avedon
Moore v Regents of Univ of California

Confidentiality: Casebook pp 255-260; 262-288
Humphers v First Interstate Bank of Oregon
Doe v Medlantic Health Care Group, Inc.
Yath v. Fairview Clinics, N.P.

Sept. 3 – Professional Liability

Standard of Care: Casebook pp 299-309; NOTES: 311-314; 314-319; NOTES: 319-324; 325-327; 331-334; 336-339; 342-347; 350-359

Hall v Hilbun:
Conn v. United States:
Helling v. Carey
Strasel v. Seven Hills OB-GYN Associates, Inc.
Wickline v State:
Murray v UNMC physicians

Week 4:

Sept. 8 – Malpractice Defenses: Casebook pp 359-375; 377-397(incl notes); 400-410; 413-415

Brook v. St. John’s Hickey Memorial Hospital:
Richardson v. Miller
Arrouo v. U.S.
Ostrowski v Azrara:
Herskovits v Group Health Cooperative of Puget Sound
Marsh v. Arnot Ogden Medical Center
Week 5:

Sept. 15 – Institutional Liability: Casebook pp 417-431(incl notes); 432-437;
Sept. 17 439 – 458(incl notes); 460-468(incl notes); 469-481

Hospital Liability

Scott v SSM Healthcare St. Louis
Burless v West Virginia University Hospitals
Washington v Washington Hospital Center
Muse v. Charter Hospital of Winston-Salem, Inc.
Darling v. Charleston Community Memorial Hospital
Thompson v. Nason Hospital
Carter v. Hucks – Folliss
Larson v. Wasemiller
Kadlec Medical Center v. Lakeview Anesthesia Associates

Week 6:

Sept. 22- Tort Liability and Reform: Casebook pp 483-497; 498-502; 506-523

Petrovich v Share Health Plan of Illinois, Inc
Shannon v. McNulty

Sept. 24- Health Care Cost/Access: Casebook pp 525-574

National Federation of Independent Business et al., Petioners v. Sebelius

Duty to Treat: Casebook pp 577-590; 592-604; 607-624

Ricks v Budge:
Childs v Weis:
Williams v U.S.:
Baber v Hospital Corporation of America:
Bragdon v Abbott
Howe v Hull
**Week 7:**

Sept. 29 - **Mid Term EXAM**

Oct. 1 – **Private Health Insurance and Managed Care:**
Casebook pp 627-670; 671-682; 684-686; 687-694

  *Lubeznik v Healthchicago, Inc:*

**Week 8:**

Oct. 6 – **ERISA:** Casebook pp 694-717(incl notes); 718-728; 737-744; 749-757

  *Rush Prudential HMO, Inc v Debra C. Moran, et al*
  *Aetna Health Inc v Davila*

Oct. 8 - **Public Health Care Financing Programs:**
  *Medicare:* Casebook pp 761-809; 810-817; 822-825

  *Bellevue Hospital Center v Leavitt*
  *Shalala v Illinois Council on Long Term Care, Inc*

**Week 9:**

Oct. 13 - **Maryland Waiver – Health Care Financing**

Oct. 15 - **Medicaid:** Casebook pp 826-847; 850-875

  *Lankford v Sherman:*
  *Westside Mothers v Haveman:*
  *Douglas v Independent Living Ceneter of Southern Ca., Inc*
Week 10:

Oct. 20 - **Professional Relationships in Health Care Enterprises:** Casebook pp 877-894 (incl notes); 896-903 (incl notes); 906-911

- Sokol v Akron General Medical Center
- Mateo-Woodburn v Fresno Community Hospital
- Mahan v. Avera St. Luke’s
- Potvin v Metropolitan Life Insurance Co

Oct. 22 - **Labor and Employment:** Casebook pp 911-933 (incl notes)

- Turner v. Memorial Medical Center
- New York Univ Medical Center and Assn of Staff Psychiatrists, Bellevue
- Oakwood Health Care Inc [Nat’l Labor Relations Act]

**Discrimination Law:** Casebook pp 934-944

- Estate of Mauro v. Borgess Medical Center

Week 11:

Oct. 27 - **Structure of Health Care Enterprise:** Casebook pp 945-964 (incl notes); 965-983 (incl notes); 984-989; 992-1003 (incl notes)

- Stern v Lucy Webb Hayes Nat’l Training School for Deaconesses & Missionaries:
- In re Caremark International Inc. Derivative Litigation:
- Manhattan Eye, Ear and Throat Hospital v Spitzer
- Berlin v Sarah Bush Lincoln Health Center

Oct. 29 – **Tax-Exempt Health Care Organization:** 1004-1016; 1018-1024 (incl notes);

- Utah County v Intermountain Health Care, Inc:
- Provena Covenant Medical center v Dept of Revenue

Charitable Purposes: Integrated Heath Systems: 1025-1032; IHC Health Plans, Inc. v Commissioner of Internal Revenue

Joint Ventures: 1039-1071

- Redlands Surgical Services v Commissioner of Internal Revenue
**Week 12:**

Nov. 3 – **Antitrust:** Casebook pp 1163-1187 (incl notes); 1194-1216 (incl notes); 1219-1223; 223-1227; 1232-1241; 1242-1267 (incl notes)

- In re Michigan State Medical Society
- California Dental Association v Federal Trade Commission
- Arizona v Maricopa County Medical Society
- United States v Blue Cross Blue Shield of Michigan
- West Penn Allegheny health System, Inc. v UPMC; Highmark
- In the Matter of Hospital Corp of America
- Federal Trade Commission v Tenet Health Care Corporation
- In the Matter of Evanston Northwestern Healthcare Corp.

Nov. 5 – **Fraud and Abuse:** Casebook pp 1073-1086; 1090-10989; NOTES: 1102-1103; 1103-1105; 1108-1113; 1115-1121; 1124-1130; 1131-1145; 1150-1156 (incl notes); 1158-1159 (incl notes); 1160-1162

- United States v Krizek
- United States ex rel. Mikes v Straus
- United States v Greber
- United States v Starks
- OIG Advisory Opinion No. 03-5

**Week 13:**

Nov. 10 – **Reproduction and Birth:** Casebook pp 1271-1275; 1277-1294; NOTES: 1297-1302; 1302-1337; 1345-1347; 1349-1354

- Roe v Wade
- Planned Parenthood of Southeastern Pennsylvania v Casey
- Gonzales v Carhart

**Assisted Reproductive Technologies (ART):** Casebook pp 1355-1374; 1380-1395 (incl notes); 1395-1438 (incl notes)

- In the Interest of K.M.H.
- Davis v Davis
- In the Matter of Baby M
- Johnson v Calvert
- In re A.C.
Nov. 12 - **Organ Transplantation and Determination of Death**: Casebook pp: 1483-1485; 1487-1493; NOTES: 1494-1496; 1496-1507(incl notes); 1509-1510; 1511-1528(incl notes); 1529-1530

Newman v Sathyavaglswaran
Flynn v Holder
In re T.A.C.P.
In re Baby K

**Week 14:**

Nov. 17 – **Life and Death Decisions**: Casebook pp 1535-1576(incl notes); 1577-1590; 1592-1638(incl notes); 1642-1649; 1651-1658; 1664-1669; 1671-1682

Cruzan v Director, Missouri Department of Health
Bouvia v superior Court
Public Health Trust of Dade County v Wons
In re Eichner
In re Conroy
Conservatorship of Wendland
Guardianship of Schiavo
Superintendent of Belchertown State School v Sailewicz
In re Storar
Newmark v Williams
Betancourt v Trinitas Hospital

Nov. 19 - **Medically Assisted Dying**: Casebook pp 1687-1704; 1707-1711 (incl notes #7, 8); 1711-1724; 1725-1737

Washington v Glucksberg
Vacco v Quill
Oregon Death with Dignity Act- 2012
Baxter v Montana

Final Exam – Dec. 1-11; Take Home Exam date/time TBA