Welcome to Health Law Organization and Finance!
This course does not require math skills or an accounting background. Rather, it addresses what every politician running for President today is discussing: the regulation, structure, and financing of the American health care system. It will focus on the cost and access issues which permeate health care. The class will examine how health care is funded through both private and public insurance, including Medicare and Medicaid. The obligations of hospitals and professionals to treat the uninsured will be reviewed, as well as the policy questions about addressing access to the large uninsured population. The course will also review the forms and structure of health care enterprises, with a focus on the creation and regulation of tax-exempt organizations. The fraud and abuse laws, including the False Claims Act, the Anti-Kickback law and STARK, will be reviewed both from the perspective of the compliance department and of the lawyer who must structure health care entities with these laws in mind. Finally, the course will review how the antitrust laws impact the structure and conduct of health care providers.
Course Materials:

All reading assignments are from the required text, Health Law by Barry R. Furrow et al, (West 5th Edition). This is the required text for both parts of our survey classes: this course and Health Law Quality and Liability. However, if you are only taking Health Law Organization and Finance, there is a softbound portion of the larger text available for purchase from West. You will have to adjust the page assignments in the syllabus, but the softbound version is less expensive if you are not planning on taking both survey classes. A number of articles and a few up to date cases will be assigned and posted on TWEN, as will any Power Points used by Professor Jesson during class. However, the Power Points will only be posted after the class ends.

Technology Policy:

In order to facilitate focused interactive class and small group discussion, there will be occasions when the class will be asked to close their notebook computers and/or turn off technology they have been using. At other times, students may use laptops for note taking. **If a student uses classroom time to read or send e-mail messages, visit web sites or engage in any other online or technology based activities (including cellular telephones) that student will be asked to drop the course and will not receive academic credit for the class.**

Course Evaluation:

Subject to the caveat below regarding class preparedness, sixty percent of your course grade will be based on one self-scheduled, anonymous, two hour final examination, which shall include essay and objective questions. Ten percent will be based on a group presentation regarding an analysis of the health care positions and proposals of one of the current presidential candidates. Candidate assignments will be made during the first two weeks of class and fifteen minute presentations will be scheduled throughout the semester. Thirty percent of your grade will be based on two short graded assignments: a client advice letter (which will be anonymous) and the negotiation and drafting of a contract. The caveat is that your course grade may be adjusted one-half of a letter (up or down) based on class preparedness in accordance with Hamline University Academic Rules 1-107C5 and 1-110. More specifically, I reserve the right to: 1) raise your course grade by one-half of a letter if you participate substantially when not called on or distinguish yourself when called on; or 2) lower your course grade by one-half of a letter if you are not prepared when called on. Your active participation in small group exercises will be assessed as part of your class preparedness.

Course Attendance:
At the beginning of each class, I will distribute a class roster for you to sign. If you are absent for more than three classes, your absences will be treated as “excessive” in accordance with Hamline University Academic Rule 1-110 unless you have approval from me in advance.

Assignments:

While this syllabus provides an overview of the materials and topics to be covered, the specific assignments will be set out in sections. This syllabus will be updated to reflect these assignments and the small group presentations described above. Please always refer to TWEN for the most up-to-date copy of the syllabus.

Week one: January 16-17

Introduction to course; explanation of course syllabus, grading and class preparation requirements; overview of current system and cost drivers in health care finance. Introductory lecture on Medicare and Medicaid.


Focus on Access

Week two: January 23-24

The structure and role of public health care programs. Introduction to the forms of health care organizational structures, and the implications of nonprofit status.

Reading: Health Law pages 731-802 (softcover pages: 359-430) and summaries of Medicare and Medicaid Programs posted on TWEN.

Week three: January 30-31

Review additional Federal and state initiatives to provide and continue coverage including HIPPA, the Americans with Disabilities Act, the State Children’s health Insurance Program and the new “Massachusetts Mandate” model.

Reading: Health Law pages: 713-730 (softcover pages: 272-358) and 341-358 (not in softcover book) and Postings on Minnesota and Massachusetts plans

Focus on Structure and the Implications of those entities for the Health Care Nonprofit
Week Four: February 6-7

Introduction to the forms of health care organizational structures, and the implications of nonprofit status.

Reading: Health Law pages 867-899 (softcover pages: 495-527) and 906-920 (softcover pages: 534-548)

Week Five: February 13-14

Further discussion of health care facilities as charities and the community benefit requirements of tax-exempt organizations. Address joint ventures between Tax-Exempt and For-Profit Organizations

Reading: Pages 920-960 (softcover pages: 548-588) and case posted on TWEN.

Week Six: February 20-21

Examine excess benefit transactions and the Corporate Practice of Medicine Doctrine. Read and discuss excerpts from the Minnesota AG investigation of a nonprofit health care provider.

Reading: Health Law pages: 968-975 (softcover pages: 596-602) and 899-906 (softcover pages: 527-534) and Isles Wellness Center case and excerpts from AG investigation posted on TWEN

Week Seven: February 27-28

Finish discussion about legal obligations of the health care nonprofit. Pass out and complete contract negotiation problem. One class will be spent on the negotiations, with the agreed upon (or competing!) contracts due on Monday March 3 by 5 pm.

Fraud and Abuse Laws

Week eight: March 5-6

Begin section on the False Claims Act and the impact of Federal Fraud and Abuse Laws on health care providers’ financial arrangements

Reading: Health Law pages 976-1011 (softcover pages: 603-638)
Week nine: March 12-13

Continue section on Fraud and Abuse with examination of referral fees.

Reading: Health Law pages: 1011-1033 (softcover pages: 638-660) and 633-670 (softcover pages: 261-298)

Week ten: March 26-27

Examine the Stark Laws: A transactional Approach to Self-Referrals. Assign Client Advice letter, which will be due by 5 pm on April Fool’s Day. (Use your exam number for the letter which will be graded!)

Reading: Health Law pages 1033-1045 (softcover pages: 660-672) and overview of new “Stark III” regulations.

Antitrust Issues in Health Care

Week eleven: April 2-3

Provide overview of antitrust issues with emphasis on principles applicable to health care practitioners. Examine cases involving alleged restraint of trade and boycotts by professional associations. Address how antitrust laws impact professional standards and staffing decisions.

Reading: Health Law pages 1047-1077 (softcover pages: 673-704)

Week twelve: April 9-10

Guest speaker, Tom Pursell, will provide an overview of mergers and acquisitions and address the real and potential antitrust challenges in Minnesota as our health systems evolved over the past 10 years. Then we will address the antitrust issues raised by the integration and financing of health care enterprises.

Reading: Health Law p. 1077-1113 (softcover pages: 704-740)

Week thirteen: April 16-17

Examine the impact of antitrust laws on mergers and acquisitions.

Reading: Health Law, pages 1113-1133 (softcover pages: 740-760)

Special Topics
Week fourteen: April 23-25

Address the legal implications of wellness plans and consumer driven health care.

Reading: to be assigned and posted on TWEN