

Health Law and Policy: Financing, Organization and Access

Spring 2013

Course Meets on Thursdays from 3:35 to 6:15 p.m. in Room 244

Ann O’Leary

Office Hours: 6:15 – 7:00 p.m. on Thursdays (in Café Zeb) or by appointment

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Course Description:

This course offers an introduction to the financing and organization of the U.S. health care system and the public policies and laws that impact that system. Topics covered include health care cost and access; federal and state regulation of private health insurance and managed care; financing of public health programs, including Medicare and Medicaid; the structure of the health care enterprise; and legal issues related to the organization and reform of the delivery of health care, including anti-trust and fraud and abuse.

Course Material:

Casebook (CB): FURROW, GREANEY, JOHNSON, JOST, & SCHWARTZ, [THE LAW OF HEALTH CARE ORGANIZATION AND FINANCE](#) (6th ed. 2008), and the [HEALTH CARE REFORM SUPPLEMENTARY MATERIALS: 2012 EDITION](#) to FURROW, ET AL., HEALTH LAW: CASES MATERIALS AND PROBLEMS (6th ed. 2008).

Plus additional materials noted on syllabus, which will be posted on the course bSpace page.

Course Requirements:

With the implementation of the Patient Protection and Affordable Care Act of 2010 (upheld by the Supreme Court in 2012), the landscape of health law and policy is going through fundamental changes. The most important requirement for this course is to be actively engaged and interested in learning the basics of health care organization and finance and be prepared to learn together as the landscape shifts in front of us.

Each student will be required to write a weekly reflection paper and will be required to complete a final take home examination.

- *First Week Submission:* For the first class, please submit several paragraphs explaining your goals for the class, interest in health law and policy, any prior work or academic experience in the subject, and any career plans/ambitions in the field of health law and policy. Please send this first week submission to me via email at ann.oleary@tcng.org by 9:00 p.m. on Wednesday, January 9th.

- *Weekly Reflection Papers:* Each week, you will be required to submit a short reflection paper prior to class. The weekly reflection papers should be no longer than one page. You may either comment generally on your reactions to the readings, or you may raise several questions about the readings that you would like discussed in the class session. They are due at 9:00 p.m. on Wednesdays of each week and must be emailed to me at ann.oleary@tcng.org by that deadline. During the course of the semester you have *three free passes* to use in which you may email me by the allotted time to let me know that you will be using one of your free passes that week.
- *Final Exam:* The grade for this course primarily will be based on the final exam. The final exam is a 24-hour take home examination that you will be able to take any time during the law school's examination period: April 29 to May 9, 2013. The weekly reflection papers and class participation will be used as a plus factor in determining final grades.

PART I: HEALTH CARE ACCESS AND COST

CLASS 1: THURSDAY, JANUARY 10

Topics/Readings: Health Care Cost and Access: The Effects of Health Care Reform

- Supp: Chapter 7, pp. 102-139
- Additional Reading: Kaiser Family Foundation, Overview of the Patient Protection and Affordable Care Act, available at: <http://www.kff.org/healthreform/upload/8061.pdf>

Assignment: For the first class, please submit several paragraphs explaining your goals for the class, interest in health law and policy, any prior work or academic experience in the subject, and any career plans/ambitions in the field of health law and policy. Please email to me by 9:00 pm on Wednesday, January 8, 2013.

CLASS 2: THURSDAY, JANUARY 17

Topic/Readings: Access to Health Care: The Obligation to Provide Care

- Introduction
 - CB: Chapter 5, pp. 212-216
 - Supp: Chapter 8, 140-141
- Common Law Approaches
 - CB: Chapter 5, pp. 216-225
- Emergency Medical Treatment and Labor Act
 - CB: Chapter 5, pp. 225-239
 - Supp: Chapter 8, 141-143
- Discrimination based on:

- Disability:
 - CB: Ch. 5, p. 239
 - Supp: Ch. 8, pp. 143-144
- Race:
 - CB: Ch. 5, pp. 249-253
 - Supp: Ch. 8, pp. 144-145
- Immigration Status:
 - Alison Siskin, [*Treatment of Noncitizens Under the Patient Protection and Affordable Care Act*](#), Congressional Research Service, March 22, 2011.

CLASS 3: THURSDAY, JANUARY 24

Topic/Readings: The High Cost of Health Care & Efforts Aimed at Cost Containment

- Supp: Review Chapter 7, pp. 103-105
- Kaiser Family Foundation, [Health Care Costs: A Primer](#), 2012.
- Christina Romer, “[Only The First Step in Containing Health Costs](#),” *The New York Times*, July 21, 2012
- Charles Blahous, [The Fiscal Consequences of the Affordable Care Act](#), Mercatus Center, George Mason University (2012)
- Stephen Zuckerman and John Holohan, [Despite Criticism, The Affordable Care Act Does Much to Contain Health Care Costs](#), The Urban Institute, October 2012

PART II: FEDERAL AND STATE REGULATION OF PRIVATE HEALTH INSURANCE AND MANAGED CARE

CLASS 4: THURSDAY, JANUARY 31

Topic/Readings: Private Health Insurance and Managed Care

- Introduction
 - Supp.: Intro to Ch. 9 & 10, pp. 146-148
- Part I. Insurance and Managed Care: Some Basic Concepts
 - CB: Chapter 6, pp. 254-264;
 - Supp. Ch. 9, p. 149 (I and II)
- Part II. Contract Liability of Private Insurers and Managed Care Organizations
 - CB: Chapter 6, pp. 264-268
- Part III. Tort Liability of Managed Care
 - CB: Chapter 6, pp. 269-303

CLASS 5: THURSDAY, FEBRUARY 7th

Topic/Readings: Regulation of Private Insurance and Managed Care Under State Law

- Part IV. Regulation of Private Health Insurance Under State Law
 - CB: Chapter 6, pp. 303-305
 - Supp: Chapter 9, pp. 150-186
- California HealthCare Foundation, [*Ready for Reform? Health Insurance Regulation in California Under the ACA*](#), June 2011

CLASS 6: THURSDAY, FEBRUARY 14

Topic/Readings: Regulation of Insurance and Managed Care: The Federal Role

- Regulation of Insurance and Managed Care: The Federal Role, Parts I. Intro; Part II. ERISA,
 - CB: Chapter 7, pp. 338-384
 - Supp: Chapter 10, pp. 187-95
- OPTIONAL READING: Part III, Other Federal Initiatives (HIPAA, COBRA, Anti-Discrimination Statutes) – I will lecture on these statutes but this reading is optional. You should focus on the ERISA reading above.
 - CB: Chapter 7, pp. 399-420
 - Supp: Chapter 10, pp. 195-96

PART III: FEDERAL PUBLIC HEALTH PROGRAMS: STRUCTURE, REGULATION AND FINANCING

CLASS 7: THURSDAY, FEBRUARY 21

Topic/Readings: Public Health Care Financing – A Focus on Medicare

- Part I. Intro; and Part II. Medicare
 - CB: Chapter 8, pp. 417-464
 - Supp: Chapter 11, pp. 197-208; 218-220

CLASS 8: THURSDAY, FEBRUARY 28

Topic/Readings: Public Health Care Financing – A Focus on Medicaid and SCHIP

- Part III. Medicaid
 - Supp: Chapter 11, pp. 223-244
 - CB: Chapter 8, pp. 471-495
- Part IV. State Children's Health Insurance Program
 - CB: Chapter 8, pp. 495-497
 - Supp: Chapter 11, pp. 244-245
 - Victoria Colliver, "[Low-Income Kids Shuffled Onto Medi-Cal](#)," *The San Francisco Chronicle*, January 4, 2013