

LAW & MEDICINE – SYLLABUS
COLLEGE OF MEDICINE – HUMA-8407
M4 ELECTIVE

Instructor: **Christopher R. Trudeau, J.D.**
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Class Time: **Wednesdays, 5:00 p.m. to 7:00 p.m.**

Location: **Freeway Medical Tower, Suite 500** (5th Floor Conference Room)
5800 W. 10th Street, Little Rock, AR

Course Description & Learning Objectives:

This elective will expose you to the main legal regulations and rules that govern medical practice. This course is roughly broken down into two broad categories: (1) medical-liability issues and (2) compliance issues. Importantly, however, this course also includes experiential simulations that expose you to legal scenarios you are likely to encounter in practice, such as being deposed, testifying as an expert witness, handling yourself in medical malpractice litigation, and creating compliance plans to ensure your practice is following existing laws, regulations, and accrediting standards.

By the end of the course, you will be able to

- Analyze the ethical and legal pitfalls surrounding key areas affecting medical practice, such as Stark & Anti-Kickback, HIPAA & Hi-Tech, informed consent, medical malpractice, and other compliance-related issues;
- Understand the basic workings of the U.S. legal system as it relates to healthcare litigation and regulation;
- Better prepare yourself for real-life life interaction with the legal system by participating in simulated depositions, expert witness testimony, etc.; and
- Create a compliance plan to combat fraud & abuse in your medical practice and to help increase compliance with laws, regulations, and accrediting standards.

How is this course graded? How do I earn my grade?

This course is pass/fail, and I fully expect everyone to “pass” this course. You will “pass” this course primarily by doing two things: (1) by participating in our class discussions and simulations throughout the Fall and (2) by completing a final project (with an assigned team).

The final project will be explained and distributed in October, and it will be due by Wednesday, November 15 (the last day of the semester). In short, the final project will be to create a compliance plan for a fictional medical practice that you and your team create. Fear not, I will give you a sample, and the “passing” bar will not be too high. So, in the end, if you participate and put in a good-faith effort, you’ll pass.

Per UAMS College of Medicine academic policies, students must abide by all academic requirements as *enumerated in policy and the **Student Handbook*** (including the honor code, plagiarism, academic dishonesty, etc.). All elective courses are graded Pass-Fail. All longitudinal humanities electives offered by the faculty of the Division of Medical Humanities are worth two academic credits in the fourth (senior) year of medical school.

Student grades are determined by the individual course instructor, in response to student performance regarding the assignments of each course, the learning objectives to be attained, attendance policies of the course, and any other requirements enumerated in the syllabus or other official communiques of the instructor (including, but not limited to, course material, letters, memos, emails, and changes to the syllabus itself.

Per COM policy, where possible, a student will be given adequate warning through written medium (email is acceptable) of a possible failing grade, except in cases where failure occurs at the end of term.

Grades, once posted with the registrar, are final and will only be changed if the course instructor was in error when determining the grade.

An "incomplete" grade may only be given if the student requests an "incomplete" before grades are turned into the registrar *and* solely at the course instructor's discretion.

An instructor may only consider allowing a student to drop a course *before the last session** of the course.

What if I have to miss classes to interview for residencies, etc.?

I fully expect that you will have to miss a few classes due to your other M4 obligations. Because of this, I am building two “off” weeks into the class meetings (as you’ll see below). You may also miss two more classes during the term. If you must miss more than two additional classes, let me know, and we’ll make other arrangements so that your effort in the class matches the effort of others passing the class – this will likely take the form of doing writing a short paper on a health-law issue.

What material will I need to read to prepare for class each week?

Because of the obligations of your M4 year, there is no required textbook for this course. Rather, using the calendaring feature on O2, I will post material for you to read and review before class each week. I will usually post the next week’s readings on Fridays.

Also on O2, I will post that week’s class slides. I will usually post the class slides on the same day as class (usually a few hours before each class begins.) If I fail to post the class slides, please remind me to do so.

Weekly Class Outline

Class Date	Topics Discussed
Week 1: August 16, 2017	Introduction to the U.S. legal system & the healthcare regulatory & accrediting bodies
Week 2: August 23, 2017	Intro to tort law & medical malpractice
Week 3: August 30, 2017	Medical malpractice continued (treatment, diagnosis, universal protocols, & assessments & screenings)
Week 4: September 6, 2017	Informed consent
Week 5: September 13, 2017	How to handle depositions; in-class simulated depositions
Week 6: September 20, 2017	HIPAA & HITECH; patients’ Rights
Week 7: September 27, 2017	Fraud & abuse (Stark, Anti-Kickback, & False Claims Act)
Week 8: October 4, 2017	Fraud & abuse continued (safe harbors, advisory opinions, & special fraud alerts); criminal conduct in health care (if time)
Week 9: October 11, 2017	No class this week

Week 10: October 18, 2017	Discharge planning & follow-up care; risk management; healthcare records & reporting requirements Compliance-plan project distributed
Week 11: October 25, 2017	No class this week
Week 12: November 1, 2017	How to thrive as an expert witness; in-class simulated expert witness testimony
Week 13: November 8, 2017	Medical technology & law (and finishing up compliance topics if behind)
Week 14: November 15, 2017	Possible Med Mal Trial simulation (otherwise open topic) Compliance plans due today