

**MIDSTATE COLLEGE**  
**411 W. NORTHMOOR RD. PEORIA, IL 61614**  
**(309) 692-4092 (800) 251-4299**  
**Summer 19**

**Course:** HI 225 Healthcare Law and Ethics  
**Credit:** 4 Quarter Hours

**Method of Delivery:** Online

**Course Description:** This course is designed to provide general legal and ethical information for the employment in and delivery of health care in medical and dental offices, clinics, and emergency care facilities. The student will acquire a working knowledge of the laws and ethical issues relevant to careers in the health information management field. Legal topics include the legislative process, regulations related to healthcare payment systems, access and disclosure of protected health information, HIPAA, standards, regulations, and initiatives. The ethical implications of professional practice-related issues including living wills and advanced directives, among other ethical issues are the basis for discussion and case studies. Research is required.

**Prerequisite:** None

**Text(s) & Manual(s):**

1. Fundamentals of Law for Health Informatics and Information Management, Third Edition
2. Ethics Case Studies for Health Information Management

**Author(s):**

1. Brodnik, Melanie; Rinehart-Thompson, Laurie; Reynolds, Rebecca
2. Grebner, Leah

**Publisher(s):**

1. AHIMA
2. Delmar Cengage

**ISBN-13:**

1. 978-1584265306
2. 978-1418049300

**Topics:**

1. Introduction to the Fundamentals of Law for Health Informatics and Information Management
2. The Legal System in the United States
3. Civil Procedure
4. Evidence
5. Tort Law
6. Corporations, Contracts, and Antitrust Legal Issues
7. Consent to Treatment
8. The Legal Health Record: Maintenance, Content, Documentation and Disposition
9. The HIPAA Privacy Rule
10. The HIPAA Security Rule
11. Security Threats and Controls
12. Access, Use, and Disclosure/Release of Health Information
13. Required Reporting and Mandatory Disclosure Laws
14. Risk Management and Quality Improvement
15. Corporate Compliance
16. Medical Staff
17. Workplace Law

**Learning Objectives:** Upon completion of this course, the student will be able to:

1. Apply legal terminology applicable to healthcare.
2. Analyze legal concepts pertaining to healthcare.
3. Comply with ethical standards of practice.
4. Assess compliance with current laws related to healthcare.
5. Create HIPAA policies and procedures related to access and disclosure of protected information.

CAAHEP Learning Objectives:

VIII.c.5 Differentiate between fraud and abuse

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- X.c.3 Describe components of HIPAA
- X.c.4 Summarize the patient bill of rights
- X.c.5 Discuss licensure and certifications as they apply to healthcare providers
- X.c.6 Compare criminal and civil law as they apply to the practicing of medical assistant
- X.c.7a Define negligence
- X.c.7b Define malpractice
- X.c.7c Define statute of limitations
- X.c.7d Define Good Samaritan act
- X.c.7e Define uniform anatomical gift act
- X.c.7f Define living will and advanced directive
- X.c.7g Define medical durable power of attorney
- X.c.7h Define patient self-determination act
- X.c.7i Define risk management
- X.c.8a Describe the following types of insurance: Liability
- X.c.8b Describe the following types of insurance: Professional (malpractice)
- X.c.8c Describe the following types of insurance: personal liability
- X.c.9 List and discuss legal and illegal applicant interview questions
- X.c.10a Identify Health information technology for economic and clinical health act
- X.c.10b Identify genetic information nondiscrimination act of 2008
- X.c.10c Identify American with disabilities act amendments act
- X.c.11a Describe the process in compliance reporting unsafe activities
- X.c.11b Describe the process in compliance reporting errors in patient care
- X.c.11c Describe the process in compliance reporting conflicts of interest
- X.c.11d Describe the process in compliance reporting incident reports
- X.c.12a Describe compliance with public health statutes communicable diseases
- X.c.12b Describe compliance with public health statutes abuse, neglect and exploitation
- X.c.12c Describe compliance with public health statutes wounds of violence
- X.c.13a Define the following medical legal term: informed consent
- X.c.13b Define the following medical legal term: implied consent
- X.c.13c Define the following medical legal term: expressed consent
- X.c.13d Define the following medical legal term: patient incompetence
- X.c.13e Define the following medical legal term: emancipated minor
- X.c.13f Define the following medical legal term: mature minor
- X.c.13g Define the following medical legal term: subpoena duces tecum
- X.c.13h Define the following medical legal term: respondent superior
- X.c.13i Define the following medical legal term: res ispa loquitor
- X.c.13j Define the following medical legal term: locum tenens
- X.c.13k Define the following medical legal term: defendant-plaintiff
- X.c.13l Define the following medical legal term: deposition
- X.c.13m Define the following medical legal term: arbitration-mediation
- X.c.13n Define the following medical legal term: Good Samaritan Laws
- XI.c.1.a Define ethics
- XI.c.1b Define morals
- XI.c.3 Identify the effect of personal morals of professional performance

**AHIMA 2014 Associate Degree Entry-Level Competencies: Domains, Subdomains, and Tasks**

- II.A.1. Apply legal terminology.
- II.A.2. Identify the use of legal documents.
- II.B.1. Apply confidentiality, privacy and security measures and policies and procedures for internal and external use and exchange to protect electronic health information.
- II.B.2. Apply retention and destruction policies for health information.
- II.C.1. Apply policies and procedures surrounding issues of access and disclosure of protected health information.
- V.A.3. Adhere to the legal and regulatory requirements related to health information management.
- VI.D.2. Interpret compliance with local, state, and federal labor regulations.
- VI.H.1. Comply with ethical standards of practice.
- VI.H.2. Evaluate the consequences of a breach of healthcare ethics.

**AHIMA 2014 Baccalaureate Degree Entry-Level Competencies: Domains, Subdomains, and Tasks**

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- II.A.1. Identify laws and regulations applicable to healthcare.
  - II.A.2. Analyze legal concepts and principles to the practice of HIM.
  - II.B.1. Analyze privacy, security, and confidentiality policies and procedures for internal and external use and exchange of health information.
  - II.C.1. Create policies and procedures to manage access and disclosure of personal health information.
  - V.A.1. Appraise current laws and standards related to health information initiatives.
  - V.A.2. Determine processes for compliance with current laws and standards related to health information initiatives and revenue cycle.
  - V.C.1. Determine policies and procedures to monitor abuse or fraudulent trends.
  - VI.D.2. Ensure compliance with employment laws.
  - VI.H.1. Comply with ethical standards of practice.
- CAAHEP Competencies:**
- X.P.1 Locate a state's scope of practice for medical assistant
  - X.p.2a Apply HIPAA rules in regards to privacy
  - X.p.2b Apply HIPAA rules in regard to release of information
  - X.p.5 Performs compliance reporting based on public health statutes
  - X.p.6 Report illegal activity in the healthcare setting following proper protocol
  - XI.p.2 Demonstrate appropriate responses to ethical issues
  - III.a.1 Recognize the implications for failure to comply with CDC regulations in healthcare settings
  - XI.a.1 Recognize the impact personal ethics and morals have on the delivery of healthcare

**Midstate Grading scale:**

|          |   |
|----------|---|
| 90 - 100 | A |
| 80 - 89  | B |
| 70 - 79  | C |
| 60 - 69  | D |
| 0 - 59   | F |

**Academic Integrity:**

Academic integrity is a basic principle of the College's function. Midstate College students are expected to maintain a high level of academic honesty. Contrary actions may result in penalties such as failure of the assignment(s), a lesser grade on assignment(s), failure of the course and/or suspension from the College. The course instructor will review all submitted documents and supporting evidence in connection to the infraction. The course instructor will also review the student's personal file for other notifications of academic dishonesty before determining the level of action to be applied. The course instructor will complete the Academic Dishonesty Report form to document and describe the incident and actions taken, then kept on file. The student may appeal the decision to administration, whose decision will be final.

The following (plagiarism, cheating, deception, sabotage, computer misuse and copyright infringement) are included in the actions Midstate College considers behavior contrary to the academic integrity policy; however, the policy is not limited to these examples. Further discussion of consequences regarding academic dishonesty are addressed in the Student Handbook.

**Plagiarism:**

Plagiarism is using another person's words, either by paraphrase or direct quotation, without giving credit to the author(s). Plagiarism can also consist of cutting and pasting material from electronic sources by submitting all or a portion of work for assignment credit. This includes papers, computer programs, music, sculptures, paintings, photographs, etc. authored by another person without explicitly citing the original source(s). These actions violate the trust and honesty expected in academic work. Plagiarism is strictly against the academic policy of Midstate College. Its seriousness requires a measured, forceful response which includes consequences for inappropriate and/or no citation.

In courses containing writing assignments, the College promotes the use of Turnitin which compares the student's writing against previously submitted papers, journals, periodicals, books, and web pages. Students and instructors can use this service to reduce the incidence of plagiarism. This electronic resource has been found to conform to legal requirements for fair use and student confidentiality. It is able to provide a report to the student indicating the parts of the assignment that match.

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**Student Success and Tutoring:**

Contact Student Success: Room 110; (309) 692-4092, ext. 1100; studentsuccess@midstate.edu;

The Office of Student Success offers help in the following areas:

- Tutoring: Tutoring is encouraged for students who are doing their best to complete assignments yet still are experiencing difficulty in this course. Tutoring may be provided by the instructor outside of scheduled class times or through the office of Student Success.
- Writing assignment assistance: This may include learning how to conduct research; using proofreading tools such as Turnitin; outlining a topic; and applying MLA/APA standards.
- Math, accounting, and computer skills (including file management).
- Test-taking techniques.
- Note-taking skills development.
- Study skills development.
- Time management.

**Instructor:** Dr. Amber Schappaugh DM-HCML, AHI, MA, RMA  
**Midstate email:** aschappaugh@midstate.edu

**Room/phone:** 205/692-4092  
**Office Hours:** M 3-6pm or by appt.

**Policies and Procedures:**

1. This course is being administered as flex learning. Flex courses are taught both on-campus and through eLearning. Flex courses offer personalized learning where students can choose each week whether they want to attend on-campus, via eLearning, or a combination of both. The schedule will state what day and time the classroom component will be, as it would be with a regular classroom course, while eLearning is available at all times. If you plan to attend in the classroom, please let the instructor know at least one day prior to the date of the classroom meeting time so that an adequate number of classroom materials can be printed.
2. **NOT COMPLETING THE COMPETENCIES WILL RESULT IN A FAILING GRADE FOR THE ENTIRE COURSE!**
3. All work is to be submitted on time unless unusual circumstances occur. If you miss class, you are expected to use your course outline to determine what you missed. You will have seven days to make arrangements to make up the missed work without penalty. The grade will drop 10% for each week you delay in completing material following the seven day grace period. **Late work will NOT be accepted without prior approval from the instructor.** This includes homework and quizzes. Discussion forums, assignment drop boxes, and quizzes will not be available after 7:59 a.m. Monday at the end of each week.
4. If you attend the classroom component, you are expected to be on time. If you must arrive or leave during class, please let the instructor know ahead of time and enter or leave the classroom quietly to avoid disturbing others. **Cell phone ringers must be silenced.**
5. **Academic dishonesty is never tolerated and will be referred to the dean.**
6. Black ink must be used on all written assignments. Ragged edged paper is not acceptable for assignments. Work should be portfolio quality. **Case studies are expected to be typed.**
7. **The final exam must be completed. Failure to do so will result in failure of the course.**

**Participation Requirements:**

1. In order to maintain equal work in both online and classroom components of this course, **all** students, both classroom and eLearning, must complete weekly reflections. The weekly reflections must be submitted electronically since we are using Turnitin for detection of plagiarism.
2. If you are attending the course via eLearning, discussion responses must be posted by midnight on Wednesday. In order to receive full credit for online discussion, you must also respond to at least two other students in a **meaningful** manner with either a value-added comment or an insightful question about the posting of your classmate. Students attending in the classroom must come prepared to discuss the assigned question and must actively participate in discussion in the classroom in order to receive full credit.
3. **Attendance is expected, not suggested.** Class is like having a job. Excessive absence will hurt your performance and your ability to pass this class. Excessive absence is 3 or more weeks of online classes.
4. Academic integrity is important at Midstate College, as stated in the catalog and student handbook. This not only includes prevention of cheating on exams and written research papers, but also discussion forum postings. **Discussion postings must be in your own words and references must be cited.**
5. The policy for eLearning is that course materials are available to students at noon each Monday and the students

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have until 7:59 a.m. Monday morning to complete the previous week's material. However, students are advised against waiting until the last minute or last day to submit their work for a variety of reasons. If you work on your eLearning course early in the week and experience computer problems, you have more time to find an alternate computer. Also, the discussion forums can be very beneficial learning tools in eLearning if utilized to their greatest potential. It is difficult to have an effective and meaningful "discussion" if nobody posts until the last minute.

**Examination Information:** A pretest is administered during Week 1. The pretest is for assessment purposes only to determine what the students' knowledge level is at the start of the quarter. The pretest is not included in the grade. There will be weekly quizzes and a final exam in Week 12. The final exam is comprehensive in nature.

**Methods of Evaluating Student Performance and Instructor's Grading Scale:** All assignments, projects, quizzes, assessment items, and the final examination must be completed. If all required elements are not done, the student will not pass this course. A course average of C or better is required to be considered passing for this course.

**HEALTH INFORMATION TECHNOLOGY/MEDICAL CODING/ALLIED HEALTH  
PROFESSIONALISM COMPETENCY EVALUATION FORM**

| <b>Category One – Attendance</b>  |                                |      |      |      |                                   |      |      |      |                                    |       |       |       |   |   |
|---|--------------------------------|------|------|------|-----------------------------------|------|------|------|------------------------------------|-------|-------|-------|---|---|
| The student must attend at least 75% of the classes in order to pass this category. This means for a course that meets twice a week, the student cannot be absent more than 6 classes, and courses that meet once a week the student cannot be absent for more than 3 classes. Tardiness or leaving early will result in reduction of credit for attendance for that day. |                                |      |      |      |                                   |      |      |      |                                    |       |       |       |   |   |
| P=Present A=Absent  | Wk 1                           | Wk 2 | Wk 3 | Wk 4 | Wk 5                              | Wk 6 | Wk 7 | Wk 8 | Wk 9                               | Wk 10 | Wk 11 | Wk 12 |   |   |
| Course meeting twice a week   | /                              | /    | /    | /    | /                                 | /    | /    | /    | /                                  | /     | /     | /     | / | / |
| Course meeting once a week  |                                |      |      |      |                                   |      |      |      |                                    |       |       |       |   |   |
| <b>TOTALS</b>   | Total number of class sessions |      |      |      | Total number of sessions attended |      |      |      | Percent of class sessions attended |       |       |       |   |   |
| <b>Category Two – Professional Behavior and Work Ethic</b>  |                                |      |      |      |                                   |      |      |      |                                    |       |       |       |   |   |
| The student is expected to exhibit a professional work ethic that will be evaluated on the following: Students must earn 75% of available points in order to pass this category.  |                                |      |      |      |                                   |      |      |      |                                    |       |       |       |   |   |
| <b>S = Satisfactory – 2 pts</b>   | Wk 1                           | Wk 2 | Wk 3 | Wk 4 | Wk 5                              | Wk 6 | Wk 7 | Wk 8 | Wk 9                               | Wk 10 | Wk 11 | Wk 12 |   |   |
| <b>N = Needs Improvement - 1 pt</b>   |                                |      |      |      |                                   |      |      |      |                                    |       |       |       |   |   |
| <b>U = Unsatisfactory – 0 pts</b>   |                                |      |      |      |                                   |      |      |      |                                    |       |       |       |   |   |
| Exhibits professional written communication (i.e. presentation, language, grammar etc.) on all assignments submitted  |                                |      |      |      |                                   |      |      |      |                                    |       |       |       |   |   |
| Provides instructor with all assignments as outlined in the course syllabus (i.e. meets due dates, make-ups turned in within a week, etc.)  |                                |      |      |      |                                   |      |      |      |                                    |       |       |       |   |   |
| Adheres to specific course policies as outlined in the syllabus   |                                |      |      |      |                                   |      |      |      |                                    |       |       |       |   |   |
| Projects professional behavior (i.e. self control, positive attitude, motivation, academic integrity)   |                                |      |      |      |                                   |      |      |      |                                    |       |       |       |   |   |
| Exhibits professional communication at all times (respectful, tactful, etc.)  |                                |      |      |      |                                   |      |      |      |                                    |       |       |       |   |   |
| Keeps cell phone ringer silenced and refrains from texting or taking phone calls during class (classroom only)  |                                |      |      |      |                                   |      |      |      |                                    |       |       |       |   |   |
| <b>WEEKLY TOTALS</b>  |                                |      |      |      |                                   |      |      |      |                                    |       |       |       |   |   |
| <b>TOTALS</b>   | Total points available         |      |      |      | Total points earned               |      |      |      | Percent of points earned           |       |       |       |   |   |
| <b>Grading Summary</b>  |                                |      |      |      |                                   |      |      |      |                                    |       |       |       |   |   |

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|   |   |
|---|---|
| <p><b>Midterm:</b><br/>Points earned _____/Points available _____ x 100 =<br/>_____ %</p> <p><b>Comments:</b></p> <hr/> | <p><b>Final:</b><br/>Points earned _____/Points available _____ x 100 =<br/>_____ %</p> <p><b>Comments:</b></p> <hr/> |
|---|---|

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**Below is the grading Rubric for all chapter summary, discussion, and writing assignments.**  
**Spelling and Grammar will be considered for all grades in this course.**

**Chapter Summary Rubric**

|                 |  |  |   |                             |                                      |
|-----------------|--|--|---|-----------------------------|--------------------------------------|
| Chapter Summary | 10 points  | 8 points   | 7 points                                    | 5 points                    | 3 points                             |
|                 | All-important concepts are discussed with examples and explanations. | Most important concepts are discussed- missing some examples and explanations. | Some concepts and or examples are included. | Few concepts are discussed. | Very little information is included. |

**Chapter Discussion Rubric**

|                    |   |  |   |  |  |
|--------------------|---|--|---|--|--|
| Chapter Discussion | 10 points   | 9 points   | 8 points  | 7 points   | 6 points   |
|                    | Discussion was well thought out and related to the topic  | Discussion was well thought out and related to the topic   | Discussion was well thought out and related to the topic  | Discussion was well thought out and related to the topic   | Discussion was well thought out and related to the topic   |
|                    | Discussion posted prior to Wednesday at midnight and responded to 2 other classmates discussion posts | Discussion posted prior to Thursday at midnight and responded to 2 other classmates discussion posts | Discussion posted prior to Wednesday at midnight and responded to 1 other classmates discussion posts | Discussion posted prior to Thursday at midnight and responded to 1 other classmates discussion posts | Discussion posted prior to Friday at midnight and responded to 2 other classmates discussion posts |

|                    |  |  |  |  |  |
|--------------------|--|--|--|--|--|
| Chapter Discussion | 5 points   | 4 points   | 3 points   | 2 points   | 1 points   |
|                    | Discussion was somewhat thought out and related to the topic.  | Discussion was somewhat thought out and related to the topic.                                      | Discussion was somewhat thought out and related to the topic.  | Discussion was not well thought out and did not relate to the topic.                                 | Discussion was not well thought out and was less than 3 sentences  |
|                    | Discussion posted prior to Saturday at midnight and responded to 2 other classmates discussion posts | Discussion posted prior to Friday at midnight and responded to 1 other classmates discussion posts | Discussion posted prior to Saturday at midnight and responded to 1 other classmates discussion posts | Discussion posted prior to Saturday at midnight and responded to 1 other classmates discussion posts | Discussion posted prior to Sunday at midnight and responded to 1 or no other classmates discussion posts |

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**Week One**

**Objectives**

Upon completion of this week's assignments, the student will be able to:

1. Differentiate between the concepts of law, and the privacy, confidentiality, and security of health information
2. Discuss why protecting the privacy and confidentiality of health information is a challenge for health information management and informatics professionals
3. Discuss the difference between a paper health record, a hybrid record, and an electronic health record
4. Discuss the concepts of ownership and control of the health record, how these concepts relate to the concepts of health record custodianship and stewardship, and the roles and responsibilities of the custodian or steward of health records
5. Define ethics and distinguish between law and ethics
6. Differentiate between ethics and morals
7. Analyze ethical theories relevant to HIM practice
8. Describe the role of professional codes of ethics in protecting health information
9. Explain consequences of unethical behavior
10. Discuss and apply the ethical decision-making process
11. Examine the ethical issues surrounding bioethics
12. Apply the relevance of law to the health information management and informatics profession and other health professions
13. Differentiate between public law and private law
14. Name and give examples of the four sources of law
15. Identify resolutions in cases where laws conflict with one another
16. Compare the branches of government and the role that each plays
17. Analyze the separation of powers in a democratic society
18. Compare the federal and state court systems and the appeals processes in both
19. Discuss the role of nonlegal accrediting bodies, such as The Joint Commission, and differentiate their authority from that of the legal system
20. Demonstrate types of alternative dispute resolution available as options to the court system

**Assignments**

1. Complete the pretest.
2. **Read:** Chapter 1, pages 1-10, Chapter 2, pages 13-30, and Chapter 3, pages 33-47
3. **Complete:** Case Study 2 Scope of Practice
4. **Discussion Forum 1:** This post shall consist of two paragraphs. The first paragraph will simply be a brief introduction of you. Share why you selected this field of study. The second paragraph will discuss backup plans. Since this class has an eLearning option, it is important to have access to a reliable computer. What is your backup plan in the case that you experience computer or internet access problems? It is good to have more than one alternative in case you may need it.
5. **Discussion Forum 2:** Who owns the patient health record and who controls the use of the information within the record?
6. **Discussion Forum 3:** Of the four ethical theories discussed in the chapter (utilitarianism, deontology, right-based ethics and virtue-based ethics), which do you personally relate to the most? Explain why you chose that specific ethical theory.
7. **Discussion Forum 4:** Which source of law do you believe is the most important? Do you think our society could successfully exist without one or more of the sources of law that exist?
8. **Research 1:** Complete the AHIMA Ethics Self-Assessment found at the following link and write a brief reflective paragraph or two on your results.  
<http://www.ahima.org/~media/AHIMA/Files/AHIMA-and-Our-Work/EthicsSelfAssess.ashx>
9. **Homework:** Complete the Worksheet
10. **Quiz:** Chapters 1, 2 and 3
11. **Competency:** Locate the legal scope of practice for your career choice (HIT, MED, MOT, MCB) Recognize the impact personal ethics and morals have on the delivery of healthcare

**Week Two**

### **Objectives**

Upon completion of this week's assignments, the student will be able to:

1. Identify the role of procedural laws in the legal system
2. Identify the parties to a lawsuit
3. Demonstrate the methods of discovery
4. Identify requirements of e-Discovery amendments in the Federal Rules of Civil Procedure
5. Analyze the differences between a court order and a subpoena
6. Examine the purposes and limitations of a subpoena
7. Compare the individuals involved in a trial
8. Organize the steps in a trial
9. Examine the legal appeals process
10. Explain the processes for the collection of judgment
11. Explain the significance of health information as evidence
12. Distinguish between the types of evidence
13. Describe the concept of admissibility and authentication of evidence
14. Explain the evidentiary rule of hearsay and exceptions to the rule
15. Identify the components of the best evidence rule
16. Describe the principle of privilege, the types of communication it applies to, and when it may be waived
17. Discuss how evidence may be protected through the concept of legal hold and other administrative controls
18. Explain spoliation and the concern it raises in legal cases
19. Discuss legal protections applied to incident reports and peer review records

### **Assignments**

1. **Read:** Chapter 4, pages 49-73, Chapter 5, pages 75-93, fraud and abuse in healthcare, and incident reporting.
2. **Complete:** Case Study 6 pages 16-19 and Case Study 18 pages 57-59
3. **Discussion Forum 1:** How may health information be used as evidence in legal cases?
4. **Discussion Forum 2:** Explain the types of questions that a custodian of a health record can answer at deposition or trial. Give examples of types of questions that should not be responded to.
5. **Research:** Look at apology statutes, do all states have them? What did you learn, summarize your findings in one paragraph and cite the source.
6. **Research Discussion:** Locate state and local resources for the courts in their jurisdiction. Develop a list of these courts and review the online resources from the courts. Discuss what you find.
7. **Homework:** Complete the worksheet.
8. **Quiz:** Chapter 4 and 5
9. **Competencies:** Incident Reporting and Retention and Destruction of Records.

### **Week Three**

#### **Objectives**

Upon completion of this week's assignments, the student will be able to:

1. Differentiate between the various types of torts
2. Compare the legal theories of health institution liability
3. Select the appropriate causes of action and defenses associated with the improper disclosure of health information
4. Discuss liability of the health information professional
5. Contrast factors used to determine statutes of limitation
6. Appraise situations when criminal liability applies to healthcare situations
7. Compare and contrast the effectiveness of various tort reform measures
8. Describe the most important benefits of forming as a corporation
9. Analyze the key differences between a for-profit and not-for-profit corporation
10. Articulate the key responsibilities of the governing board of a typical healthcare organization
11. Describe the basic elements of a valid contract
12. Discuss potential defenses against allegations of nonperformance (breach) of a contract

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13. Describe the purposes of a hold harmless/indemnification clause
14. Articulate key areas of risk associated with health information technology contracts
15. Describe the physician–patient relationship as a contract
16. Distinguish the parameters of three major federal antitrust statutes
17. Explain contract and antitrust issues associated with medical staff

**Assignments**

1. **Read:** Chapter 6, pages 97-119, Chapter 7, pages 121-137
2. **Complete:** Case Study 5 pages 13-15
3. **Discussion Forum 1:** What are the different types of torts? Give an example of each type.
4. **Discussion Forum 2:** Dr. Wilson is a gastroenterologist. As part of his informed consent, he includes an exculpatory contract that excuses him from liability in the event he commits an act of negligence. He will not operate on a patient unless they sign the contract. Dr. Wilson is the only gastroenterologist in a 50-mile radius. Are there any problems with Dr. Wilson's contract? What do you expect a court to conclude if a patient does sue him for negligence after the patient has knowingly signed his contract?
5. **Discussion Forum 3:** Explain and discuss the patient and physician contract and how it may be terminated.
6. **Research:** Search the Internet and find news stories related to medical malpractice cases. What were the causes of action? Did the plaintiffs win the cases? On what basis did they win or lose? What damages were awarded?
7. **Homework:** Complete the worksheet
8. **Quiz:** Chapter 6 and 7

**Week Four**

**Objectives**

Upon completion of this week's assignments, the student will be able to:

1. Distinguish between express and implied consent
2. Identify the components of informed consent
3. Define and discuss the various types of advance directives
4. Discuss the consent rights and limitations of competent adults, incompetent adults, and minors
5. Describe the legal basis for challenging consent
6. Discuss how consent should be documented
7. Identify different types of consent forms
8. Compare the purposes of the health record
9. Examine the potential components of the legal health record and the challenges associated with their inclusion
10. Examine the differences between a paper health record and an electronic health record
11. Differentiate the entities that establish documentation and maintenance standards for the health record
12. Create policies that support legally sound documentation principles
13. Examine the elements of a legally defensible health record
14. Develop procedures for the identification, retention, and disposition of health records

**Assignments**

1. **Read:** Chapter 8, pages 139-166, Chapter 9, pages 169-203, Patient bill of rights and last wishes.
2. **Complete:** case study 8 pages 23 & 24 case study 28 pages 88 & 89 and answer the questions
3. **Discussion Forum 1:** If you were undergoing an invasive medical procedure, what information would you want to know prior to giving (or not giving) your consent?
4. **Discussion Forum 2:** Explain the problems of revisions to the patient record and the importance of controlling versions of the legal health record.
5. **Research:** Explore the Joint Commission website ([www.jointcommission.org](http://www.jointcommission.org)) with the specific goal of identifying information pertaining to permissible and prohibited abbreviations. Explain which abbreviations are permissible and which are prohibited according to the Joint Commission. Why the abbreviations on the "do not use" list have been barred.
6. **Homework:** Answer the questions
7. **Competency:**

8. **Quiz:** Chapter 8 and 9

### **Week Five**

#### **Objectives**

Upon completion of this week's assignments, the student will be able to:

1. Identify the purpose and goals of the HIPAA Privacy Rule
2. Compare the applicability of the HIPAA Privacy Rule to that of other laws that protect patient information
3. Analyze HIPAA Privacy Rule application to entities and information
4. Define HIPAA terms of art
5. Compare and contrast the HIPAA notice of privacy practices, consent, and authorization
6. Evaluate when written authorization is and is not required for uses and disclosures
7. Examine the restrictions that the HIPAA Privacy Rule places on the use of protected health information for commercial purposes
8. Distinguish situations when the minimum necessary requirement does and does not apply
9. Demonstrate the individual rights granted by the HIPAA Privacy Rule through examples
10. Determine whether an unauthorized use or disclosure constitutes a breach, and apply the breach notification process when applicable
11. Examine the restrictions that the HIPAA Privacy Rule places on the use of protected health information for research
12. Conduct preemption analyses by examining conflicts and determine prevailing law between the HIPAA Privacy Rule and state law
13. Analyze administrative requirements and penalties for noncompliance imposed by the HIPAA Privacy Rule
14. Explain enforcement of the Privacy Rule and apply appropriate penalties based on the nature of violations
15. Explain privacy advocacy initiatives of the American Health Information Management Association

#### **Assignments**

1. **Read:** Chapter 10, pages 205-242, and Chapter 11, pages 243-263
2. **Complete:** Case Study 13 page 41 and Case Study 16 page 51 and complete the questions.
3. **Discussion Forum 1:** You are creating a steering committee of key individuals who are responsible for ongoing HIPAA privacy compliance. Who will lead this committee and who will be the members of the committee? Why did you select these individuals?
4. **Discussion Forum 2:** What type of ongoing educational activities would you provide for the workforce of your organization to facilitate compliance with the HIPAA privacy rule? Who would be included in these educational activities?
5. **Research:** Direct students to search the internet for an actual hospital release of information form. Search terms such as "release of information medical records" or "authorization for release of information". Print the form and compare it to the requirements for an appropriate release of information form according to HIPAA.
6. **Research Discussion:** Go to the website of the Office of Civil Rights for the Department of Health and Human Services and access the Frequently Asked Questions at <http://www.hhs.gov/ocr/privacy/hipaa/faq/index.html>. Select a unique category from the FAQs by Category drop-down menu. Using the set of questions about that issue, write a summary describing new information you learned pertaining to that HIPAA issue.
7. **Homework:** Complete the worksheet.
8. **Competency:** Privacy

### **Week Six**

#### **Objectives**

Upon completion of this week's assignments, the student will be able to:

1. Describe the purposes of the HIPAA Security Rule
2. Summarize the components of the Security Rule
3. Recognize security components for risk management
4. Identify potential internal and external security threats, distinguishing human threats from natural and environmental threats and describing vulnerabilities

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5. List mechanisms to prevent and detect identity theft
6. Identify types of medical identity theft and mechanisms to prevent, detect, and mitigate such theft
7. Distinguish access controls from systems controls and provide examples of each
8. Recognize the importance of contingency planning or disaster recovery planning in securing health information

**Assignments**

1. **Read:** Chapter 12, 265-281, Chapter 13, pages 285-319
2. **Complete:** Case Study 22 pages 69-70 and Case Study 23 pages 73-74
3. **Discussion Forum 1:** Describe the role of the HIM professional after medical identity theft has been discovered.
4. **Discussion Forum 2:** Define the terms internal security threat and external security threat. Provide examples of each.
5. **Research:** Search the AHIMA website ([www.ahima.org](http://www.ahima.org)) for articles that have been written in the past two years on HIPAA security issues. After retrieving two or three articles, they can summarize the important concepts. Have them identify information from the articles that may not be addressed in this chapter of the textbook.
6. **Homework:** Complete worksheet
7. **Competency:** Patient Bill of Rights
8. **Quiz:** MIDTERM EXAM

**Week Seven**

**Objectives**

Upon completion of this week's assignments, the student will be able to:

1. Distinguish the types of patient-provider relationships
2. Examine the factors that determine whether a patient has the right to receive or refuse medical treatment
3. Compare sources of patient rights with respect to their legal authority
4. Analyze how the rights of patients with mental illnesses can be exercised, including those relating to the use of seclusion and restraints
5. Differentiate various forms of patient health information rights and analyze how they benefit the patient
6. Illustrate how patient responsibilities can be carried out by individuals
7. Discuss the issues surrounding ownership and control of health information
8. Contrast access and disclosure rights between adults, incompetent adults, and minors
9. Explain the access and disclosure rights employers, employees, and other members of the workforce
10. Compare access and disclosure issues related to highly sensitive health information
11. Describe the access, request, and disclosure laws and concern for a variety of situations related to protecting the privacy and confidentiality of health records and information
12. Summarize the issues related to managing the release of information

**Assignments**

1. **Read:** Read Chapter 14 pages 321-337 and Chapter 15 pages 339-340
2. **Complete:** Case Study 7 pages 20-22 and Case Study 19 pages 60-62
3. **Discussion Forum 1:** Why might someone be declared incompetent and what must happen to declare someone incompetent?
4. **Discussion Forum 2:** Analyze health literacy and cultural competence in the context of patient rights.
5. **Research:** Choose one of the following to research for this week.

Investigate health record copying charges for the state of Illinois. Once you have reviewed the charges in Illinois look for surrounding states and discuss whether the charges differ by state and why that difference may occur. Identify whether charges are different for copying paper versus electronic health records.

<http://www.lamblawoffice.com/medical-records-copying-charges.html>

or

Investigate the National Conference of State Legislatures website on genetic privacy laws

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(<http://www.ncsl.org/programs/health/genetics/prt.htm>). Identify what our state has to say, if anything, about genetic privacy laws. Explore the special topic collections on genetics and click on Genetics Overview for a discussion of the numerous laws related to this subject.

6. **Homework:** Complete the worksheet
7. **Quiz:** Chapter 14 and 15
8. **Competency:** Release of Information

### **Week Eight**

#### **Objectives**

Upon completion of this week's assignments, the student will be able to:

1. Describe the four elements of the HIPAA Privacy Rule that relate to required reporting laws
2. Identify the HIPAA exceptions that allow the release of health information without patient authorization
3. Discuss the common state reporting requirements related to abuse and neglect of children, the elderly, and the disabled
4. Describe state responsibility for reporting vital statistics including births, deaths, fetal deaths and induced termination of pregnancy, and reportable deaths
5. Contrast requirements for the reporting of communicable diseases to public health entities
6. Discuss federal and volunteer reporting requirements that do not require patient authorization
7. Compare various clinical, disease, and outcome-based registries and how patient privacy is protected
8. Discuss how an entity may be protected when disclosing patient information not required by law to public health authorities
9. Distinguish between quality, quality improvement, risk management, and patient safety
10. Contrast the typical steps one would find in a risk management program. and discuss the tools used in support of risk management activities
11. Summarize the federal regulations and government initiatives in support of quality and patient safety
12. Differentiate between the voluntary quality and patient safety reporting programs

#### **Assignments**

1. **Read:** Chapter 16 pages 383-414 and Chapter 17 pages 415-436
2. **Complete:** Case Study 26 pages 81-82 and Case study 9 on page 27
3. **Discussion Forum 1:** Watch the following video and discuss the questions that are here.  
<https://www.youtube.com/watch?v=GEDMYsm3Nxs>  
Identify the adverse events which took place in this situation.  
What preventive measures should have been taken that might have prevented the adverse events in the first place?  
Based on what you read, did the Quaid's have cause to bring legal action against the hospital?  
What did they do instead, and do you agree with their approach?  
As this case unfolded what role do you think the hospital's risk management and quality improvement departments may have played? Thinking of the tools used to support risk management such as incident reports and health records, would an incident report been completed in this situation and how would the twins' health records been handled?  
What are some ethical implications raised by this case
4. **Discussion Forum 2:** What do state laws typically require when reporting abuse and neglect of children? What issues may the one face when handling the health records of these patients?
5. **Discussion Forum 3:** Why is there is such an emphasis on patient safety in today's healthcare environment?
6. **Research discussion:** Perform a web search for the state office of vital records or statistics for their state. Explore the site and identify the type of information required by law that the site supports. Does the site discuss protecting the privacy of health information or other information that is collected and maintained by the state? Does the state do enough to protect privacy or is there more that could be done? Discuss your findings and this questions.
7. **Research:** Direct students to go to the Leapfrog Hospital Safety Grade website at <http://www.hospitalsafetygrade.org/>. Have the students review information related to how to use the grade website. Direct students to select a state then select 2-3 hospitals of their choice to compare the information reported on each hospital. Students should review the information

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reported in the tool bar related to infections, etc., and identify the examples they feel could potentially raise quality and/or risk issues to the hospital. Have the students identify what hospital they would select based on their analysis. How might information of this nature be helpful or detrimental in a malpractice or negligence case?

8. **Homework:** Complete the worksheet
9. **Quiz:** Quiz over Chapter 16 and 17
10. **Competency:** Compliance Reporting

### **Week Nine**

#### **Objectives**

Upon completion of this week's assignments, the student will be able to:

1. Differentiate between the concepts of fraud and abuse
2. Identify the major statutes, rules, and regulations that relate to compliance and fraud and abuse issues
3. List examples of policies and procedures to ensure the accuracy of coding
4. Explain the role of the Office of Inspector General and the Department of Justice
5. Describe the coordinated federal fraud and abuse programs
6. Describe the Recovery Audit Contractor Program and state efforts to enforce fraud laws
7. Explain corporate compliance programs
8. Discuss the relationship of a healthcare organization's governing board to its medical staff
9. Describe the components of medical staff bylaws as required by the Joint Commission accreditation standards for medical staff
10. Identify the various categories of medical staff membership
11. Explain the significance of the medical staff credentialing process
12. Describe the process of applying for medical staff privileges, including primary source verification, and how privileges are determined
13. Discuss the duties and rights of a medical staff and issues related to disciplinary action, suspension of privileges, and due process under the law

#### **Assignments**

1. **Read:** Chapter 18 pages 437-474 and Chapter 19 pages 475-488
2. **Complete:** Case Study 12 pages 37-39 and Case Study Case 27 pages 85-87
3. **Discussion Forum 1:** Why do you think that healthcare fraud and abuse is such a significant problem?
4. **Discussion Forum 2:** What mechanisms would you implement to ensure that staff members are encouraged to report suspected or actual compliance violations?
5. **Discussion Forum 3:** Describe the role of the governing board in a healthcare facility. Include the relationship of the board to the medical staff and to the chief executive officer (administrator). Does this structure appear to be an effective one?
6. **Research:** Review the following website regarding whistleblower laws as related to fraud and abuse. <http://whistleblowerlaws.com>. What protections are offered for those who report fraudulent practices? Click on the False Claims Act link and look up your state's legislation on false claims. If Illinois is not listed, select two states and compare what they find in regard to the laws. Do they differ, and, if so, how?
7. **Homework:** Complete the worksheet
8. **Quiz:** Quiz over Chapter 18 and 19

### **Week Ten**

#### **Objectives**

Upon completion of this week's assignments, the student will be able to:

1. Identify the major laws related to discrimination prevention in the work setting
2. Explain the components of the Fair Labor Standards Act and related laws in regard to wages, overtime, compensation, and benefits.
3. Discuss the federal laws that enable union activity in healthcare and their relationship to healthcare workers.
4. Describe the components of the Occupation Safety and Health Act and how employees are protected by the Act.

#### **Assignments**

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1. **Read:** Chapter 20, pages 489-502
2. **Complete:** Case Study 4 pages 10-11 and Case Study 25 page 78
3. **Discussion Forum 1:** What is the difference between exempt and nonexempt employees? If you had a choice, how would you like to be classified and why?
4. **Discussion Forum 2:** What is the purpose of medical staff bylaws? Is a hospital required to have bylaws, and, if so, who requires it?
5. **Research:** Locate a copy of the medical staff bylaws of a local facility on the Internet, examine the bylaws, and determine compliance with the medical staff standards section of The Joint Commission Comprehensive Accreditation Manual for Hospitals (CAMH).
6. **Homework:** Complete the worksheet
7. **Competency:** Federal law and regulations
8. **Quiz:** Quiz chapter 20

**Week Eleven**

**Objectives**

Upon completion of this week's assignments, the student will be able to:

1. Legal Issues in the workplace

**Assignments**

1. **Read:** Chapter 20
2. **Complete:** Case study 3 page 7-8 and case study 5 pages 13-14 and answer the questions.
3. **Discussion Forum 1:** Why should HIM professionals be aware of laws affecting the management of personnel?
4. **Discussion Forum 2:** Have you ever been asked an illegal interview question? Did you know at the time it was illegal? How did you respond to it?
5. **Discussion Forum 3:** The Equal Employment Opportunity Commission (EEOC) website, introduced in the text, describes a number of discriminatory practices that are prohibited by a variety of laws. Which of these do you think creates the greatest liability concerns for a healthcare manager? Consider your response, in particular, to the demographics of the area in which you live.
6. **Research:** Direct students to find information online about a recent restructuring between or among healthcare entities (providers, insurers, managed care organizations, etc.). Ask the students to identify whether the restructuring is a merger, acquisition, or consolidation. Do they think that the restructuring will have any antitrust implications?
7. **Homework:** Complete the worksheet
8. **Competency:** Labor Law Assignment, Illegal activities

**Week Twelve**

**Assignments**

1. **Final Examination**
2. **Complete:** Please submit a 2 page report to the Course Reflection drop box. Please devote one paragraph each to the concepts that you found to be most personally important and/or valuable from this quarter. Please share information regarding what you liked best about the course, what you liked least about the course and any comments or suggestions for improvement. The course reflection is due by Sunday, Day 7 of this week.