

WILLAMETTE UNIVERSITY COLLEGE OF LAW

SYLLABUS* **HEALTH LAW AND POLICY I**

Fall Semester 2021
Course No. Law 268

Professor Bruce Frederick Howell, JD, MS

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Introduction

The discipline of Health Law involves federal, state, and local laws, rules and regulations and other jurisprudence affecting the health care industry as well as the application of this jurisprudence to patients, providers, payers and venders in the health care system.

This course is the first in a two semester program that will examine all of these relationships and how they are affected by the various laws, rules and regulations that govern the healthcare industry.

This will be a paper course and students will be given an assignment to be completed by the end of final exams. No collaboration on papers will be allowed and the normal prohibitions against plagiarism and copyright infringement apply. More details about the papers will be forthcoming.

Each class each student will be required to come prepared with a question based up any topic covered up to that class. Class participation is VERY important since I find that is the mechanism that leads to full understanding and honest,

respectful debate of the issues. My office hours (449 on the fourth floor) are 310-515 on Tuesdays. I am also available for communication through email.

Required Textbook: “The Law of American Healthcare, Huberfeld, Weeks and Outterson, Second Edition (Aspen Casebook) (referred to in this Syllabus as the “Textbook”); Supplemental materials to be provided by Professor Howell

CLASSES AND ASSIGNMENTS

August 24, 2021 INTRODUCTION

Various administrative matters

“The Seamless Web” – an examination of the discipline and jurisprudence of Health Law

Current affairs – Jacobsen v. Massachusetts, 197 US 11 (1905)

Materials provided by Professor Howell

August 26, 2021

The public and private health care systems in the United States and the conflict of state versus federal law

Textbook 1-41

September 2, 2021

The role of insurance and the financing of health care

Textbook *Ibid*;

Textbook 151-168

September 7, 2021

**The Employee Retirement and Income Security Act of 1974, as amended
("ERISA")**

Textbook 169-202

September 9, 2021

**The Employee Retirement and Income Security Act of 1974, as amended
("ERISA"), continued**

Textbook *ibid*

September 14, 2021

The Medicare Program

Textbook 43-89

September 16, 2021

The Medicare Program

Textbook *ibid*

September 21, 2021

Medicaid, Tricare and other governmental programs, state and federal

Textbook *ibid*

September 23, 2021

**Medicaid, Tricare and other governmental programs, state and federal;
the public health system of the United States**

Textbook *ibid*; materials to be provided by Professor Howell

September 28, 2021

**The hospital system in the United States, both for-profit and nonprofit
hospitals, and the taxation of these entities**

Textbook 235-274

September 30, 2021

**The hospital system in the United States, both for-profit and nonprofit
hospitals, and the taxation of these entities**

Textbook 281-317

October 5, 2021

**The civil regulation of healthcare in the United States - Part One
Textbook 319-354**

October 7, 2021

**The civil regulation of healthcare in the United States – Part Two
Textbook 375-407**

October 12, 2021

**The criminal regulation of healthcare in the United States
Textbook 354-374**

November 19, 2021

**The private enforcement of health care laws in the United States
Textbook 341-354; IIRT *ex rel* United States of America v. Sightline *et al*;
3:16-cv-03203 (USDC, N.D. Texas)**

November 21, 2021

**The attorney's liability in the health care system
Materials to be provided by Professor Howell**

October 26,, 2021

**The definition of intent, scienter and *mens rea*
Materials to be provided by Professor Howell**

October 28, 2021

**Structure and governance of health care entities
Textbook 235-252**

November 2, 2021

**Competition in health care markets
409-464**

November 22, 2021

**The American Indian Health Care System
Materials to be supplied by Professor Howell; possible guest lecturer**

November 25, 2021

**Whither the Affordable Care Act; status and recent challenges
Materials to be provided by Professor Howell**

November 27, 2021

**Class wrap up, discussion of final papers and luncheon in honor of
William R. Leslie, PhD of the University of Michigan (deceased) who taught
me the history and nobility of the law.**

* The topics covered on the assigned dates are subject to change at the whim of
Professor Howell