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 vendors 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