

FLORIDA STATE COLLEGE AT JACKSONVILLE

COLLEGE CREDIT COURSE OUTLINE

COURSE NUMBER: HIM 2012

COURSE TITLE: Health Law

PREREQUISITE(S): HIM 1300

COREQUISITE(S): None

CREDIT HOURS: 3

CONTACT HOURS/WEEK: 3

CONTACT HOUR BREAKDOWN:

Lecture/Discussion: 3

Laboratory:

Other _____:

FACULTY WORKLOAD POINTS: 3

STANDARDIZED CLASS
SIZE ALLOCATION: 24

CATALOG COURSE DESCRIPTION:

This course is an in-depth study of Federal, State, and Local Laws that govern the preparation and use of health records and health information in the health care delivery system.

SUGGESTED TEXT(S) and RESOURCES: Abdelhak, et al. Health Information: Management of a Strategic Resources, text and workbook. Philadelphia, PA: W.B. Saunders, current edition.

Roach. Medical Records and the Law. Gathersburg, MD: Aspen Publishers, Inc., current edition.

Care Communications. The Record That Defends Its Friends. Chicago, IL: Care Communications, current edition.

IMPLEMENTATION DATE: Fall Term, 2002 (20031)

REVIEW OR MODIFICATION DATE: Spring Term, 2006 (20062)
Fall Term, 2008 (20091) - Outline Review Process 2007

CONTACT HOURS

COURSE TOPICS
PER TOPIC

- | | | |
|--|----------------------------|---|
| I. | Introduction to Health Law | 6 |
| | | |
| A. Brief Introduction and Overview of the Course | | |
| B. The Importance of Legal Issues to Health Information Management Professionals | | |
| 1. Review of the AHIMA Code of Ethics | | |
| 2. Legal Resources for HIM Professionals | | |
| C. Fundamentals of the American Legal System | | |
| 1. The Nature of Law | | |
| a. Public Law | | |
| b. Private Law | | |
| 2. Sources of Law | | |
| a. The Constitution | | |
| 1) Due Process | | |
| 2) Equal Protection | | |
| 3) Right of Privacy | | |
| 4) State Constitutions | | |
| b. Federal and State Statues | | |
| c. Administrative Agencies Rules and Regulations | | |
| 1) Quasi-legislative and quasi-judicial powers | | |
| 2) Administrative procedure acts | | |
| 3) Federal Register | | |
| 4) Florida Agencies | | |
| d. Court Decisions (Case Law) | | |
| 1) Common Law | | |
| 2) Stare Decisis | | |
| 3) Charitable Immunity | | |
| 4) Res Judicata | | |
| 3. Governmental Organization and Function | | |
| a. Three branches of government (executive, legislative, judicial) | | |
| b. Separation of powers | | |
| 4. Organization of the Court System | | |
| a. State Court System | | |
| 1) Trial courts | | |
| 2) Intermediate Appellate | | |
| 3) Supreme Courts | | |
| b. Federal Court System | | |
| 1) U.S. District Courts | | |
| 2) U.S. Court of Appeals | | |
| 3) U.S. Supreme Court | | |
| 4) Writ of certiorari | | |
| 5) Certiorari | | |
| c. Stare Decisis | | |
| 1) Following Procedures | | |

COURSE TOPICS (continued)

2) Judicial Solutions	
d. Court Procedures: Roles of the Key Players	
5. Cases That Involve Health Care Facilities and Providers	
a. Malpractice and Negligence	
b. Intentional Torts	
c. Products Liability	
d. Contractual Disputes	
e. Antitrust Claims	
f. Crimes and Corporate Compliance	
g. Noncompliance with Statutes, Rules and Regulations	
II. Health Records and Managed Care	4
A. The Impact of Managed Care on Health Information Management	
B. Managed Care Organizations and Related Entities	
1. HMOs: Health Maintenance Organizations	
2. PPOs: Preferred Provider Organizations	
3. EPOs: Exclusive Provider Organizations	
4. IPAs: Independent Practice Associations	
5. Group Practice Without Walls	
6. Consolidated Medical Group	
7. PHOs: Physician/Hospital Organizations	
8. MSOs: Management Services Organizations	
9. IDS: Integrated Delivery System: Foundation Model	
10. IDS: Integrated Delivery System: Physician Ownership Model	
11. Utilization Review Organizations	
III. Duty to Maintain and Retain Health Record Information	6
A. Duties to Patients in General	
B. Medical Record Requirements	
1. Records that Must be Kept	
2. Content Requirements	
3. Record Retention Requirements	
a. Statutory and Regulatory Concerns	
b. Statutes of Limitations	
c. Medical Research and Storage Space Considerations	
d. Association Guidelines	
e. Developing a Record Retention Policy	
4. Destruction of the Record	

COURSE TOPICS (continued)

- C. Medical Record Entries
 - 1. Legible and Complete Medical Record Entries
 - 2. Timely Medical Record Entries
 - 3. Authorship and Countersignature
 - 4. Authentication of Records and Auto-Authentication
 - 5. Verbal Orders
 - 6. Correction, Alterations, and Addenda
- D. Documenting Consent to Treatment
 - 1. Legal Theories of Consent
 - a. Express and Implied Consent
 - b. Informed Consent
 - 1) What Information Must Be Disclosed
 - 2) Proving Causation
 - 3) Medical Experimentation and Research
 - c. Exceptions to the Informed Consent Requirement
 - 1) Emergencies
 - 2) Therapeutic Privilege
 - 3) Patient Waiver
 - 4) Treatment of Criminal Suspects and Prisoners
 - 2. Who Can Give Consent or Refuse Consent
 - a. Competent Adults
 - b. Incompetent Adults
 - c. Minors
 - 1) Emergency Care
 - 2) Emancipated Minors
 - 3) Mature Minors
 - 4) Parental or Guardian Consent
 - 3. Responsibility for Obtaining Consent
 - 4. Documentation
 - 5. Types of Consent Forms
 - a. Short Consent Forms
 - b. Long Consent Forms
 - c. Challenges to Consent Forms
 - d. Withdrawal of Consent
 - e. Impact of Statutes

IV. Health Record Access

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- A. Ownership of the Health Record
- B. Confidentiality Requirements
 - 1. State Law - State Open Records Law
 - 2. Federal Law
 - a. Constitution
 - b. Privacy Act of 1974

COURSE TOPICS (continued)

- c. FOIA: Freedom of Information Act
 - d. HIPAA: Health Insurance Portability and Accountability Act of 1996
 - 1) Portability and Continuity of Health Insurance Coverage
 - 2) Fraud and Abuse
 - a) Compliance Program Guidance for Physician Practices
 - b) CCI: Correct Coding Initiative
 - 3) Medical Savings Accounts
 - 4) Access to Long-Term Care Services and Coverage
 - 5) Administrative Simplification
 - 6) Electronic Health Data Submission Standards
 - 7) Privacy Statements
 - d. Medicare Conditions of Participation
 - e. Regulations on Confidentiality of Alcohol and Drug Abuse Records
 - 3. Accreditation Organizations
 - C. Internal and External Users of Health Information
 - D. Access to Medical Record Information
 - 1. Authorizations for Disclosure of Patient Information
 - 2. Access by or on Behalf of the Patient
 - 3. Records of Minors
 - 4. Access by Staff
 - 5. Psychiatric Records
 - 6. Alcohol and Drug Abuse Patient Records
 - 7. Genetic Information
 - E. Disclosures for Medical Research
 - F. Disclosures for Payment Purposes
 - G. Disclosure to Attorneys
 - H. Record Duplication and Fees
 - I. Record Security
 - J. PRO Recordkeeping
 - a. PRO Access to Individual Patient Records
 - b. Third Party Access to Information Collected by a PRO
 - c. Patient Access to PRO Information
 - K. Utilization Review and Quality Assurance
 - L. Administrative Purposes
- V. Reporting and Disclosure Requirements
- A. Child Abuse
 - B. Abuse of Adults and Injuries to Disabled Persons
 - C. Controlled Drug Prescription and Abuse

COURSE TOPICS (continued)

- D. Occupational Diseases
- E. Abortion
- F. Birth Defects and Other Conditions in Children
- G. Cancer
- H. Death or Injury from Use of Medical Device
- I. Communicable Diseases
- J. Misadministration of Radioactive Materials
- K. Death
- L. Gunshot and Knife Wounds
- M. Other Health-Related Reporting Requirements
- N. Required Disclosure by Managed Care Organizations

VI. Documentation and Disclosure: Special Concerns

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- A. Special Documentation Concerns
 - 1. Emergency Department Records
 - 2. Celebrity Patients
 - 3. Hostile Patients
 - 4. Recording Indicators of Child Abuse
 - 5. Patients Refusing Treatment and/or Near Death
 - a. Background
 - b. Patient Self-Determination Act
 - c. Living Will Legislation
 - d. Durable Power of Attorney
 - e. DNR: Do-Not-Resuscitate Orders
 - 6. Deceased Patients and Autopsy Authorizations
 - 7. Recording Disagreements among Professional Staff
- B. Special Disclosure Concerns
 - 1. Records Sought by Managed Care Organizations
 - 2. Records Sought by Parties to Adoption
 - a. "Good Cause" to Obtain Adoption Record Information
 - b. Responding to Record Requests
 - 3. Records Indicating Child Abuse
 - 4. Record Sought by Law Enforcement Agencies
 - 5. Warrants and Searches
 - 6. Responding to Subpoenas and Court Orders
 - a. Subpoenas
 - b. Court Orders
 - c. Compliance Requirements
 - d. Fraud and Abuse Investigations
 - 7. Use of Outside Test Reports in Hospital Patients' Records
 - a. Licensure and Accreditation
 - b. Antitrust Issues

CONTACT HOURS
PER TOPIC

COURSE TOPICS (continued)

<ul style="list-style-type: none"> 8. Change of Ownership or Closure: <ul style="list-style-type: none"> Disposition of Records <ul style="list-style-type: none"> a. Merger and Acquisitions b. Change of Ownership c. Closure 9. Redisclosure 10. Record Use by Outsourcing Firms Handling Health Information Functions 11. HIM Department Security Measures C. HIV/AIDS: Mandatory Reporting and Confidentiality <ul style="list-style-type: none"> 1. Duty to Report 2. Protecting Confidentiality of HIV-related Information 3. Statutory Provisions Regarding Disclosure <ul style="list-style-type: none"> a. Disclosure to Third Parties with Patient Authorization b. Disclosure to Health Care Workers c. Disclosure Without Consent to EMS: Emergency Medical Personnel d. Disclosure Without Consent to Spouse or Needle-Sharing Partner e. Other Permissible Disclosures Without Consent of Patient f. Disclosure of Health Care Provider's Status to Patients g. Disclosure by Court Order <ul style="list-style-type: none"> 1) Court Orders and Disclosure in Blood Donor Cases h. Liability for Unauthorized Disclosure of HIV-related Information 4. Recommended Policies and Procedures 	2
<ul style="list-style-type: none"> VII. Discoverability and Admissibility of Medical Records <ul style="list-style-type: none"> A. Discoverability of Medical Records <ul style="list-style-type: none"> 1. Physician-Patient Privilege <ul style="list-style-type: none"> a. Waiver of the Physician-Patient Privilege b. Physician-Patient Privilege vs. The Public Interest B. Admissibility of Medical Records <ul style="list-style-type: none"> 1. Medical Records as Hearsay <ul style="list-style-type: none"> a. Business Record Exception to the Bar on Hearsay b. Other Exceptions to the Bar on Hearsay C. Other Health Care Documentation <ul style="list-style-type: none"> 1. Admissibility of Peer Review Records 	

COURSE TOPICS (continued)	<u>CONTACT HOURS PER TOPIC</u>
2. Admissibility of Incident Reports	
VIII. Legal Theories in Improper Disclosure	3
A. Statutory Bases for Liability	
B. Theories of Liability	
1. Defamation	
a. Privileges Against Defamation	
b. Consent as a Defense	
2. Invasion of Privacy	
a. Photographs	
b. Invasion of Privacy Within the Health Care Setting	
c. Payment-Related Disclosures	
d. Disclosure to the News Media	
3. Breach of Confidentiality - Defenses Against Breach of Confidentiality	
IX. Risk Management & Quality Review	3
A. Relationship Between Risk Management and Quality Review	
1. Duty to Provide Care That Meets Professional Standards	
2. Duty to Provide a Safe Environment for Patients and Visitors	
3. Duty to Supervise the Actions of Employees and the Professional Staff	
a. Respondent Superior	
b. Medical Staff Credentialing	
c. Accessibility of Credentialing Files	
d. Legal Risks	
B. Risk Management	
C. Quality Management	
D. Compliance Programs	
E. Contract Liability Issues and the HIM Department	
F. Medical Records in Risk Management, Quality Review, and Compliance Activities	
X. Electronic Health Records	4
A. Emerging Trends in Computerization of Medical Records	
B. Legal Issues Raised by Computerized Patient Records	
1. Confidentiality and Integrity Issues	
2. System Security Measures	
a. Patient Identification and Use Verification	
b. Access Control Software and Audit Trails	

CONTACT HOURS
PER TOPIC

COURSE TOPICS (continued)

- c. Computer Architecture
- d. Communications Linkage Safeguards
- e. Encryption
- f. Implementing Internal Security
- g. Implementing External Security
- 3. Computer Sabotage
- 4. Preserving Access to Computerized Records
- 5. Durability Concerns
- 6. Accuracy Issues
- C. Computerized Medical Records as Evidence
 - 1. The Rule Against Hearsay
 - 2. Best Evidence Rule
- D. Specific Electronic Patient Information Security Issues
 - 1. Facsimile Transmission of Medical Records
 - 2. Electronic Claims Processing
 - 3. Telemedical Records
 - 4. Electronic Mail
 - 5. The Internet

PROGRAM TITLE: Health Information Management

COURSE TITLE: Health Law

AS HIM CIP NUMBER: 0317.050600

LIST PERFORMANCE STANDARD ADDRESSED:

NUMBER(S): TITLES(S):

13.0 IDENTIFY THE LEGAL ASPECTS FOR THE CONTROL AND USE OF HEALTH INFORMATION--The student will be able to:

- 13.01 Identify information in a health record that is confidential and non-confidential.
- 13.02 Determine what information may be released without an authorization.
- 13.03 Use legal terminology encountered in health information services.
- 13.04 Interpret and respond to various legal documents.
- 13.05 Assist in designing proper consent forms for release of information.
- 13.06 Identify local, state and federal laws and regulations pertinent to the health information field.
- 13.07 Discuss the Code of Ethics of the American Health Information Management Association (AHIMA).

16.0 FOLLOW PROCEDURES TO ASSURE ADEQUATE DOCUMENTATION OF HEALTH CARE--The student will be able to:

- 16.01 Follow procedures for quantitative and qualitative analysis of health records.
- 16.02 Identify purposes and uses of health records.
- 16.03 Identify basic health record forms and required content.
- 16.04 Assemble and analyze a health record.
- 16.05 Follow procedures for the retention of health information.
- 16.06 Follow procedures designed to control the flow of health care data.
- 16.07 Follow procedures for the destruction of health records.
- 16.08 Identify health information imaging techniques and equipment.



**Florida State College
At Jacksonville**

Course Learning Outcomes & Assessment

NOTE: Use either the Tab key or mouse click to move from field to field. The box will expand to accommodate your entry.

<i>Section 1</i>	
COURSE PREFIX AND NUMBER: HIM 2012	SEMESTER CREDIT HOURS: 3
COURSE TITLE: Health Law	

Section 2

TYPE OF COURSE: (Click on the box to check all that apply)

<input type="checkbox"/> AA Elective	<input checked="" type="checkbox"/> AS Required Professional Course	<input type="checkbox"/> College Prep
<input type="checkbox"/> AS Professional Elective	<input checked="" type="checkbox"/> AAS Required Professional Course	<input checked="" type="checkbox"/> Technical Certificate
<input type="checkbox"/> Other _____	<input type="checkbox"/> PSAV	<input type="checkbox"/> Apprenticeship
<input type="checkbox"/> General Education: (For General Education courses, you must also complete Section 3 and Section 7)		

Section 3 (If applicable)

INDICATE BELOW THE DISCIPLINE AREA FOR GENERAL EDUCATION COURSES:

<input type="checkbox"/> Communications	<input type="checkbox"/> Social & Behavioral Sciences	<input type="checkbox"/> Mathematics
<input type="checkbox"/> Natural Sciences	<input type="checkbox"/> Humanities	

Section 4

INTELLECTUAL COMPETENCIES:

<input checked="" type="checkbox"/> Reading	<input checked="" type="checkbox"/> Speaking	<input checked="" type="checkbox"/> Critical Analysis	<input type="checkbox"/> Quantitative Skills	<input checked="" type="checkbox"/> Scientific Method of Inquiry
<input checked="" type="checkbox"/> Writing	<input checked="" type="checkbox"/> Listening	<input checked="" type="checkbox"/> Information Literacy	<input checked="" type="checkbox"/> Ethical Judgment	<input checked="" type="checkbox"/> Working Collaboratively

<i>Section 5</i>	
LEARNING OUTCOMES	METHOD OF ASSESSMENT
• Critique what is a proper or valid request for access to health information	Demonstrate critical thinking skills by solving problems on tests, class assignments, and projects.
• Describe the court system and the court medical legal cases	Demonstrate critical thinking skills by solving problems on tests, class assignments, and projects.
• Determine the confidentiality, privacy and security policies, procedures and monitoring aspects required for given case studies	Demonstrate critical thinking skills by solving problems on tests, class assignments, and projects.
• Use Health Information/record laws and regulations in relation to Health records	Demonstrate critical thinking skills by solving problems on tests, class assignments, and projects.
• Use the appropriate release of information policies and procedures according to given cases and situations	Group discussions, oral presentations, written tests, reports, and/or demonstrate competency in the field
• Articulate an understanding of the different aspects of HIPAA in relation to the factions of a Health Information Department and the role of the Health Information technologist	Demonstrate critical thinking skills by solving problems on tests, class assignments, and projects.
• Identify the ethical issues that the health information management and other professionals follow	

Section 6

Name of Person Completing This Form: _____ Date: _____