Statement of Educational Values and Principles

Learning should be fun and interesting, although it is also often challenging, requires hard work and can be difficult at times. No learning takes place without the full participation of the students. You are co-producers of your own education and, therefore, co-responsible for the results. You are invited to actively engage in that process. You may also find that your active participation is your best means of self-defense. I can speak quickly at times. The best way to slow me down is to intervene with your own comments and questions, even if those questions are simply “could you repeat that” or “I do not understand.”

The key to creating any successful educational environment is mutual respect. The UM Law School Educational Policy (March 1997) provides some useful ground rules: “All members of the community must be able to participate fully in the life of the Law School. Barriers to full participation can take many forms. Sometimes they fall along lines of race, gender, sexual orientation and religion. Sometimes they reflect intolerance of certain political beliefs or social attitudes. In order to best educate our students, the Law School must be a place for full and frank discussion of difficult issues. Law School classrooms are places where ideas are supposed to be expressed and to be challenged, and policy issues are supposed to be appreciated for their complexity. Discussions of this sort may be painful and uncomfortable. For that reason, it is important to ensure that mutual respect and attentiveness to diverse perspectives are always a part of the exchange of ideas.”

General Information

Materials: The casebook for the course is FURROW, GREANEY, JOHNSON, JOST & SCHWARTZ, HEALTH LAW: CASES, MATERIALS AND PROBLEMS (West Group, 5th ed. 2004), and Supplement (if any). Additional materials will be handed out in class.

Office and Office Hours: My office is 3255. The telephone number is 577-0830. My e-mail address is phammer@wayne.edu. Office hours will be announced in class and posted on the TWEN site.

Attendance and Participation: Class attendance and participation is expected. Excessive absences or repeated cases of unpreparedness may result in grade reduction. You cannot be co-producers of your education if you are not actively engaged in the process.

Examination: The examination will be a three hour, open book essay test. You may use the casebook, supplemental materials, and non-electronic notes and outlines. As a default value, exams should be written in full, complete sentences. Deviations from that rule (abbreviations, shorthand phrases, outline form) are made at the exam-taker's assumed risk. What cannot be read and understood will not be graded. No one will be penalized for poor penmanship.
Reading Guide

The following schedule is tentative. Assignments will be announced in class.

Chapter 1: Introduction to Health Law and Policy
   I  Defining Sickness: 1-15
   II Quality in Health Care: 15-27
   III The Problem of Medical Error: 27-64

Chapter 2: Quality Control Regulation: Licensing of Health Care Professionals:
   I  Discipline: 114-126
   II Alternative and Complementary Medicine: 127-135
   III Unlicenced Providers: 135-143
   IV Scope of Practice Regulation: 143-151

Chapter 3: Quality Control Regulation of Health Care Institutions:
   I  Introduction: 152-154
   II Regulatory Systems: 154-181
   III Private Accreditation: 181-184

Chapter 4: Liability of Health Care Professionals:
   I  The Standard of Care: 185-219
   II Judicial Risk-Benefit Balancing: 220-226
   III Other Theories: 226-244
   IV Defenses to a Malpractice Suit: 245-276
   V Causation Problems: Delayed, Uncertain, or Shared Responsibility: 276-282
   VI Damage Innovations: 282-93

Chapter 6: Liability of Health Care Institutions:
   I  From Immunity to Vicarious Liability: 413-436
   II Hospital Direct Liability: 436-472
   III Reforming the Tort System for Medical Injuries: 473-92

Chapter 9: Private Health Insurance and Managed Care: State Regulation and Liability:
   II Contract Liability of Private Insurers and Managed Care Organizations: 576-580
   III Tort Liability of Managed Care: 580-607

Chapter 10: Regulation of Insurance and Managed Care: The Federal Role:
   II-B The Relationship Between Federal ERISA Fiduciary and State Tort Claims Against Managed Care Plans: Pegram v. Herdrich: 660-70
   II-C ERISA Preemption of State Tort Liability: 670-93

Chapter 5: The Professional Patient Relationship:
   I  The Contract Between Patient and Physician: 294-317
   II Confidentiality and Disclosure in the Physician-Patient Relationship: 317-356
   IV Informed Consent: The Institution's Obligation: 410-412