Health Care Organization and Finance  
Winter 2006  
Professor Hammer  

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). 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 Mondays and Wednesdays from 10:30-11:00 and 3:30-4:00 or by appointment.

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 7: Health Care Cost and Access: The Policy Context
I The problems: 494-508
II Approaches to Expanding Access and Controlling Costs: 508-527

Chapter 8: Access to Health Care: The Obligation to Provide Care
I Common Law Approaches: 528-38
II Statutory Exemptions to the Common Law: 538-51

Chapter 9: Private Health Insurance and Managed Care: State Regulation and Liability
I Insurance and Managed care: Some Basic Concepts: 566-76
II Contract Liability for Private Insurers and Managed Care Organizations: 576-80
IV Regulation of Private Health Insurance Under State Law: 608-14
V State Regulation of Managed Care: 614-633
VI Perspectives on Managed Care Regulation: 633-37
VII What Follows Managed Care? Consumer-Directed Health Care and Defined- Contribution Plans: 637-43

Chapter 10: Regulation of Insurance and Managed Care: The Federal Role
I Introduction: 644
II The Employee Retirement Income Security Act of 1974 (ERISA): 644-60; Handout, 693-713
III Federal Initiatives to Expand Private Insurance Coverage: 713-30

Chapter 11: Public Health Care Programs: Medicare and Medicaid
I Introduction: 731-34
II Medicare: 734-72
III Medicaid: 772-802
IV The State Children's Health Insurance Program (SCHIP): 803-04
V State Pharmaceutical Benefit Programs: 804-08

Chapter 12: Professional Relations in Health Care Enterprises:
II Managed Care Contracts: 830-36

Chapter 13: The Structure of the Health Care Enterprise
I Introduction: Where's Waldo? – Part I: 867-68
II Forms of Business Enterprises and their Legal Consequences: 868-905
III Integration and New Organizational Structures: 906-20

Chapter 14: Fraud and Abuse
I False Claims: 976-1006
II Medicare and Medicaid Fraud and Abuse: 1006-33
III The Stark Laws: A Transactional Approach to Self-Referrals: 1033-43
IV Note on State Statutes and Alternative Approaches to Referrals and Fee Splitting: 1043-45

Chapter 15: Antitrust
I Cartels and Professionalism: 1046-77
II Health Care Enterprises, Integration and Financing: 1077-1133