Description

**L13.3525.001 - Health Law (and Policy) 4 credits.** This course provides a general introduction to health law, with attention to healthcare policy, politics and economics. Topics will include, among others, access to health care, patients' rights, the meaning and effects of “managed care”, the relationship of health care to public health, the financing and regulation of Medicare and Medicaid, and selected issues in bioethics. Treatment of these issues in foreign health care systems will be analyzed to provide perspective on American developments and patterns.


Examination with a limited paper option.

**I. Overview of the Health Care System**

1. **The Uneasy Relationship Between Health and Health Care**

   CB 18-35

2. Professionalism and the Struggle for Control of Health Care Decisionmaking

CB 38-42


Professionals and Professionalism: An Overview,” by Robert Gordon, Professor Yale University.

3. Financing Medical Care

A. Basics

CB 43-51


B. The “New World” of Managed Care

CB 60-63


4. Ethics, Economics & Choice

CB 68-76, 86-89


5. Political Analysis of Health Care?

“Political Analysis: Applications to Health Care and Health Policy”, Robert Wood Johnson (RWJ) Investigator Awards in Health Policy Research, Theodore R. Marmor and Rudolf Klein (July 28, 2000). (This is Professor Marmor’s submission applying for a grant with the RWJ foundation.)


II. The Legal World of Physician and Patient

A. Contract, Consent and Their Limits

6. Rights to Care and Duties to Treat

CB 104-116, 118-123, 128-138, 591-595

7. Forming, Limiting and Terminating Treatment Relationships

CB 142-162

8. “Informed Consent”

CB 186-189, 192-200, 204-207, 213-223

B. Distributing the Costs of Accidents

9. Liability Rules for Physicians

CB 280-289, 296-302, 328-337

10. Enterprise Liability
   CB 423-436, 442-452, 460-467

11. Malpractice Reform
   CB 467-483


III. State Intervention in Medical Decisionmaking

A. The General Structure of Health Care Regulation

12. Regulating Quality


13. Insurance and HMO Regulation in the Shadow of ERISA
   CB 928-954, 1024-1030

“Patient Protections in Managed Care”, Hearing Before the Subcommittee on Health of the Committee on Ways and Means, Serial No. 107-14, April 24, 2001.

B. State Regulation and Patient Autonomy

14. Regulating Refusals of Treatment
   CB 493-519, 524-539, 552-557

15. Regulating Physician Assisted Suicide
16. Regulating the Sick to Protect the Public Health

CB 833-838, 843-853, 860-864, 871-883

IV. Financing Health Care

17. The Development and Current Structure of Health Care Payment Arrangements

CB 894-909, 912-920


18. Policy: The Many Paths to Global Reform I


19. Policy: The Many Paths to Global Reform II

CB 1036-1050


20. Programmatic Reform: Medicaid

21. Programmatic Reform: Medicare Payment Arrangements

CB 1007-1021

“Rethinking Medicare Reform,” Jon Oberlander and Theodore Marmor, Health Affairs, January/February 1998.


“Medicare Price Controls: The Wrong Prescription” review by Stuart M. Butler, Health Affairs, Vol 17 No 1, Jan-Feb 1998.

22. Programmatic Reform: Medicare Rx Drug Benefits

(To be supplied)

23. Programmatic Reform: Private Health Insurance

“Can ‘Consumerism’ Slow the Rate of Health Benefit Cost Increases?” Paul Fronstin, EBRI Issue Brief Number 247, July 2002.


V. The Industrial Organization of Medical Care

24. Corporate Practice and the Profit/Not-for Profit Divide

CB 1065-1069, 1122-1135, 1087-1098

25. Doctors, Hospitals & “Managed Care” Networks

CB 1135-1169

26. Health Care and the Anti-Trust Laws

CB 1169-1229