



COURSE SYLLABUS HIT 202—LEGAL ASPECTS OF HEALTH INFORMATION TECHNOLOGY

COURSE LENGTH AND CREDIT: 40 clock hours, 3 credit hours

PREREQUISITE: Program Admission

REQUIRED TEXTS: (1) Textbook: *Legal Aspects of Health Information Management*, by Dana McWay, 2nd ed., Thomson-Delmar Learning.

REQUIRED SUPPLIES: Folder, notebook paper, pencil/black pen.

COURSE DESCRIPTION: This course focuses on the study of legal principles related to patient care, medical records and health information. Also addressed are legal terminology and procedures, court systems, and liability of health care providers, importance of medical records as a legal document and the effect of confidentiality on release of information function; record retention and destruction of records are studied; current legal issues, ethics and laws are discussed.

MAJOR COURSE COMPETENCIES: Study of legal principles related to patient care, medical records and health information, legal terminology and procedures, court systems, liability of healthcare providers, importance of medical records, record retention and destruction, current legal issues, and ethics and laws.

COURSE OUTLINE:

Chapter 1—Workings of the American Legal System
Chapter 2—Court Systems and Legal Procedures
Chapter 3—Principles of Liability
Chapter 4—Patient Record Requirements
Chapter 5—Access to Health Information
Chapter 6—Confidentiality and Informed Consent
Chapter 7—Judicial Process of Health Information
Chapter 8—Specialized Patient Records
Chapter 9—Risk Management and Quality Management
Chapter 10—HIV Information
Chapter 11—Computerized Patient Records
Chapter 12—Health-Care Fraud and Abuse

COURSE OBJECTIVES: Upon completion of this course, student will:

- Differentiate between public and private law.
- Compose a scenario that illustrates the difference between the substantive and procedural aspects of criminal law.
- Identify and explain the differences between various sources of law.
- Describe the branches of government and their roles in creating, administering, and enforcing law.
- Explain the process of how a bill becomes a law.
- List and describe quasi-legal requirements to which health-care organizations are subject.
- Compare and contrast subject matter jurisdiction between the federal and state court systems.
- Differentiate between subject matter jurisdiction and personal jurisdiction.
- Explain the basic differences between a trial and an appeal.
- Identify the steps in a civil lawsuit.
- Distinguish among the different forms of discovery.
- Describe the roles of the judge and the jury during a trial.
- Compare and contrast an order of garnishment and writ of execution.
- Differentiate the types of alternative dispute resolution.
- Describe each of the following relationships: physician-patient, hospital-patient, and hospital-physician.
- Define medical malpractice and negligence.
- Identify the elements of a negligence claim.
- Define the meaning of standard of care and explain its role in medical malpractice cases.
- List the methods a plaintiff may use to establish the standard of care in a medical malpractice case.
- Distinguish among the three types of damages.
- Analyze the difference between negligence and *res ipsa loquitur*.
- Compare and contrast vicarious liability and corporate negligence.
- Explain the difference between assault and battery.
- Describe each of the following intentional torts: defamation, invasion of privacy, and medical abandonment.
- Explain the difference between a claim for nonperformance and improper performance.

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- Identify the defenses commonly raised in lawsuits involving healthcare providers.
- Differentiate between contributory and comparative negligence.
- Summarize the multiple functions and uses of a medical record.
- Identify and explain how the sources of law influence the content of the medical record.
- Distinguish between authorship and authentication.
- Differentiate between proper and improper methods for a health providers to correct the medical record.
- Compare and contrast the procedures used to comply with or refuse a patient's request to correct the record.
- Identify the factors influencing a record retention policy.
- Explain what role a statute of limitations plays in a record retention policy.
- Compare and contrast record destruction done in the ordinary course with that done due to closure.
- Identify the importance of keeping permanent evidence of a record's destruction in the ordinary course.
- Identify the special procedures involved with the destruction of alcohol and drug abuse records upon a program's closure.
- Describe the continuum through which questions of health information ownership have passed.
- Explain the concept of a notice of information practices.
- Compare and contrast the terms consent and authorization with regard to a notice of information practices.
- List the core elements of a valid release of information form.
- Explain the principle of the minimum necessary standard.
- Identify who is granted authority to release health information.
- Describe the methods employed to disclose health information.
- Explain the purpose of a redisclosure statement.
- Compare and contrast the rights of access of patients and third parties to patient-specific health information.
- Explain the concept of reasonable fees and the challenges made to this concept.
- Explain the role that institutional review boards play in the access by researchers to health information involving human subjects.
- Describe the reasons and mechanism for reporting public health threats.
- Compare the judicial approach with the legislative approach for access to adoption records.
- Explain the interrelationship between confidentiality and privacy.
- Identify and discuss the three sources of law on which the right of privacy is based.
- Compare and contrast open record statutes and privacy statutes.
- Explain the use and application of the physician-patient privilege.
- Trace the historical development of the informed consent doctrine.
- Discuss the concept of substituted consent and its application to minor patients.
- Define the term advance directive.
- List the obligations placed on health-care providers by the Patient Self-Determination Act.
- Distinguish between living wills and durable powers of attorney for health care.
- Discuss the legal protections afforded to health-care providers when treating patients in an emergency situation.
- Compare and contrast the professional disclosure standard and the reasonable patient standard.
- Define the following legal terms associated with the role of a medical record in a lawsuit: evidence, admissible, and hearsay.
- Explain why medical records are considered hearsay evidence.
- Explain how the health information manager establishes the foundation and trustworthiness requirements for admitting the medical record into evidence.
- List the questions typically asked of the health information manager when establishing the foundation and trustworthiness requirements.
- Explain the use and application of the physician-patient privilege.
- Discuss the differences among a subpoena, a subpoena ad testificandum, and a subpoena duces tecum.
- Compare and contrast a court order authorizing disclosure of health information with a subpoena.
- Compare and contrast the three recommended responses of a health information manager to the presentation of a subpoena.
- Assess the steps to take when presented with an invalid subpoena duces tecum.
- Summarize the difference between specialized patient records and general medical records.
- Discuss the regulations governing patient identification and their practical application.
- Compare and contrast release of information forms used in an ordinary health-care setting with those used in a substance abuse setting.
- Identify those instances where disclosure of health information of substance abuse treatment may be made without written patient consent.
- Compare and contrast a court order authorizing disclosure of patient-specific information with a subpoena duces tecum.
- Discuss procedures for handling a court order authorizing disclosure and a subpoena duces tecum.
- Explain the difference between the official record and the personal record in the mental health/developmental disability context.
- Identify the sources of legal requirements in the home health-care context.
- Summarize the benefits and risks associated with genetic information.
- Compare and contrast risk management with quality management.
- Trace the growth and development of risk management.

- Explain how the three components of patient record requirements relate to risk management.
- Define an incident report.
- List the purposes an incident report serves.
- Differentiate between discovery and admissibility of incident reports.
- Compose a scenario that illustrates how an incident report may be protected by the attorney-client privilege.
- Differentiate between the two aims of peer review statutes; privilege and immunity.
- Analyze the variations of peer review statutes.
- Identify the reporting requirements of the Health Care Quality Improvement Act.
- List the tests used to identify and/or confirm positive HIV results.
- Identify and explain the three component steps of the voluntary testing process.
- Compare and contrast court-ordered HIV/AIDS testing with HIV/AIDS testing pursuant to statutory authority.
- Describe the situations in which employers may require HIV/AIDS testing of employees.
- Describe the types of restrictions that confidentiality statutes and ethical guidelines place on HIV/AIDS information.
- Explain the rationale for mandatory testing of health-care employees.
- Analyze the limits on disclosure of HIV/AIDS information concerning the patient and the health-care provider.
- Identify the reasons supporting the transformation to a computerized patient record.
- Compare and contrast the three broad categories of law and regulation governing the creation and storage of a computerized patient record.
- Discuss the business record exception to the hearsay rule and its application to a computerized patient record.
- Evaluate the role of the health information manager in meeting the requirements of the business record exception.
- List the types of lawsuits that may arise from a breach of confidentiality of a computerized patient record.
- Compare and contrast physical security, personnel security, and risk prevention techniques.
- Evaluate risk prevention techniques associated with computerized patient record systems.
- Identify the electronic tools that have transformed the health-care field's business processes.
- Compare and contrast the security issues associated with the use of the Internet and e-mail.
- Explain why the field of telemedicine has not advanced more rapidly.
- Define the meaning of fraud and abuse.
- Compare and contrast the major laws supporting a prosecution for health-care fraud and abuse.
- List and describe the roles of various law enforcement agencies in the prosecution of health-care fraud and abuse.
- Define the meaning of compliance and compliance programs.
- List the components of a compliance program.

STUDENT REQUIREMENTS:

Students are expected to submit all work (daily work as assigned, research assignment, chapter tests, and final exam) on the dates scheduled by the instructor. Students will receive grades of "0" for any assignment/test that is not submitted by the due date outlined on the calendar unless prior arrangements have been made with the instructor. Students will be provided specific guidelines to follow for all assignments. Failure to complete ALL of the required work will result in the student receiving a final course grade of "F." Students are responsible for policies and procedures included in the HGTC Catalog and Student Handbook. ***Students must maintain a minimum grade of "C" in this course as it is a prerequisite for other classes in the HIT curriculum.***

FINAL CLASS AVERAGE		GRADING SCALE	
Chapter Exams	50%	A	(90-100)
Daily Grades	17%	B	(80-89)
Final Exam	30%	C	(70-79)
Internet Project	3%	D	(60-69)
		F	(0-59)

TCSG GUARANTEE/WARRANTY STATEMENT:

The Technical College Systems of Georgia guarantees employers that graduates of State Technical Colleges shall possess skills and knowledge as prescribed by State Curriculum Standards. Should any graduate employee within two years of graduation be deemed lacking in said skills, that student shall be retrained in any State Technical College at no charge for instructional costs to either the student or the employer.

GRADING:

All assignments are due by the class period on the date indicated by the class calendar. Any assignment/test not turned in by due date will result in a grade of "0" on each assignment/test due.

Chapter Exams: All exams are given one time, and all grades averaged together. A calendar will be provided indicating the day each exam will be taken. For each exam a student does not take by the end of class on assigned day, a grade of zero will be issued. Please note that sharing of information regarding exam content is considered cheating and will be subject to the school's Honesty Policy.

Once a test has been given to an individual, the student cannot leave the classroom and later return to finish the test. If a student leaves the classroom before the test is complete, the test will be taken up by instructor and graded as complete.

Daily Grades: Students are required to do all chapter Review Questions and the end of each chapter. One daily grade will be assigned for each chapter's work.

Final Exam: Each student will complete a comprehensive final exam on the date indicated on class calendar.

Interactive Project: Each student will complete an interactive project utilizing the Internet. The class calendar indicates the deadline for completing the project.

WITHDRAWING FROM CLASS: Students needing to withdraw from class should contact their instructor or program advisor.

WORK ETHICS: Instruction in the development of good work habits (work ethics) which aid in job retention and advancement is included in this course. This instruction will include weekly activities on a topic related to work ethics. Included are behaviors such as arriving for classes or meetings on time; completing work satisfactorily and on time; responding positively to supervision; following directions correctly; adhering to policies/regulations; using tools and resources properly; observing safety provisions; and working effectively as part of a team. A student is given a work ethics grade each quarter in addition to the academic grade for a course.

ATTENDANCE POLICY: Class attendance is required for successful completion of the course. Absences in excess of 10% of scheduled class periods will subject the student to dismissal. Refer to HGTC *Catalog and Student Handbook* for explanation of the attendance policy. It is the student's responsibility to obtain notes, handouts, etc. should a class be missed and to schedule outside work time, makeup exams, etc. with the instructor. Students are expected to contact the instructor prior to class if they must be absent. Students who are sleeping during class will be counted absent, as they are not mentally present.

To leave a message for an adjunct instructor, please call the school's main phone line (275-6589) and ask for a message to be put in the instructor's mail tray.

ACADEMIC DISHONESTY: *All forms of academic dishonesty, including but not limited to cheating on tests/daily work and falsification of information, will call for discipline.*

INTERNET USAGE: Unless a student is working on the interactive project, no student should be using the Internet during designated class time.

INSTRUCTIONAL TECHNIQUES: The majority of instruction will be lecture-based. However, some individualized and group assignments will be given.

SPECIAL SERVICES: Students with special needs, whether the needs are learning, physical, or other, are strongly encouraged to talk with the course instructor. The instructor can refer the student to the Special Needs Facilitator or can consult with the Special Needs Facilitator in the W. R. Stewart Building on behalf of the student. To ensure that students have every opportunity to succeed in their studies, other services such as tutoring and study skills are available. Students interested in these services should talk to the instructor or department chairperson.

EQUAL OPPORTUNITY INSTITUTION: As set forth in its student catalog, Heart of Georgia Technical College does not discriminate on the basis of race, color, creed, national or ethnic origin, gender, religion, disability, age, **political affiliation or belief**, veteran status, or citizenship status (except in those special circumstances permitted or mandated by law).

Please contact Cecile Miller, Director of Career Services, 560 Pinehill Road, Dublin, GA 31021, 478-274-7643 or Francine Shuman at fshuman@tcsg.edu for clarification.