



UUHSC 6811-Health Law for Non-Lawyers
Spring Semester 2025

Course Description

Health law for non-lawyers will introduce students to important aspects of the legal structure of the US healthcare system. Topics covered will include major federal statutes affecting health care (Medicare, Medicaid, ACA, EMTALA, ADA, GINA) and recent developments concerning these statutes, payment for health care in the US, confidentiality and privacy, tort litigation and malpractice, non-discrimination and the duty to treat, the regulation of drugs and devices, intellectual property and health, and law and controversial forms of care such as abortion.

Course Outcomes and Objectives

Through this course, students will be able to:

- Understand important similarities and differences in how healthcare professions and lawyers analyze problems
- Describe the basic structures of law in the US (federalism; constitutional, statutory, administrative, and case law) as they impact health care
- Assess how law is affected by, affects, and responds to developments in the biosciences
- Summarize basic aspects of major federal statutes affecting the financing and delivery of health care (including Medicare, Medicaid, ACA, EMTALA, GINA, HIPAA)
- Recognize selected aspects of state law, including malpractice law, the law of informed consent, privacy law, and laws governing controversial forms of care such as abortion

Course Requirements

all course materials will be available from canvas. There is no text to purchase for this class. Canvas is the online platform that will be used for the class to post assignments, upload completed assignments, and provide feedback. The [Canvas Getting Started Guide for Students](#) can be helpful.

Grading Scale

There will be weekly short written assignments over the course of the semester. The assignments will be based on the material in the modules. They will take forms likely to be used within the health care system: letters, information sheets, problem analyses, case analyses, policy briefs, blog posts, and memos.

University Policies

Updated mandatory syllabus policies regarding the ADA Act, Safety at the U, Addressing Sexual Misconduct, and Academic Misconduct can be viewed at: <https://cte.utah.edu/instructor-education/syllabus/institutional-policies.php>

Preliminary Course Schedule

Course Schedule:

Module	Topic	Skill
Managing this course	Canvas; approximate time per module (2-3h); instructor contact and voluntary meet-ups	Canvas management Class time management
The federal structure of US health care	Federal constitution: separation of powers, commerce clause, spending power	Identifying impact of limited powers of the federal government
	Federal constitution: 14 th amendment equal protection and due process	Identifying constraints on what states may do in regulating health care
	Roles of the states; police power, public health and welfare	Understanding the role of the states in regulating health care Questioning the allocation of care types between the states and the federal government
Paying for care in the US	Medicare: parts A, B, C and D; how Medicare coverage is determined and reimbursements are set	Identifying different types of Medicare, their advantages and disadvantages
	EMTALA; Patient Self-Determination Act	Understanding the regulatory role of federal funding in health care
	Medicaid	Understand the differences between Medicare and Medicaid
	Employer-provided insurance and ERISA	Understand the role of employer-provided health insurance; understand why states are limited in their ability to introduce reforms
	ACA and exchange coverage	Understand how the exchanges function and the advantages and disadvantages of exchange coverage
	Licensing professionals and institutions	Understand how the licensing process works;

Assuring quality of care: states and the federal government		understand the significance of the care team
	Malpractice	Identify the difference between malpractice and bad outcomes; be able to discuss the impact of malpractice reforms; be able to analyze whether malpractice litigation has an impact on care quality
	Malpractice reform	Apology laws; impact of malpractice reform
Informed consent	Reasonable provider; reasonable patient	Understand and apply the elements of informed consent
Confidentiality/privacy	HIPAA, state reporting laws	Identify HIPAA violation risks; know what are likely state reporting requirements
Structures of US health care organizations	Corporate form	Understand the basic function of a corporation and the role of the medical staff; understand the role of hospital staffing privileges
	Role of non profit corporations	Understand the differences (if any?!) between for profit and not for profit health care corporations
	Anti-trust law and competition	Understand the advantages and disadvantages of integrated forms of health care delivery
Intellectual property and health care	Patents; copyright; trade secrets	Understand basic principles of IP law; understand the role of IP in affecting health care innovation and health care costs in the US
Public health in the US	<i>Jacobson</i> , states and pandemics	Discuss challenges for public health in the US today
Anti-discrimination in health care	Patients: Title VI of the Civil Rights Act of 1964, the ADA, the Age Act, §1558 of ACA; GINA	Identify differences between health equity and anti-discrimination; consider role of social determinants of

		health; identify limits of anti-discrimination law
	Employment discrimination and the health care work force: Title VII, the ADA, the ADEA	Understand the basics of US employment discrimination law and its impact on the healthcare workforce
Decision-making at the beginning of life: IVF, contraception, abortion; conscientious objection	<i>Dobbs</i> , state prohibitions	Consider how to handle a staff member's conscientious refusal to participate in emergency care
Decision-making at the end of life	Advance directives	Know how to discuss an advance directive with someone else
	Medical Aid in Dying	Understand the states with MAID laws and their impact
Controversial forms of care	Medical marijuana; psilocybin	Understand changes in state laws; tensions between federal and state decisions about controversial forms of care