

# HIM 225 Legal Issues in Health Information Management

**Credit Hours:**

2 Hours

**Instructor:**

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270-745-3548

**Prerequisites:**

None

**Acknowledgement:**

While this course was developed for Health Information Management students, any student interested in laws governing current issues in healthcare may enroll the class. This class will benefit consumers of healthcare services, as well as those planning a career in a healthcare profession.

**Description:**

Advanced course relating concepts and principles of law, the health record as a legal document, confidential communication, consents and authorization, release of information and current trends in health legislation.

**Course Access:**

This course is offered through Blackboard. Students can access Blackboard at [ecourses.wku.edu](http://ecourses.wku.edu) or through the [wku.edu](http://wku.edu) website.

**Textbooks:**

McWay, Dana C. Legal and Ethical Aspects of Health Information Management, Cengage, 5th Edition, ISBN: 9780357361542 (note: there are also rental print books and ebooks available for between \$50-64). Shop around. You only need access to the textbook and not the Digital Platform through Cengage).

**Examination:**

There will be 15 quizzes; one to accompany each chapter. In addition, there will be a midterm and a final.

**Assignments:**

There will be assignments for each chapter.

### Evaluation:

The final course grade will be derived from percentage of achieved points accumulated from quizzes and assignments in relation to total points possible. All course work must be completed in order to get credit for the course.

The following grading system will be used:

Percentage in class	Letter Grade
90% - 100%	A
80% - 89%	B
70% - 79%	C
60 % - 69%	D
59 % and below	F

### Completion Date:

There are five due dates. See due dates in Schedule below.

Course work will not be accepted after the deadline. **There will not be any extensions for technical difficulties so you should plan to complete the course before the deadline to ensure your best outcome.**

### Title IX Sexual Misconduct/Assault:

Western Kentucky University (WKU) is committed to supporting faculty, staff and students by upholding WKU's Title IX Sexual Misconduct/Assault Policy (#0.2070)

at <https://wku.edu/eoo/documents/titleix/wkutitleixpolicyandgrievanceprocedure.pdf> and Discrimination and Harassment Policy (#0.2040)

at [https://wku.edu/policies/hr\\_policies/2040\\_discrimination\\_harassment\\_policy.pdf](https://wku.edu/policies/hr_policies/2040_discrimination_harassment_policy.pdf). Under these policies, discrimination, harassment and/or sexual misconduct based on sex/gender are prohibited. If you experience an incident of sex/gender-based discrimination, harassment and/or sexual misconduct, you are encouraged to report it to the Title IX Coordinator, Andrea Anderson, 270-745-5398 or Title IX Investigators, Michael Crowe, 270-745-5429 or Joshua Hayes, 270-745-5121. Please note that while you may report an incident of sex/gender based discrimination, harassment and/or sexual misconduct to a faculty member, WKU faculty are "Responsible Employees" of the University and MUST report what you share to WKU's Title IX Coordinator or Title IX Investigator. If you would like to speak with someone who may be able to afford you confidentiality, you may contact WKU's [Counseling and Testing Center](#) at 270-745-3159.

### Accessibility Accommodations:

In compliance with university policy, students with disabilities who require accommodations (academic adjustments and/or auxiliary aids or services) for this course must contact the Office for Student Accessibility Services in DSU-1074 of the Student Success Center in Downing University Center. The OFSDS telephone number is (270) 745-5004 V/TDD.

Please DO NOT request accommodations directly from the professor or instructor without a letter of accommodation from the Office for Student Accessibility Services.

Once accessibility services/accommodations have been granted and initiated, please contact me with any questions or concerns. Also, if you believe that you are not receiving the disability services to which you are entitled, please address this concern with me immediately so discussion and/or adjustments can occur.

**Food Security:** Food insecurity is defined as a condition where persons, in this case students, do not have adequate resources to feed themselves, either nutritiously or not at all (USDA, 2013). According to a recent national study (Hunger on Campus, 2016), food insecurity is common at colleges and universities across the country, potentially undermining the educational success of untold thousands of students. If food insecurity is an issue you, or someone you know, help is readily available. Contact the [WKU Office of Sustainability](http://www.wku.edu/office-of-sustainability) at (270) 745-2508 or email [sustainability@wku.edu](mailto:sustainability@wku.edu).

**Emotional Support:** WKU offers confidential counseling for students at the WKU Counseling Center. The best way to schedule an appointment is to visit their office in Potter Hall, Room 409 or by calling their office at 270-745-3159. They are open Monday - Friday from 8:00am - 4:30pm. For emergency and after-hours information, call 270-745-3159.

**Academic Misconduct: (Information below on Academic Misconduct, along with additional information, can be obtained from <https://www.wku.edu/studentconduct/process-for-academic-dishonesty.php>)**

*The University expects students to operate with the highest standard of integrity in all facets of the collegiate experience. Broadly defined, academic misconduct is any unethical self-serving action in the performance of an academic activity, deliberate or unintentional, that affords a student an unfair, unearned, or undeserved advantage. (Excerpt from the WKU Student Handbook, 2016)*

***The maintenance of academic integrity is of fundamental importance to the University. Thus it should be clearly understood that acts of plagiarism or any other form of cheating will not be tolerated and that anyone committing such acts will be held accountable for violation of the student code of conduct.***

*Students who commit any act of academic dishonesty may receive from the instructor a failing grade in that portion of the course work in which the act is detected or a failing grade in a course without possibility of withdrawal. The faculty member may also present the case to the Office of Student Conduct.*

### ***Dishonesty***

*Such as cheating, plagiarism, misrepresenting of oneself or an organization, knowingly furnishing false information to the University, or omitting relevant or necessary information to gain a benefit, to injure, or to defraud is prohibited.*

### ***Cheating***

*No student shall receive or give assistance not authorized by the instructor in taking an examination or in the preparation of an essay, laboratory report, problem assignment or other project which is submitted for purposes of grade determination.*

### ***Plagiarism***

*To represent written work taken from another source as one's own is plagiarism. Plagiarism is a serious act. The academic work of a student must be his/her own. One must give any author credit for source material borrowed from him/her. To lift content directly from a*

*source without giving credit is a flagrant act. To present a borrowed passage without reference to the source after having changed a few words is also plagiarism.*

*Examples of Areas Where Academic Misconduct Most Likely Occurs*

*"Essentially, students are expected to do work that is assigned to them and submit products that represent personal and individual effort only."*

**1. In an exam setting**

*a. Presenting as your work, test answers that are not your work, including the following:*

*i. Using resources other than those specifically allowed by the instructor (e.g., notes or another person)*

*ii. Copying from another student's test*

*iii. Using notes from any source during a test when notes are not allowed*

*iv. Using materials that the instructor is not making available to the whole class (Exception: students with disabilities needing accommodations)*

*v. Recycling an assignment that has been used in another course (unless approved by the instructor)*

*b. Acquiring a copy of the exam without permission*

*c. Providing answers for or soliciting answers from another student with or without permission of the other student (Note: This may either be an attempt to help or harm the targeted student)*

**2. On a written assignment**

*a. Presenting as your own work duplicated work that you did not create*

*i. Purchasing written work from an external source*

*ii. Copying work from a free external source (online or otherwise)*

*iii. Presenting as your work something another person has created*

*b. Altering text from another source*

*i. Altering select words of some original text in order to conceal plagiarism*

**3. Academic dishonesty that is possible in various settings**

*a. Providing money or favors in order to gain academic advantage*

*b. Falsely stating that work was given to the instructor at a certain time when it was not*

*c. Correcting the responses of a graded assignment and presenting them to the instructor as incorrectly graded material*

*d. Pretending to be someone you are not; taking the place of another*

**4. Or any other behavior that violates the basic principles of integrity and honesty**

**(Above is an excerpt from the Academic Integrity Statement Ad Hoc Subcommittee on Academic Integrity in the College of Education and Behavioral Sciences, 2012)**

**Program Policies** state that "Unprofessional conduct or violation of the rules, regulations or policies of the University or Health Information Management Program may result in dismissal from the program."

### **Cheating:**

**I expect each student to submit their own work. Sharing your work, assignments, project, or answers with another student or receiving the information from another student or other source constitutes cheating. Any student found to have shared information or obtained information from another student or other source will receive a 0% on that assignment and it may result in dismissal from the class or program.**

### **Plagiarism**

**I expect each student to submit their own work or give credit to the appropriate source.**

**Any student found to have plagiarized work from another source will receive a 0% on that assignment and it may result in dismissal from the program.**

### **WKU Syllabus Statement:**

All students are strongly encouraged to [get the COVID-19 vaccine](#). Out of respect for the health and safety of the WKU community and in adherence with CDC guidelines and practices of all public universities and colleges in [Kentucky](#), the University requires that a cloth face covering (reusable or disposable) that covers both the nose and mouth must be worn at all times when in public areas within all buildings. Students must properly wear face coverings while in class regardless of the room size or the nature of the classroom activities. Students who fail to wear a face covering as required will be in violation of the WKU Student Code of Conduct and will be asked to comply or will face disciplinary action, including possible dismissal from the University. Accommodations can be requested in special cases through the Student Accessibility and Resource Center ([SARC](#)): [270-745-5004](#) (voice), [270-745-3030](#) (TTY), or [270-288-0597](#) (video).

All students must immediately report a positive Covid-19 test result or close contact with a person who has tested positive to the Covid-19 Assistance Line at 270-745-2019. The assistance line is available to answer questions regarding any Covid-19 related issue. This guidance is subject to change based on requirements set forth by public health agencies or the office of the governor. Please refer to the Healthy on the Hill website for the most current information. [www.wku.edu/healthyonthehill](http://www.wku.edu/healthyonthehill)

### **Syllabus Changes:**

Class and exam schedules are subject to change.

### **Disclaimer:**

References to external websites are provided for the convenience of the student. These sites may contain articles on politically and socially controversial topics and are presented from the perspective of providing information. The instructor is not responsible for the content of these external sites and does not necessarily endorse the views or agree with the information held on these sites; the instructor does not take moral stances on issues.

## HIM 225 Schedule (all work due by NOON)

Week	Topic	Assignment (Fall 2020)
Week 1	Chapter 1-Workings of the American Legal System	Assignment and Quiz for the chapter
Week 2	Chapter 2- Court Systems and Legal Procedures	Assignment and Quiz for the chapter
Week 3	Chapter 3- Judicial Process of Health Information	Assignment and Quiz for the chapter
Week 4	Chapter 4- Principles of Liability	Assignment and Quiz for the chapter <b>DUE DATE: Assignments &amp; Quizzes 1-4 Due Friday February 11, NOON</b>
Week 5	Chapter 5- Ethical Standards	Assignment and Quiz for the chapter
Week 6	Chapter 6- Ethical Decisions and Challenges	Assignment and Quiz for the chapter
Week 7	Chapter 7- Bioethics Issues	Assignment and Quiz for the chapter
Week 8	Chapter 8- Patient Record Requirements	Assignment and Quiz for the chapter <b>DUE DATE: Assignments &amp; Quizzes 5-8 and Midterm Due Friday, March 11, NOON</b>
Week 9 Spring Break		
Week 10	Chapter 9- Confidentiality and Informed Consent Chapter 10- Access to Health Information	Assignment and Quiz for the chapters 9 and 10
Week 11	Chapter 11- Specialized Patient Records	Assignment and Quiz for the chapter
Week 12	Chapter 12- Risk Mgmt, Quality Mgmt, and Utilization Mgmt	Assignment and Quiz for the chapter <b>DUE DATE: Assignments &amp; Quizzes 9-12 Due Friday, April 8, NOON</b>
Week 13 and 14	Chapter 13- Information Systems Chapter 14- Health Care Fraud and Abuse	Assignments and Quizzes for the chapter
Week 15	Chapter 15- Law and Ethics in the Workplace	Assignments and Quiz for the chapters; Course Reflection <b>DUE DATE: Assignments &amp; Quizzes 13-15, Friday April 29, NOON</b>
Week 16		<b>Course Reflection and -Final Exam DUE DATE: Monday, May 2, NOON</b>

Revised 1/2022

At the conclusion of this course, the student should be able to meet the following 2018 Baccalaureate Degree AHIMA entry-level curriculum competencies at the indicated taxonomic level:

<b>Domain V. Health Law &amp; Compliance</b>		
V.1. Comply with legal processes impacting health information. (5)	Laws and Legal System, Legal Consideration for Health Settings, The Legal Health Record	Chapters 1, 2, 3, 8, 10 assignments
V.2. Evaluate compliance external forces. (5)	Organizational Compliance (Accreditation, licensing, and Certification; HIPAA), External Compliance	Chapters 8, 9, 10, 11, 14 assignments
V3. Analyze components of risk management as related to a health organization.	Quality Improvement (Credentialing, Peer Review, HAC), Risk Management	Chapter 12 assignment
VI.7. Assess ethical standards of practice. (5)	Ethical Issues and Standards, Compliance Strategies	Chapters 5, 6, 7, 9, and 12 assignments

## HIM 225: Course Content

### Part I: Study of the Law in General

#### 1: Workings of the American Legal System

Learning Objectives – Key Concepts

##### PRIVATE AND PUBLIC LAW

Private Law – Public Law

##### SOURCES OF LAW

Constitution – Statutes – Administrative Decisions and Regulations – Judicial Decisions

##### BRANCHES OF GOVERNMENT

Legislative Branch – Executive Branch – Judicial Branch

##### QUASI-LEGAL REQUIREMENTS

##### CONCLUSION

#### 2: Court Systems and Legal Procedures

Learning Objectives – Key Concepts

##### COURT SYSTEMS

Jurisdiction – Court Structure

##### LEGAL PROCESS

Beginning the Lawsuit – Discovery – Pretrial Conference – Trial – Appeal – Satisfying the Judgement

##### *CONCLUSION*

#### 3: Judicial Process of Health Information

Learning objectives – Key Concepts

##### HEALTH RECORDS AS EVIDENCE

Hearsay – Privilege – Exclusions

##### RESPONSES TO LEGAL PROCESS

Subpoenas – Court Orders – Discovery Requests – Warrants – Response Methods

##### *CONCLUSION*

#### 4: Principles of Liability

Learning Objectives – Key Concepts

##### HEALTH CARE RELATIONSHIPS

Physician-Patient Relationships – Hospital-Patient Relationships – Hospital-Physician Relationships

#### THEORIES OF LIABILITY

Nonintentional Torts – Intentional Torts – Social Media

#### DEFENSES AND LIMITATIONS ON LIABILITY

Statutes of Limitations – Charitable Immunity – Governmental Immunity – Good Samaritan Statutes – Contributory and Comparative Negligence – Assumption of Risk – Apologies

#### *CONCLUSION*

## Part 2: An Overview of Ethics

### 5: Ethical Standards

Learning Objectives – Key Concepts

#### ETHICAL MODELS

Ethical Concepts – Ethical Theories

#### *CONCLUSION*

### 6: Ethical Decisions and Challenges

Learning Objectives – Key Concepts

#### ETHICAL DECISION MAKING

Influencing Factors – Ethical Decision-Making Process

#### ETHICAL CHALLENGES

Generalized Challenges – The Roles of Ethics in Supervision – Health Care Challenges – Health Information Management Challenges

#### *CONCLUSION*

### 7: Bioethics Issues

Learning Objectives – Key Concepts

#### RELATED TO THE BEGINNING OF LIFE

Family Planning – Abortion – Perinatal Ethics – Eugenics

#### RELATED TO SUSTAINING OR IMPROVING THE QUALITY OF LIFE

HIV/AIDS – Organ Transplantation – Genetic Science

#### RELATED TO DEATH AND DYING

Planning for End of Life – Euthanasia – Withholding/Withdrawing Treatment

#### *CONCLUSION*

## Part 3: Legal and Ethical Issues Central to Health Information Management

### 8: Patient Record Requirements

Learning Objectives – Key Concepts

FUNCTION AND USE OF THE HEALTH RECORD

LEGAL REQUIREMENTS FOR HEALTH RECORD CONTENT

Content of the Health Record – Timely and Complete Health Records

RETENTION REQUIREMENTS

Statutes and Regulations – Other External Forces – Bases for Decision

RECORD DESTRUCTION

Destruction in Ordinary Course – Destruction Due to Ownership Change – Destruction Due to Closure

*CONCLUSION*

### 9: Confidentiality and Informed Consent

Learning Objectives – Key Concepts

CONFIDENTIALITY

Constitutional Basis – Statutory Basis – Common Law Basis – Confidentiality Application – Confidentiality of HIV Information

INFORMED CONSENT

Historical Development – Scope of Informed Consent Doctrine – Situations Requiring Informed Consent

*CONCLUSION*

### 10: Access to Health Information

Learning objectives – Key Concepts

OWNERSHIP OF HEALTH INFORMATION

NOTICE OF USE AND DISCLOSURE

ACCESS BY OR ON BEHALF OF THE PATIENT

General Principles of Disclosure of Information – By the Patient – To Third Parties – Reasonable Fees

ACCESS BY THE RESEARCHER

The Ethical Perspective – The Regulatory Perspective

ACCESS BY THE BUSINESS ASSOCIATE

ACCESS PURSUANT TO REPORTING LAWS

ACCESS TO ADOPTION RECORDS

UNLAWFUL ACCESS    *CONCLUSION*

## **11: Specialized Patient Records**

Learning Objectives – Key Concepts

DRUG AND ALCOHOL ABUSE

Confidentiality – Release of Information – Miscellaneous Issues

MENTAL HEALTH AND DEVELOPMENTAL DISABILITY CARE

Content Requirements – Privacy Restrictions

HOME HEALTH CARE

GENETIC INFORMATION

HIV INFORMATION

Background Information about HIV/AIDS – Testing

*CONCLUSION*

## **Part 4: Specialized Areas of Concern in Health Information Management**

### **12: Risk Management, Quality Management, and Utilization Management**

Learning Objectives – Key Concepts

RISK MANAGEMENT

General Principles – Patient Record Requirements – Incident Reports – Trends in Risk Management

QUALITY MANAGEMENT

Peer Review Privileges – Medical Staff Disciplinary Process

UTILIZATION MANAGEMENT

Historical Development – Utilization Review

*CONCLUSION*

### **13: Information Systems**

Learning Objectives – Key Concepts

ELECTRONIC HEALTH RECORDS

Legal Health Record – Accreditation and Licensure Issues – Liability Issues

HIPAA SECURITY RULE

Breaches

ELECTRONIC HEALTH ISSUES

Internet – Electronic Mail and Text Messaging – Digital Imaging – Telemedicine

*CONCLUSION*

**14: Health Care Fraud and Abuse**

Learning Objectives – Key Concepts

FRAUD AND ABUSE

Major Laws Addressing Fraud and Abuse – Law Enforcement Agencies

COMPLIANCE PROGRAMS

*CONCLUSION*

**15: Law and Ethics in the Workplace**

Learning Objectives – Key Concepts

EMPLOYMENT

EMPLOYEE RIGHTS

Overview – Employment Law Application – Social Media – Ethics Application

*CONCLUSION*

## Learning Objectives

### Workings of the American Legal System

1. Differentiate between public and private law.
2. Compare and contrast contract and tort law.
3. Compose a scenario that illustrates the difference between the substantive and procedural aspects of criminal law.
4. Identify and explain the differences between various sources of law.
5. Describe the branches of government and their roles in creating, administering, and enforcing law.
6. Explain the process of how a bill becomes a law.
7. List and describe quasi-legal requirements to which health care organizations are subject.

### Court Systems and Legal Procedures

1. Compare and contrast subject matter jurisdiction between the federal and state court systems.
2. Differentiate between subject matter jurisdiction and personal jurisdiction.
3. Explain the basic differences between a trial and an appeal.
4. Identify the steps in a civil lawsuit.
5. Distinguish among the different forms of discovery.
6. Explain the uniqueness of e-discovery and electronically stored information.
7. Describe the roles of the judge and the jury during a trial.
8. Compare and contrast an order of garnishment and writ of execution.
9. Differentiate between the types of alternative dispute resolution.

### Judicial Process of Health Information

1. Define the following legal terms associated with the role of a health record in a lawsuit: evidence, admissible, and hearsay.
2. Explain why health records are considered hearsay evidence.
3. Explain how the health information professional establishes the foundation and trustworthiness requirements for admitting the health record into evidence.
4. List the questions typically asked of the health information professional when establishing the foundation and trustworthiness requirements.
5. Explain the use and application of the physician-patient privilege.
6. Discuss the differences among a subpoena, a subpoena ad testificandum, and a subpoena duces tecum.
7. Compare and contrast a court order authorizing disclosure of health information with a subpoena.
8. Describe e-discovery in the context of requests for production of documents and things.
9. Compare and contrast the three recommended responses of a health information professional to the presentation of a subpoena.
10. Assess the steps to take when presents with an invalid subpoena duces tecum.

### Principles of Liability

1. Describe each of the following relationships: physician-patient, hospital-patient, and hospital-physician.
2. Define medical malpractice and negligence.
3. Identify the elements of a negligence claim.
4. Define the meaning of standard of care and explain its role in medical malpractice cases.

5. List the methods a plaintiff may use to establish the standard of care in a medical malpractice case.
6. Distinguish among the three types of damages.
7. Analyze the difference between negligence and *res ipsa loquitur*.
8. Compare and contrast vicarious liability and corporate negligence.
9. Explain the difference between assault and battery.
10. Describe each of the following intentional torts: defamation, invasion of privacy, and medical abandonment.
11. Explain the difference between a claim for nonperformance and improper performance.
12. Identify the defenses commonly raised in lawsuits involving health care providers.
13. Differentiate between contributory and comparative negligence.

### **Ethical Standards**

1. Differentiate between ethics, morals, values, etiquette, and law.
2. Understand ethical concepts and their applications to the health care field.
3. Explain ethical theories.

### **Ethical Decisions and Challenges**

1. Understand the ethical decision-making process.
2. Describe the factors that influence the decision-making process.
3. Define codes of ethics and discuss their importance.
4. Identify ethical challenges in general and their application to the role of supervision, the field of health care, and the specialized area of health information management.
5. Evaluate a scenario to address steps that must be taken for ethical decision making.

### **Bioethics Issues**

1. Restate the dilemmas posed by bioethical issues.
2. Compare and contrast the ethical issues related to the beginning of life.
3. Explain the role of confidentiality with regard to HIV/AIDS and genetic science.
4. Discuss the ethical issues related to organ transplantation.
5. Differentiate between the ethical issues related to death and dying.

### **Patient Record Requirements**

1. Summarize the multiple functions and uses of a health record.
2. Identify and explain how the sources of law influence the content of the health record.
3. Distinguish between authorship and authentication.
4. Differentiate between proper and improper methods for a health provider to correct the health record.
5. Compare and contrast the procedures used to comply with or refuse a patient's request to correct the record.
6. Identify the factors influencing a record retention policy.
7. Explain what role a statute of limitations plays in a record retention policy.
8. Compare and contrast record destruction done in the ordinary course with that done due to closure.
9. Identify the importance of keeping permanent evidence of a record's destruction in the ordinary course.
10. Identify the special procedures involved with the destruction of alcohol and drug abuse records upon a program's closure.

11. Evaluate standards and regulations to determine appropriate record compliance.

### **Confidentiality and Informed Consent**

1. Explain the interrelationship between confidentiality and privacy.
2. Identify and discuss the three sources of law on which the right of privacy is based.
3. Compare and contrast open record statutes and privacy statutes.
4. Explain the use and application of the physician-patient privilege.
5. Describe the types of restrictions that confidentiality statutes and ethical guidelines place on HIV/AIDS information.
6. Trace the historical development of the informed consent doctrine.
7. Discuss the concept of substituted consent and its application to minor patients.
8. Define the term advance directive.
9. List the obligations placed on health care providers by the Patient Self-Determination Act.
10. Distinguish between living wills and durable powers of attorney for health care.
11. Discuss the legal protections afforded to health care providers when treating patients in an emergency situation.
12. Compare and contrast the professional disclosure standard and the reasonable patient standard.

### **Access to Health Information**

1. Describe the continuum through which questions of health information ownership have passed.
2. Explain the concept of a notice of information practices.
3. Compare and contrast the terms consent and authorization with regard to a notice of information practices.
4. List the core elements of a valid release of information form.
5. Explain the principle of the minimum necessary standard.
6. Identify who is granted authority to release health information.
7. Describe the methods employed to disclose health information.
8. Explain the purpose of a redisclosure statement.
9. Compare and contrast the rights of access of patients and third parties to patient-specific health information.
10. Explain the concept of reasonable fees and the challenges made to this concept.
11. Explain the role that institutional review boards play in the access by researchers to health information involving human subjects.
12. Describe the reasons and mechanism for reporting public health threats.
13. Compare the judicial approach with the legislative approach for access to adoption records.

### **Specialized Patient Records**

1. Summarize the difference between specialized patient records and general health records.
2. Discuss the regulations governing patient identification and their practical application.
3. Compare and contrast release of information forms used in an ordinary health care setting with those used in a substance abuse setting.
4. Identify those instances where disclosure of health information of substance abuse treatment may be made without written patient consent.
5. Compare and contrast a court order authorizing disclosure of patient-specific information with a subpoena duces tecum.

6. Discuss procedures for handling a court order authorizing disclosure and a subpoena duces tecum.
7. Explain the difference between the official record and the personal record in the mental health/developmental disability context.
8. Identify the sources of legal requirements in the home health care context.
9. Summarize the benefits and risks associated with genetic information.
10. List the tests used to identify and/or confirm positive HIV results.
11. Identify and explain the three component steps of the voluntary testing process.
12. Compare and contrast court-ordered HIV/AIDS testing pursuant to statutory authority.
13. Describe the situations in which employers may require HIV/AIDS testing of employees.

### **Risk Management, Quality Management, and Utilization Management**

1. Compare and contrast risk management with quality management.
2. Trace the growth and development of risk management.
3. Explain how the three components of patient record requirements relate to risk management.
4. Define an incident report.
5. List the purposes an incident report serves.
6. Differentiate between discovery and admissibility of incident reports.
7. Evaluate a risk management scenario recommending steps the risk manager should take.
8. Differentiate between the two aims of peer review statutes: privilege and immunity.
9. Analyze the variations of peer review statutes.
10. Identify the reporting requirements of the Health Care Quality Improvement Act.
11. Describe the utilization review process.

### **Information Systems**

1. Identify the reasons supporting the transformation to an electronic health record.
2. Compare and contrast the three broad categories of laws and regulations governing the creation and storage of an electronic record.
3. Discuss the business record exception to the hearsay rule and its application to an electronic health record.
4. Evaluate the role of the health information professional in meeting the requirements of the business record expectation.
5. List the types of lawsuits that may arise from a breach of confidentiality of an electronic health record.
6. Compare and contrast physical security, personnel security, and risk prevention techniques.
7. Evaluate risk prevention techniques associated with electronic health record systems.
8. Identify the electronic tools that have transformed the health care field's business processes.
9. Compare and contrast the security issues associated with the use of the Internet and e-mail.
10. Explain why the field of telemedicine has not advanced more rapidly.

### **Health Care Fraud and Abuse**

1. Explain the meaning of fraud and abuse.
2. Compare and contrast the major laws supporting a prosecution for health care fraud and abuse.
3. List and describe the roles of various law enforcement agencies in the prosecution of health care fraud and abuse.
4. Explain the meaning of compliance and compliance programs.
5. List the components of a compliance program.

## Law and Ethics in the Workplace

1. Define the concept of employment and differentiate between the various types of employees.
2. Explain the concept of the at-will employment doctrine.
3. Describe the interplay between ethics and law in the context of employment.
4. Trace the development of employee rights.
5. List and describe the various civil rights and workplace protection laws that relate to human resource management.

Rev. 1/2021