

HIM 225 Legal Issues in Health Information Management

Credit Hours:

2 Hours

Instructor:

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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 or through the wku.edu website.

Textbooks:

McWay, Dana C. Legal and Ethical Aspects of Health Information Management, Cengage, 4th Edition, ISBN: 9781305686328

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 four 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. 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.

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.

Rev 1/2017

HIM 225 Schedule

Week	Topic	Assignment
Week 1	Chapter 1-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 DUE DATE: Assignments & Quizzes 1-4 Due Friday, September 21, NOON
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
Week 9	Chapter 9- Confidentiality and Informed Consent	Assignment and Quiz for the chapter DUE DATE: Assignments & Quizzes 5-8 and Midterm Due Friday, October 19, NOON
Week 10	Chapter 10- Access to Health Information	Assignment and Quiz for the chapter
Week 11	Chapter 11- Specialized Patient Records	Assignment and Quiz for the chapter
Week 12	Chapter 12- Utilization Mgmt, Quality Mgmt, and Risk Mgmt	Assignment and Quiz for the chapter DUE DATE: Assignments & Quizzes 9-12 Due Friday, November 16th NOON
Week 13	Chapter 13- Information Systems	Assignments and Quiz for the chapter
Week 14	Chapter 14- Healthcare Fraud and Abuse	Assignment and Quiz for the chapter
Week 15	Chapter 15- Law and Ethics in the Workplace	Assignments and Quiz for the chapters DUE DATE: Assignments & Quizzes 13-15 and Final Exam December 7th, NOON

Revised: 4/2018

Competencies:

At the conclusion of this course, the student should be able to meet the Following 2014 AHIMA HIM Associate Degree and Baccalaureate Degree Competencies:

Associate Degree

Domain I:		
Subdomain I.C. Data Governance		
1. Apply policies and procedures to ensure the accuracy and integrity of health data, 3	* Data integrity concepts and standards	Ch. 9 Assignment; Ch. 13 Cybersecurity Your Medical Office and Cybersecure Contingency Planning assignments
	* Data Sharing	Ch. 6 & 9 Assignments; Ch. 13 Cybersecurity Your Medical Office and Cybersecure Contingency Planning assignments
Subdomain II.A. Health Law		
1. Apply healthcare legal terminology, 3	* Healthcare legal terminology	All assignments and tests
2. Identify the use of legal documents, 3	* Health information/record laws and regulations (Consent for treatment, retention, privacy, patient rights, advocacy, health power of attorney, advance directives, DNR)	Chapters 3, 6, 8, 9 assignments
3. Apply legal concepts and principles to the practice of HIM, 3	* Maintains a legally defensible health record (Subpoenas, depositions, court orders, warrants)	Chapters 2, 3, 8, 9 assignments
Subdomain II.B. Data Privacy, Confidentiality & Security		
1. Apply confidentiality, privacy and security measures and policies and procedures for internal and external use and exchange to protect electronic health information, 3	* Internal and external standards, regulations and initiatives (State and federal privacy and security laws)	Chapters 6, 8, 9, 10, 11 Assignments; Ch. 13 Cybersecurity Your Medical Office and Cybersecure Contingency Planning assignments; & Final exam
	* Data security concepts	Ch. 9 Assignment; Ch. 13 Cybersecurity Your Medical Office and Cybersecure

		Contingency Planning assignments
	* Security processes and monitoring	Ch. 9 Assignment; Ch. 13 Cybersecurity Your Medical Office and Cybersecure Contingency Planning assignments
Subdomain II.C. Release of Information		
1. Apply policies and procedures surrounding issues of access and disclosure of protected health information, 3	* Release patient specific data to authorized users	Ch. 3, 6, & 10 assignments
	* Access and disclosure policies and procedures	Ch. 6 & 10 assignments
Subdomain III.B. IM Strategic Planning		
2. Utilize health information to support enterprise wide decision support for strategic planning, 3	* Disaster and recovery planning	Ch. 13 Cybersecure Contingency Planning Assignment
Subdomain VI.H. Ethics		
1. Comply with ethical standards of practice, 5	* Professional and practice-related ethical issues	Chapter 5, 6 , 7, & 12 Assignment
1. Apply healthcare legal terminology, 3	* AHIMA Code of Ethics	Chapter 6 Assignment
2. Evaluate the consequences of a breach of healthcare ethics, 5	* Breach of healthcare ethics	Chapter 5, 6, 7, & 12 Assignment

Baccalaureate Degree

Subdomain I.A. Classification Systems		
Domain II. Information Protection: Access, Disclosure, Archival, Privacy & Security		
Subdomain II.A. Health Law		
1. Identify laws and regulations applicable to health care (3)	* Health information laws and regulations (HIPAA, The Joint Commission, State laws)	All assignments and tests; Legal Project
	* Healthcare legal terminology	All assignments and tests
	* Centers for Medicare and Medicaid Services (CMS)	Chapter 8 & 9 assignment
2. Analyze legal concepts and principles to the practice of HIM (4)	* Legal principles	Ch. 2, 3, 8 & 9 Assignment
	* Legal health records	Ch. 3, 8 & 11 Assignment
Subdomain III.H. Information Integrity and Data Quality		
2. Implement policies and procedures to ensure data integrity internal and external (3)	* Authentication, encryption, password management	Ch. 9 Assignment; Ch. 13 Cybersecurity Your Medical Office and Cybersecure Contingency Planning assignments
Domain V. Compliance		
Subdomain V.A. Regulatory		
1. Appraise current laws and standards related to health information initiatives (5)	* Regulatory and licensure requirements	Ch. 8 & 9 Assignments
Subdomain VI.H. Ethics		
1. Comply with ethical standards of practice (5)	* Professional ethics issues	Chapter 5, 6, 7 & 12 Assignment
	* Ethical decision making process	Chapter 5, 6, 7 & 12 Assignment
	* AHIMA Code of Ethics	Chapter 5, 6 Assignment
	* Patient rights	Chapter 5, 6, & 7 Assignment
	* Patient safety	Chapter 12 Assignment

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.

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.

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. Compose a scenario that illustrates how an incident report may be protected by the attorney-client privilege.
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.

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