



Western Technical College

10530178 Healthcare Law & Ethics

Course Outcome Summary

Course Information

| | |
|----------------------------|--|
| Description | Examines regulations for the content, use, confidentiality, disclosure, and retention of health information. An overview of the legal system and ethical issues are addressed. |
| Career Cluster | Health Science |
| Instructional Level | Associate Degree Courses |
| Total Credits | 2 |
| Total Hours | 36 |

Pre/Corequisites

Prerequisite 10530162 Foundations of HIM

Textbooks

Fundamentals of Law for Health Informatics and Information Management – with Access. 4th Edition. Copyright 2023. Brodник, Melanie S. Publisher: American Health Information Management Association. **ISBN-13:** 978-1-58426-880-2. Required.

Health Information Management Technology: An Applied Approach with Student Member Package - Bundled with AHIMA/WHIMA Membership. 6th Edition. Copyright 2020. Sayles, Nanette B. Publisher: American Health Information Management Association. **ISBN-13:** 978-1-58426-774-4. Required.

Learner Supplies

Internet and E-mail access, Microsoft Office (Word, PowerPoint, Access, Excel). Free access with Western student email address from <https://login.microsoftonline.com/>. **Vendor:** To be discussed in class. Required.

Success Abilities

1. Live Responsibly: Develop Resilience
2. Refine Professionalism: Act Ethically

Program Outcomes

1. HIT - Apply data governance principles to ensure the quality of health data
2. HIT - Model professional behaviors and ethics
3. HIT - Apply informatics and analytics in data use
4. HIT - Apply organizational management techniques

Course Competencies

1. INTERPRET laws and regulations affecting health information

Assessment Strategies

- 1.1. Interpreting relevant legislation (Legislation Comparison Table)

Criteria

- 1.1. you state the function and membership of the legislative, executive and judicial branches of the US government
- 1.2. you describe the role of precedent, government and administrative agencies in law making
- 1.3. you trace legislation from its inception to its current state
- 1.4. you identify sources of law/resources for monitoring changes in legislation and accrediting agency standards
- 1.5. you access federal and state legislation and accrediting agency standards that apply to a given situation

Learning Objectives

- 1.a. Describe the concepts of law and the privacy, confidentiality and security of health information
- 1.b. Summarize the issues surrounding ownership and control of health information and how they relate to custodianship and stewardship
- 1.c. Describe the role of the HIT as custodian of the health record
- 1.d. Summarize the relationship between public and private law
- 1.e. Describe the various sources of law
- 1.f. Explain how resolutions are determined in cases where laws conflict
- 1.g. Summarize the functions of the branches of government (executive, legislative, judicial).
- 1.h. Identify the federal and state court systems and appeals processes
- 1.i. Explain the role of precedent in law
- 1.j. Compare the role of government and administrative agencies in law-making
- 1.k. Identify the steps in the creation of legislation from inception to law
- 1.l. Use legal resources to retrieve information (Code of Federal Regulations, Federal Register, State Statutes, Administrative codes, accrediting agency standards).
- 1.m. Compare state and federal legislation regulating release of information, patient access, confidentiality, accounting of disclosures, retention/destruction and record content.
- 1.n. Plan strategies to ensure compliance with changes in state and federal laws

2. PREPARE health information for legal proceedings

Assessment Strategies

- 2.1. E-Discovery activity
- 2.2. Subpoena activity
- 2.3. Interpreting legislation related to legal proceedings
- 2.4. Record in court sample chart review
- 2.5. Negligence and tort reform research

Criteria

- 2.1. you determine appropriate court case criteria met for certified copies
- 2.2. you verify certification process is complete
- 2.3. you update user access logs/systems to track access to and disclosure of identifiable patient data
- 2.4. you describe how to notify appropriate personnel

Learning Objectives

- 2.a. Summarize the role of procedural law in the legal system
- 2.b. Summarize fundamentals of courtroom proceedings (key parties, trial proceedings, judgments, appeals).
- 2.c. Describe methods of discovery
- 2.d. Identify requirements of e-discovery amendments to the Federal Rules of Civil Procedure
- 2.e. Analyze the differences between a court order and a subpoena
- 2.f. Examine the purposes and limitations of a subpoena
- 2.g. Describe the legal appeals process
- 2.h. Explain the processes for the collection of judgement
- 2.i. Describe the role of HIT testimony in court as custodian of the record
- 2.j. Explain the significance of health information as evidence
- 2.k. Explain admissibility and authentication of evidence
- 2.l. Identify appropriate response to a subpoena duces tecum using appropriate legal terminology
- 2.m. Explain the evidentiary rule of hearsay and exceptions to the rule
- 2.n. Describe components of the best evidence rule
- 2.o. Describe the principle of privileged communications and when it may be waived
- 2.p. Explain how evidence may be protected through the concept of legal hold and other administrative controls
- 2.q. Explain spoliation and the concern it raises in legal cases
- 2.r. Summarize legal protections applied to incident reports and peer review records
- 2.s. Describe the differences between the various types of torts
- 2.t. Summarize legal theories of health institution liability
- 2.u. Analyze causes of action against the HIM professional for improper disclosure of health information
- 2.v. Summarize the liability of the health information professional
- 2.w. Determine the statute of limitations in Wisconsin
- 2.x. Summarize situations when criminal liability applies to health care situations
- 2.y. Analyze the effectiveness of various tort reform measures

3. MAINTAIN a legally defensible health record

Assessment Strategies

- 3.1. Legal health record designation
- 3.2. Legally defensible record scenarios
- 3.3. Record retention policy activity

Criteria

- 3.1. you differentiate between the legal health record and the designated record set
- 3.2. you examine record security and integrity concepts

Learning Objectives

- 3.a. Compare legal health record and designated record set
- 3.b. Examine documents and data for inclusion in the legal health record and the challenges associated with each
- 3.c. Create policies that support legally sound documentation principles
- 3.d. Examine the elements of a legally defensible health record
- 3.e. Develop procedures for the identification, retention and disposition of health records

4. APPLY confidentiality, privacy, and security measures pertaining to the use, access, disclosure and exchange of protected health information

Assessment Strategies

- 4.1. Required reporting activity
- 4.2. Constructing an ROI database
- 4.3. HIPAA compliance scenarios

Criteria

- 4.1. you ensure policies address state and federal privacy and security laws
- 4.2. you explain concept of medical identify theft and consequences
- 4.3. you ensure state and federal privacy and security laws for given situations
- 4.4. you comply with HIPAA regulations regarding the patient's right to access, amend and restrict disclosure of their protected health information
- 4.5. you apply access and disclosure policies and procedures

Learning Objectives

- 4.a. Recognize the difference between consent and authorization and notice of privacy practices
- 4.b. Differentiate among use, disclosure and redisclosure of protected health information
- 4.c. Differentiate among uses of health information designated as treatment, payment and operations
- 4.d. Discuss access and disclosure rights of competent and incompetent adults, minors , employees, employers and other members of the workforce
- 4.e. Use the language of the HIPAA Privacy Rule to describe its applicability (who and what)
- 4.f. Use the language of the HIPAA Privacy Rule to describe key documents and processes required under the law
- 4.g. Apply special considerations for patient privacy in cases of highly sensitive information
- 4.h. Identify penalties for noncompliance with privacy laws
- 4.i. Determine whether an unauthorized use or disclosure constitutes a breach
- 4.j. Apply breach notification processes when applicable
- 4.k. Determine how HIM professionals can advocate for patient privacy rights
- 4.l. Use the language of the HIPAA Security Rule to describe its applicability and components
- 4.m. Summarize security components of the HIPAA Security Rule
- 4.n. Identify potential internal and external security threats
- 4.o. Identify types of medical identity theft and mechanisms to prevent, detect and mitigate it
- 4.p. Articulate the risks to the patient in having one's medical identity stolen or in knowingly sharing it
- 4.q. Identify system and access controls to protect PHI against loss, defacement, tampering and unauthorized use and disclosure in paper and computer based formats
- 4.r. Explain the importance of contingency planning or disaster recovery planning in securing health information

5. PROCESS requests for health information

Assessment Strategies

- 5.1. Interpretation of legislation related to use, disclosure, release of health information
- 5.2. Release of information case studies

Criteria

- 5.1. you verify that the authorization for disclosure contains required elements
- 5.2. you categorize given cases as reportable/nonreportable under mandatory reporting requirements legislation
- 5.3. you apply state formula for calculation of copying fees/follow procedures for billing for copies
- 5.4. you determine the federal or state law that applies to specific cases
- 5.5. you review given cases to determine whether information may be released
- 5.6. you follow procedures for processing a request for patient related information
- 5.7. you maintain user access logs/systems to track access to and disclosure of identifiable patient data

Learning Objectives

- 5.a. Examine release of information requests and authorizations for presence of required elements
- 5.b. Determine state and federal legislation that applies to specific cases
- 5.c. Determine the prevailing authority and follow preemption rules when conflicts exist between state and federal law
- 5.d. Evaluate when written authorization is and is not required for uses and disclosures
- 5.e. Distinguish situations when the minimum necessary requirement does and does not apply
- 5.f. Compare regular and certified copy requests for information
- 5.g. Apply procedures to release information and document disclosures
- 5.h. Determine appropriate fees that apply to regular or certified copies according to state and federal legislation
- 5.i. Calculate charges for regular or certified billing fees
- 5.j. Determine whether a given case is reportable or non-reportable under mandatory reporting legislation (abuse and neglect, vital statistics, reportable deaths, communicable disease, etc.)
- 5.k. Describe elements of the HIPAA Privacy Rule that relate to required reporting

- 5.l. Describe federal and volunteer reporting requirements that do not require patient authorization
- 5.m. Compare privacy protection measures of various clinical, disease, and outcome-based registries
- 5.n. Describe how an entity may be protected when disclosing patient information not required by law to public health authorities

6. **RECOMMEND response to breach of professional ethics**

Assessment Strategies

- 6.1. Breach notification activity

Criteria

- 6.1. you evaluate the nature of the breach in ethics
- 6.2. you provide a recommended response (i.e. disciplinary action, legal action etc.) to the breach in ethics

Learning Objectives

- 6.a. Compare law, ethics and morals
- 6.b. Describe the role of professional ethics in protecting health information
- 6.c. Recommend response to breach of professional ethics
- 6.d. Explain the consequences of unethical behavior
- 6.e. Justify ethical decisions applying an ethical decision making model that supports the legal and ethical responsibilities of the HIM professional

7. **EXAMINE the processes and legal documents intended to assure patient rights (i.e. Advance Directives, consents, research and IRB process, DNR, etc.)**

Assessment Strategies

- 7.1. Patients' rights and ethics discussion
- 7.2. Advance directives procedure

Criteria

You will know you are successful when

- 7.1. you identify patient's rights according to regulations and standards
- 7.2. you outline procedural steps in the documentation and maintenance of a patient's advanced directive
- 7.3. you outline processes to execute a patient's advance directive
- 7.4. you identify elements in an informed consent
- 7.5. you determine who may consent in given situations

Learning Objectives

- 7.a. Explain the differences between express and implied consent
- 7.b. Identify the appropriate elements of informed consent
- 7.c. Describe the legal basis for challenging consent
- 7.d. Describe how consent should be documented
- 7.e. Identify different types of consent forms
- 7.f. Describe consent rights and limitations of competent and incompetent adults and minors
- 7.g. Identify exceptions to informed consent
- 7.h. Describe the types of provider patient relationships
- 7.i. Examine factors that determine whether a patient has the right to receive or refuse medical treatment
- 7.j. Compare sources of patient rights with respect to their legal authority (AHA, JCAHO, etc.)
- 7.k. Analyze how the rights of patients with mental illness can be exercised
- 7.l. Differentiate various forms of patient health information rights and analyze how they benefit the patient
- 7.m. Differentiate between the types of advanced directives
- 7.n. Identify the steps in the execution of an advance directive
- 7.o. Illustrate how patients can comply with patient responsibilities