

Prospectus for Designation as an Ethics/Religion and Society Elective

HESA 390: Foundations of Healthcare Ethics and Law

3 Credit Hours

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Background:

I have been teaching this course since Spring 2013 and have taught the course a total of 11 times. It is offered every semester as a required course in the Bachelor of Science in Health Services Administration Program.

The Course:

This course explores both ethical and legal issues that abound in the world of healthcare. It specifically examines a wide variety of healthcare topics from ethical and legal lenses, and helps students to understand the relationship that exists between ethics and the law. Issues related to law are discussed beyond just application of the law. Rather, we discuss the ethical rationale underpinning different laws as well as what happens when a needed law doesn't exist or a law no longer represents the collective moral view of society.

A main objective of this course is "substantive integration" of moral and ethical reflection. This integration is what the course is about. This class helps students explore much of the content they have studied in other Health Services Administration classes, and to understand the ethical and legal issues related to content from their other healthcare courses (e.g. finance, policy, management, population health). HESA 390 provides students with the opportunity to better understand and reflect upon the ethical and moral implications of practicing and managing in the world of healthcare, and the consequences decisions can have on patients and society. The course helps students to struggle with the rights of the individual vs. the rights of the many, particularly as this relates to vulnerable populations. In this way, the course certainly deals with "socially significant" issues, as healthcare issues are clearly important in the structure of any modern society.

Course Objectives:

- Understand key legal and ethical matters related to the practice of healthcare
- Articulate differences, similarities, and the relationship between ethics and the law, and be able to apply them
- Recognize, describe, and explain the conflicts that may occur between professional/clinical ethics and patient-related and societal moral positions in healthcare
- Apply understandings of ethical principles and the law to staffing and other HR issues

These objectives that fit with E/RS goals are the central focus of the course. As such, the professor naturally brings them up and refers to them throughout the semester.

Course Method:

This course uses the ethical framework of Beauchamp and Childress as its main platform for the exploration of ethical issues in healthcare. These authors utilize general normative ethics to analyze issues that come up in healthcare, focusing on the principles of autonomy, justice, beneficence, and nonmaleficence. These principles are utilized in a manner that reflects applied ethics, using principles to work through particular problems that arise in healthcare.

It also uses common morality as a starting place for understanding moral behavior. Common morality is defined as “norms of right and wrong human conduct that are so widely shared that they form a stable social contract” (Beauchamp & Childress, 2013, p. 3). Common morality is then compared to particular moralities, which are moral norms that are more concretely spelled out in terms of their context and requirements but are not in disagreement with common morality.

The text for this course, “Law and Ethics for Health Professions, 7th Edition,” utilizes the framework of Beauchamp and Childress in its presentation of ethics-related material. This model is widely used in healthcare ethics texts at both the graduate and undergraduate level. Students also explore the tension between utilitarianism and deontology in providing healthcare to a population.

Students utilize these concepts for the purpose of “ethical and/or religious analysis” in things like analyzing healthcare cases, examining new technologies, considering new legislative measures related to healthcare, and evaluating the impacts new methods of billing (i.e. bundled payments). A number of articles (see syllabus) are utilized that introduce students to ethical issues encountered in healthcare that they may not have considered, and these help spark much discussion. Much of the class is dedicated to having students actively utilize the knowledge they are gaining to wrestle with difficult health-related issues.

Lecture is utilized for approximately ¼ of the class, and lectures include student participation through the inclusion of cases and other materials intended to spur discussion. Teaching methods include:

- Full class discussion
- Small group analysis of cases and/or other real-world problems, followed by reporting out and full class discussion
- Discussion board assignments where students reflect upon issues including physician participation in prisoner executions, surrogacy, and abortion
- Team debates
- Article review and discussion
- Guest speakers for specialized topics (i.e. HR law, palliative care)

Since this course includes many topics that are sensitive and with which students may have had personal (and not always positive) experiences, I make a very intentional effort to create an open and affirming environment in the classroom. I do this first by being open with my personal stances on ethical and moral issues, and also being very open to where I personally struggle. I do this in an effort to model disclosure, and I make an intentional effort to encourage those with opposing viewpoints to speak up. I manage classroom debates and discussions well such that students feel safe. I have received very positive feedback in course evaluations about the environment I create in this class, and how this helps with the quality of discussion.

A main goal of this class is to provide students with tools and methods to analyze healthcare issues from legal and ethical perspectives. Students learn to look at healthcare issues from a variety of lenses in their other Health Services Administration courses, and this course provides them with skills to look at such issues from ethical and legal lenses. They utilize the tools they learn to analyze issues in healthcare during just about every class meeting.

Students in past semesters have commented that the approaches they learned in their other E/RS courses are used in this class. They use a critical approach to ethical questions that they learned in both THEO 111 and PHIL 100 to analyze a variety of healthcare ethical issues.

Course Evaluation Methods:

This course utilizes a variety of different evaluation methods, which are described in the syllabus in more details. Evaluation methods include:

- Midterm and final exams (case-based multiple choice and essay)
- Case analysis papers
- Team debate
- Team case presentation
- Discussion boards
- Reading quizzes

References:

Beauchamp, T. L., & Childress, J. F. (2013). *Principles of Biomedical Ethics*, 7th ed. New York, NY: Oxford University Press.

HESA 390: Fundamentals of Healthcare Ethics and Law

Semester-Year

Department of Health Services Administration

College of Professional Sciences

Xavier University

Schedule: TR 10-11:15am
Classroom: Hailstones 1
Credit Hours: Three Undergraduate Credit Hours
Prerequisites: HESA 101, HESA 110, PHIL 100
Flag Credit: *This course fulfills the requirements for the Oral Communication Flag*
E/RS: *This course fulfills the requirements for the Ethics/Religion and Society Elective Course*
Faculty: Frederick R. Browne, Ph.D.
Office: Schott Hall, Room 405
Office Hours: Thursdays from 11:30 – 1pm, or by appointment
Office Phone: (513)745-3187
Cell Phone: (513)614-4915 (call or text)
E-mail: brownef@xavier.edu

Course Description (from the Xavier University Catalog – **this is a revision that will be made should the course be accepted as an E/RS course**)

This course will explore the interconnections among ethics, law, and healthcare by examining classic legal-medical ethics cases, legal rules and ethical principles, controversial issues such as access to healthcare, beginning of life issues, patient's rights, end of life issues, disorders of consciousness, and organ transplantation. Special attention will be given to ethical conflicts, as well as the roles of ethics consultants and ethics committees. Students will engage in reflection on ethical issues as well as evaluation of ethical problems related to healthcare, particularly as they relate to dilemmas that arise when attempting to provide healthcare services to a society.

HSA Department Mission Statement (2011):

In keeping with its Catholic, Jesuit tradition, the mission of the Department of Health Services Administration at Xavier University is to educate knowledgeable, highly skilled, values-oriented future leaders who will contribute to the health of society by continuously improving the management of health related organizations. HSA will accomplish its mission through:

- Challenging students in the classroom and in applied field experiences including internships and administrative residencies
- Developing internal and external collaborative relationships with academicians and with health care practitioners which lead to innovations in teaching as well as in the delivery of health services
- Incorporating research, scholarship, and collaborative projects into the classroom experiences and field work.

Objectives, SLO's, Competency Level, and Assessment – HESA 390			
Course Objective	Student Learning Outcome	Minimum expected level of competence	Method of assessment

Understand key legal and ethical matters related to the practice of healthcare	Be able to describe health care delivery systems within broad social, economic and policy perspectives (BSHSA SLO 5)	2 – Competent Demonstrates an ability to discuss health care delivery systems within broad social, economic, and policy perspectives.	Midterm, Discussion Board, Final, Quizzes
Understand key ethical issues related to healthcare	Be able to present information using appropriate oral presentation skills (BSHSA SLO 11)	2-Competent Presentation contributes to the receiver’s ability to understand and/or make decisions. Presentation is delivered well.	Ethics Debate, Discussion Board
Understand key ethical issues related to healthcare	Be able to interact respectfully and effectively with team members and with teams (BSHSA SLO 12)	2 – Competent: Individual attends all group meetings or is absent minimally (and with good reason/notification), completes their assigned roles with high quality work, and contributes strongly to the team.	Ethics Debate
Articulate differences, similarities, and the relationship between ethics and the law, and be able to apply them to cases and examples Understand key legal issues related to healthcare	Be able to demonstrate an understanding of the relationship between ethics and the law (BSHSA SLO 13)	2 – Competent: Can differentiate between the law and ethics, understanding shows a comprehension of how ethics and law each impact and determine the other.	Midterm, Discussion Board, Case Study, Quizzes
Recognize, describe, and explain the conflicts that may occur between professional/clinical ethics and patient–related and societal moral positions in healthcare	Be able to discuss the application of basic laws or ethical values/principles in healthcare conflicts (BSHSA SLO 14)	2-Competent Able to recognize laws or ethical principles/values that are applied in the managing healthcare conflicts. Can apply them to cases acceptably.	Final, Case Study, Quizzes
Apply understandings of ethical principles and the law to staffing and other HR issues	Be able to describe and discuss human resources practices around the staffing process (BSHSA SLO 18)	2 – Competent Can describe and discuss human resources practices at a basic level, and connects such practices to the staffing process. May be able to apply to cases, but at a basic level.	Final, Quizzes

Ethics/Religion and Society Course:

This course has been designated as an E/RS elective. Socially significant ethical and legal issues related to provision, management, regulation, financing, innovation, and access as they relate to healthcare will be centrally important to this course. You will see the objectives related to this course in the table above. This course gives you the opportunity to understand and grapple with the ethical and legal challenges and dilemmas that arise in trying to provide healthcare services to a population.

Oral Communication Flag SLO's:

Students will:

1. Adapt messages in a variety of communication contexts.
2. Organize information effectively.
3. Advocate a supported opinion on complex topics.
4. Critique challenging messages with respect.
5. Present messages through a variety of modalities.

Required Readings:

Textbook:

Judson, K., & Harrison, P. (2015). *Law & Ethics for Health Professionals*, 7th ed. New York, NY: McGraw Hill.

Articles/Chapters:

Articles or book chapters are required reading for this course in addition to the texts listed above. Please see the course documents in Canvas or this syllabus for due dates. Please note: additional timely articles may be assigned during the semester.

Class Schedule:

Session	Topic	Readings	Assignment
	Syllabus and Course Expectations; Introduction to the Law and Ethics	Text: Chapter 1	
	Introduction to the Law and Ethics		Quiz Chapter 1 Due
	Making Ethical Decisions	Text: Chapter 2 Article: "When Ethics & Law Collide: Why Physicians Participate in Executions"	Quiz Chapter 2 Due
	Making Ethical Decisions Group Case Study Combined Class with ATTR 492 (Hailstones 1)		Discussion Board: When Law and Ethics Collide Due Case Study #1 (IPE Group Presentation) assigned
	Culture and Ethics	Article: "Buying Prescription Drugs on the Internet: Promises and Pitfalls" Article: "An Argument for Intolerance" Article: "A New Colonialism? Conducting Clinical Trials in India"	Quiz: Culture and Ethics Articles Due
	Working in Healthcare	Text: Chapter 3	Quiz Chapter 3 Due
	Law, the Courts, and Contracts	Text: Chapter 4	Quiz Chapter 4 Due
	Law, the Courts, and Contracts Speaker: Bill Freedman – Partner, Dinsmore & Shohl, LLP		Ethics Debate Assigned
	Professional Liability and Medical Malpractice		
	Professional Liability and Medical Malpractice	Text: Chapter 5	Quiz Chapter 5 Due
	Ethics Debate Coaching Session and Practice		
	Defenses to Liability Suits	Text: Chapter 6	Quiz Chapter 6 Due
	Defenses to Liability Suits		
	Fall Break		
	Medical Records and Informed Consent	Text: Chapter 7	Quiz Chapter 7 Due
	Medical Records and Informed Consent		
	Midterm		Midterm
	Public Duties and Responsibilities	Text: Chapter 9	Quiz Chapter 9 Due
	Ethics Debate		Ethics Debate
	No Class – MWERA Conference		
	Privacy Law and HIPAA	Text: Chapter 8	Quiz Chapter 8 Due
	Beginning of Life and Childhood	Text: Chapter 11 Article: "Searching for Solutions to Alcohol and Other Drug	Quiz Chapter 11 Due Case Study #2 Assigned

		Abuse during Pregnancy: Ethics, Values, and Constitutional Principles”	
	Beginning of Life and Childhood		
	FDA Visit: Leave at 9am		
	IPE Group Case Study Presentations In Class		Case Study #1 (IPE Group) Presentations
	Death and Dying	Text: Chapter 12 Article: “Selling Bone Marrow: Flynn v. Holder”	Quiz Chapter 12 and “Selling Bone Marrow” Article Due
	Death and Dying Speaker: Mardee White, RN – Palliative Care Nurse, Mercy Anderson Hospital		
	Thanksgiving Break		
	Workplace Legalities Bill Ford – Senior Counsel – Cincinnati Children’s Hospital Medical Center		
	Workplace Legalities	Text: Chapter 10	Quiz Chapter 10 Due Discussion: "Introduction to Bioethics: Bioethics at the Beginning of Life"
	Beginning of Life and Childhood	Text: Chapter 13	Quiz Chapter 13 Due
	Healthcare Trends and Forecasts	Article: “The Coming Explosion in Genetic Testing: Is There a Duty to Recontact?”	Quiz: Genetic Testing Article Case Study #2 Due
	Final Exam		Final Exam

GPA Requirement for Health Services Administration Majors:

Students must maintain an overall combined major/concentration GPA of 2.67. This GPA is made up of all courses taken in the major and concentration (HESA courses), and equates to a B- average for all major courses. If the student is to change concentrations, grades from their first concentration still apply to the calculation of this GPA. See the program website for a full description of the policy.

Inclusivity Statement:

The Department of Health Services Administration and its faculty and staff are committed to providing an atmosphere for learning that respects diversity, in which all students feel comfortable and safe to learn, and in which all students feel like valued members of the HSA community. We are committed to addressing issues that put such an atmosphere in jeopardy, and to being active allies to diverse students. In order to build a positive classroom community, we ask that students:

- Appreciate the opportunity that we have to learn from each other in this community;
- Share their unique experiences, values and beliefs;
- Be open to the views of others;
- Honor the uniqueness of their peers;
- Communicate in a respectful manner;
- Keep confidential discussions that the community has of a personal (or professional) nature;

- Utilize this opportunity together to discuss ways in which we can create an inclusive environment in this course and across the Xavier community.

Attendance Policy: Reasonable attendance at all class meetings is expected. If a student is unable to attend a class, **the responsibility of missed class content is the sole responsibility of the student.** Tests and written assignments will include content covered in class or in the assigned readings. See University Catalogue.

Attendance Procedure:

- 1) You will be documented as **present** if you are in class and on time.
- 2) The instructor will document student attendance.
- 3) **Excused absences include:**
 - 1) A funeral, with a program, obituary or holy card
 - 2) A required activity for another class or university sponsored athletic event, with a memo from the professor or program director
 - 3) A documented medical event, with dated, timed and signed documentation (all other Protected Health Information may be redacted)
 - 4) A documented legal event, with dated, timed and signed documentation (all other confidential information may be redacted)

You have ***one week from the date of your return*** to class to submit documentation for excused absences to your instructor. Failure to submit documentation within one week will result in your absence being unexcused.

4) Unexcused absences

Unexcused absences include, for example:

- Social events, such as weddings, parties, etc.
- Events related to outside employment, such as job training, orientation, business travel, etc.
- Personal travel, such as leaving campus early or coming back late from a holiday break
- Problems due to poor planning on your part, such as missing class due to oversleeping or exhaustion due to staying up all night to complete an assignment, etc.

You are allowed a specified number of unexcused absences without penalty.

- One unexcused absence for courses that meet once per week
- Two unexcused absences for courses that meet twice per week
- Three unexcused absences for courses that meet three times per week

You are advised to save these “free” days for unavoidable weather, minor illness and personal events.

Penalty: Unexcused absences, greater than the number specified above, will result in the reduction of the student’s final grade of 1.5% for each unexcused absence.

- 5) Final determination is at the discretion of the instructor for the course. Courses with teams, projects and community service may have additional specifications.

Assignments:

All assignments (papers and the group project) will have a description that is available via Canvas. The assigned dates noted in the course schedule above are intended to help you stay on track with completing your work for this course. Assignment descriptions will be available by the assigned date at the latest, but will likely be available before that date as well.

All papers should be written utilizing APA format. The library provides a good resource on APA format via the following website: http://www.xavier.edu/library/help/apa_guide.pdf. Also, RefWorks available via the library website is a tool that can assist you in creating reference pages in APA format.

Here is a brief overview of assignments:

Case Study: You will complete an analysis of a case study that will be provided. In completing this analysis, you will answer a set of prompts related to the case. This case will be integrative in nature, bringing in material from other BSHSA content areas.

IPE Group Case Study: You will be assigned to a team of students. Teams will be comprised of students from this class as well as students from the Exercise Science class, ATTR 410: Senior Seminar. You and your team will complete an analysis of a case study that will be provided. This case study will require the knowledge of students in exercise science and health services administration, so you will have to rely on your teammates for parts of this case. In completing this analysis, you will answer a set of prompts as you prepare a case presentation. You will present your case to your professor and an exercise science professor as cases are presented in medical settings.

Ethics Debate: All students will participate in teams debating an assigned ethical issue. You will be assigned to a team of approximately 4 students, and your team will be assigned an ethical issue and a stance to defend. You will prepare for the debate as outlined in the detailed assignment sheet, and will then participate in an in-class debate. Each debate will last about 15 minutes. You will be graded on how well your team performed, and on your individual contributions as evaluated by your teammates.

We will have an ethics debate practice session before the actual ethics debate. For the practice session, we will pick two topics as a class to debate. Each student will be assigned to a topic and side. Each student will individually prepare a two minute opening statement, and will deliver it in class during the practice session. Students will give each other feedback (verbal and with a rubric) on their opening statements (as will the professor), such that the class will be better prepared to do a good job during the actual graded ethics debate.

Quizzes:

The quizzes will be given to assess your knowledge of the content covered in the readings. These quizzes will be multiple choice and short answer in format, and will be delivered via Canvas. They are

open book. They are typically due before we discuss the material they cover during class, see above syllabus calendar for due dates.

Exams:

There will be two exams for this course: a midterm and a final exam. The final exam is NOT cumulative; it will cover material from the midterm on. Exams will be in class, and are intended to cover material from the textbook, assigned readings, and class. They are approximately one half multiple choice and one half short answer.

Participation:

Participation will count for 6% of your final grade (think of it has half a letter grade). Active participation includes:

- Being in class
- Being on time to class
- Being awake and alert in class, not focused on other things (i.e. other homework or activities)
- Asking questions
- Offering your perspectives
- Sharing information
- Being active in small group activities
- Showing respect to your classmates, guests, faculty, etc.
- Being dressed appropriately (*business casual*) for guest speakers and other class events as requested

If you are engaged in class, this should be an easy 6% to achieve. A good rule of thumb is to make sure you verbally contribute at every class meeting!

Business Casual Dress:

Business casual dress is expected on days where a speaker is coming to our class, and on the field trip. Business casual dress includes:

- Slacks or khakis, not wrinkled!
- Dress shirt or solid color polo shirt, not wrinkled
- Jacket (though not required of business casual)
- Tie (though not required of business casual)
- Dress shoes (not tennis shoes)
- Skirts (dress, not casual)
- Blouses
- Shoes not open-toed

Canvas:

Canvas will be used in a variety of ways for this class. The syllabus, assignment descriptions, and articles/chapters outside of the class will all be available via Canvas. In the spirit of sustainability, such materials will not be printed off and handed out in class.

Papers and the group project should also be turned in via Canvas through "Turnitin". Papers will be graded and returned via the Turnitin feature of Canvas.

Academic Honesty:

"The pursuit of truth demands high standards of personal honesty. Academic and professional life requires a trust based upon integrity of the written and spoken word. Accordingly, violations of certain standards of ethical behavior will not be tolerated at Xavier University. These include theft, cheating, plagiarism, unauthorized assistance in assignments and tests, unauthorized copying of computer software, the falsification of results and material submitted in reports or admission documents, and the falsification of any academic record including letters of recommendation. All work submitted for academic evaluation must be the student's own. Certainly, the activities of other scholars will influence all students. However, the direct and unattributed use of another's efforts is prohibited as is the use of any work untruthfully submitted as one's own. Penalties for violations of this policy may include one or more of the following: a zero for that assignment or test, an "F" in the course, and expulsion from the University. The dean of the college in which the student is enrolled is to be informed in writing of all such incidents, though the teacher has full authority to assign the grade for the assignment, test, or course. If disputes of interpretation arise, the student, faculty member, and chair should attempt to resolve the difficulty. If this is unsatisfactory, the dean will rule in the matter. As a final appeal, the academic vice president will call a committee of tenured faculty for the purpose of making a final determination."

Faculty Note:

In addition to the above (taken directly from the University Catalog), please be aware that cutting and pasting from the Internet is plagiarism, and will be treated in the same manner as any other type of plagiarism. If you use more than three words written by someone else, I expect it to be in quotes. When you are writing you should use your own words and thoughts, not those of anyone else. You **may not** take a sentence and change one to two words and call it your own.

Students with Disabilities

Xavier University is committed to providing equal opportunity and access to the educational experience through the provision of reasonable accommodations. For students who have an accommodations letter from Disability Services, it is essential that you email the letter and meet with me as soon as possible to discuss your disability-related accommodation needs for this course.

If you have not yet met with Disability Services to arrange accommodations, it is necessary that you do so as soon as possible as accommodations are not retroactive. If you would like information regarding eligibility for academic accommodations due to barriers associated with a potential disability, please contact Cassandra Jones, Director of Disability Services, by phone at 513-745-3280, in person on the Fifth Floor of the Conaton Learning Commons, Room 514, or via e-mail at jonesc20@xavier.edu to coordinate reasonable accommodations as soon as possible. Please contact Disability Services well in advance of needing an accommodation as the registration process can take several weeks.

It is important to note that any disability-related information including accommodations is confidential.

Late Assignment Policy:

Late assignments will accrue a penalty of 10% per day the assignment is late. An assignment is considered one day late if it is submitted past the identified due date/time. It is considered two days

late if it is submitted any more than 24 hours past the identified due date/time, and so forth. This includes weekends! Once an assignment is more than 10 days late, it will become a zero and will not be accepted for credit.

If a student wants an extension for an assignment, this must be received no less than 48 hours before the assigned due date/time. Extensions are not guaranteed, and are at the discretion of the instructor. Extensions may include a late penalty.

Technology Policy (i.e. laptops, tablets, etc.):

The use of laptops, tablets, phones, or other electronic devices is not permitted during class. Students will need to take notes using paper and pencil/pen. If there is an extenuating reason that requires you to be able to use some form of technology, please talk with your instructor directly about this.

Also, make sure you silence your phone!

Final Grade:

Your final grade will be determined via the following manner:

Quizzes:	14%
Discussion Boards:	5%
Case Study #1 (IPE Group)	15%
Case Study #2	15%
Ethics Debate	15%
Midterm:	15%
Final:	15%
Participation:	6%

Grading Scale (Note: .5% will be rounded up):

A	94-100
A-	90-93
B+	87-89
B	83-86
B-	80-82
C+	77-79
C	73-76
C-	70-72
D+	67-69
D	60-66
F	below 60