

**HEALTH INDUSTRY BASICS**  
**Fall 2020**  
**20149 – 5359 – Koch**  
**Professor(s): Valerie Gutmann Koch**  
**Credits: 3**  
**Course Areas: Health Law**  
**Time: 9:00 -10:30 MW, Room: to be determined**  
**SYLLABUS & COURSE POLICIES**

**Grading: A take-home final that counts for 80% of your grade. Quizzes/short assignments assigned throughout the semester will account for the remaining 20%.**

**Professor Valerie Gutmann Koch**

**E-mail:** [vgkoch@central.uh.edu](mailto:vgkoch@central.uh.edu)

**Office Hours:** to be determined after classes begin. You also may contact me by e-mail at any time to set up a time to meet.

**Course description:** This core health law course is an introductory tour of Texas/federal laws governing health-sector businesses, which together account for 18% U.S. Gross Domestic Product. The course covers traditional 20th-century institutions such as hospitals, but the main focus is on the expanding array of new players that supply innovative products and services (clinical laboratories; biobanks; academic medical centers, which conduct research as well as providing patient care; contract research organizations; health data exchanges; and management and informational services). These latter entities are a vibrant and growing part of the health industry and students entering the health law workforce of today need to know the laws that affect them.

The goals of this course are to acquaint students with the core corporate client base for large-firm and in-house health lawyers; to introduce major regulatory frameworks that struggle to safeguard consumers' rights vis-à-vis commercial health-sector enterprises; and to identify big, unsettled questions likely to generate opportunities for practical, solution-oriented lawyers as this staid and troubled industry gropes for new business models in the era of big data and 21st-century genomic and "informational" medicine. **No prerequisites required other than completion of 1L courses.**

### **COURSE MATERIALS**

This course uses UH's Electronic Blackboard, where I will post your readings.

### **Topic List<sup>1</sup>**

- I. INTRODUCTION TO THE PLAYERS IN THE HEALTH CARE INDUSTRY**
- II. RELATIONSHIPS BETWEEN PHYSICIANS AND HOSPITALS**

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<sup>1</sup> I reserve the right to amend this syllabus as the semester proceeds. I will post updated versions of the syllabus on Blackboard.

- **The Corporate Practice of Medicine Doctrine**
- **Physician - Hospital Relations: Basic Medical Staff Issues and Institutional Oversight of Physician Practice**
- **Credentialing of Staff and Liabilities Related to Credentialing**
- **The Role of Clinical Practice Guidelines**

### **III. ACADEMIC MEDICAL CENTERS AND RESEARCH OVERSIGHT**

- **Human Subjects Research and Oversight**
- **Learning Healthcare Systems**
- **HIPAA Privacy Rule**

### **IV. CLINICAL LABORATORY REGULATION & RIGHTS OF PATIENTS AND RESEARCH SUBJECTS**

- **CLIA**
- **Incidental Findings**
- **Rights of Access**

## **COURSE POLICIES**

**Attendance:** You are expected to attend class sessions and to arrive on time. You must comply with the Law Center's overall attendance policy, which allows no more than five absences in a 14-week, twice-a-week course. Your compliance with that policy is a requirement that professors have no discretion to alter or waive. However, I will work with you to help ensure continuity of your learning if you should be forced to miss a class or two for a *bona fide* work-related, health, or other pressing necessity.

You are not required to contact me to explain your first two absences from class, but I am always glad to hear from you because I am concerned to know if you are busy or swamped at work and I will save you copies of any class handouts if you are away.

**Class participation:** I encourage active participation in this course, for your own benefit and the benefit of your fellow students. At my discretion, a student's final grade may be adjusted upward or downward by one "notch" (e.g., from B+ to A-, or from B- to C+) in recognition of classroom contributions or lack thereof. And remember: A big part of participation is listening and thinking about others' points of view.

**Use of computers, phones, etc.:** I support the use of computers in the classroom. Unless otherwise announced in class, you may use your computers to take notes and look up statutes, regulations, and administrative materials that we are discussing. During class, I would like to see your computers being used only for course-related purposes. Please set all electronic devices to silent mode.

**Recording class:** Please do not record class without my express permission. I like for class to be a safe environment where students feel free to speak their minds and explore speculative ideas without having to worry that their remarks are being memorialized.

**CAPS Statement:** Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS ([www.uh.edu/caps](http://www.uh.edu/caps)) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the "Let's Talk" program, a drop-in consultation service at convenient locations and hours around campus. [http://www.uh.edu/caps/outreach/lets\\_talk.html](http://www.uh.edu/caps/outreach/lets_talk.html).

**Sexual Misconduct:** The University is committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, there is a confidential reporting process available to you. For more information, please refer to the University System's Anti-Discrimination Policy SAM 01.D.07 and Sexual Misconduct Policy SAM 01.D.08. Please be aware that under the sexual misconduct policy, faculty are required to report to

the University any information received regarding sexual misconduct as defined in the policy. Please note that the reporting obligations under the sexual misconduct policy reach to employees and students. Also, as a required reporting party, Law Center employees and faculty members are not a confidential resource.

**Class Accommodations:** If you have a disability and require an accommodation, I encourage you to contact the Center for Students with Disabilities and to forward the Center all required documentation if you've not done so already. I encourage you to speak to me as well. All students should let me know what I can do to maximize your learning potential, participation, and general access during this course. I want to make the course material accessible, and I want you to succeed as a student. If any aspects of the course or the assignments pose accessibility problems, we can discuss alternatives.